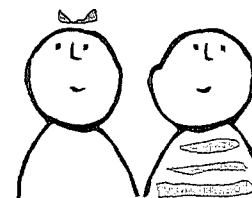
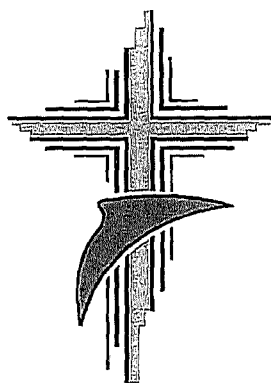


# CATHOLIC EDUCATION OFFICE Diocese of Toowoomba

## Student Protection 2009

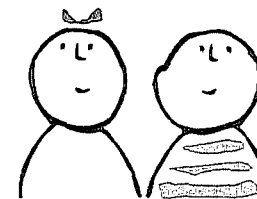
### Module 1: Harm to students by employees



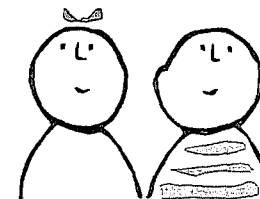
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# Staff Training Modules:



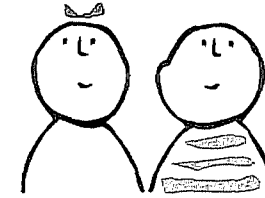
1. **Harm to students by employees**
2. Harm to students by someone outside the school
3. Harm to students by other students & self-harm
4. Summary of reporting processes
5. Induction for new staff



# Program

## WELCOME

1. Objectives for Student Protection In-service
2. Relevant legislation and CEO policy
3. Four sources of harm
4. Harm to students by employees
5. Small Group Scenario Discussion

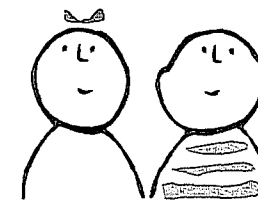


# Learning Objectives

Participants will be able to:

- Understand the types of employee behaviour
- Recognise what is appropriate and inappropriate employee behaviour
- Understand the need for maintaining professional boundaries in their relationships with students
- Understand their responsibilities to report inappropriate behaviour and / or harm to students by employees

# Relevant Legislation

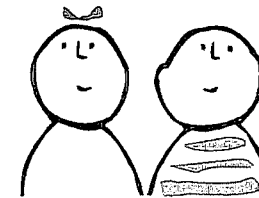


The following legislation relates to the management of student protection matters in Queensland Non-State Schools

- *Commission for Children and Young People and Child Guardian Act and Regulation 2000*
- *Education (Accreditation of Non-State Schools) Act and Regulation 2001*
- *Education (General Provisions) Act and Regulation 2006*
- *Child Protection Act 1999 and Regulation 2000 (State legislation)*
- *Education (Queensland College of Teachers) Act and Regulation 2005 (State legislation)*
- *Schools Assistance (Learning together – Achievement Through Choice and Opportunity) Act 2004 (National Safe Schools - Commonwealth legislation)*

**SEE HANDOUT FOR 'LEGISLATIVE FRAMEWORK'**

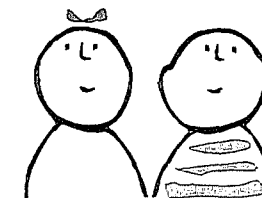
# Summary of Legislative Requirements



Non-State Schools must:

- Have reporting processes in place for staff and students to deal with allegations of student harm
- Nominate 2 stated staff members to whom staff and students can report – Student Protection Contact (SPC)
- Train all staff in use of reporting processes
- Demonstrate reporting processes are being followed
- Report immediately sexual abuse of a current student by a current employee
- Schools must have a current Student Protection Risk Management Strategy in place which covers all of the above and other requirements such as Codes of Conduct and risk assessments of activities involving students
- Report to other bodies such as Queensland College of Teachers in certain cases of alleged teacher inappropriate behaviour

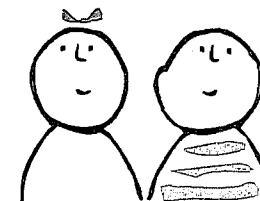
# Toowoomba Catholic Education – Student Protection Policy



In addition to legislative imperatives there are organisational imperatives in the area of student protection which must be adhered to by all employees. These imperatives include:

- Timely reporting of student protection concerns by all staff to the Principal or SPC - if in doubt, report
- Reporting by the Principal or SPC to a relevant State authority if harm or risk of harm is assessed - if in doubt, report any oral or written concern to the relevant State Authority
- Maintaining confidentiality so that information is only shared with appropriate people to ensure student safety
- Maintaining appropriate and professional record keeping
- Maintaining professional relationships with students

# Breaches of CEO Student Protection Policy Imperatives



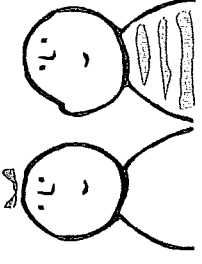
Failure to adhere to policy imperatives may lead to disciplinary processes.

Catholic Education Office Diocese of Toowoomba is committed to the principles of fairness and natural justice. A determination regarding outcomes for a breach of policy imperatives by an employee is ultimately determined by an examination of all the circumstances, including the explanation of the employee for the breach.

All employees should be aware of Catholic Education Office Diocese of Toowoomba's *Student Protection Risk Management Strategy Guidelines* and staff *Code of Conduct*.

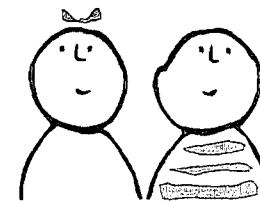
The Catholic Education Office Diocese of Toowoomba has developed a Code of Conduct as required by the Commission for Children and Young People and Child Guardian.





**When we talk about  
“abuse” and “harm”  
what do we mean?**

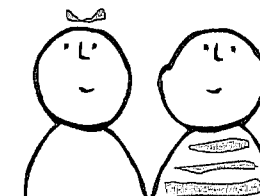
# Definition of Abuse



## **Abuse is:**

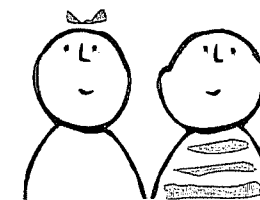
Any act or neglect that endangers or impairs a student's physical, emotional or psychological health and development.

# Definition of Harm

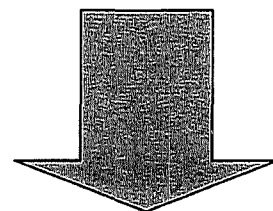


**Harm** has been defined in the *Education (Accreditation of Non-State Schools) Regulation 2001* and the *Child Protection Act 1999* as:

1. “Harm”, caused to a student/child under 18 years, is any detrimental effect of a significant nature on the student’s/child’s physical, psychological or emotional wellbeing.
2. It is immaterial how the harm is caused.
3. Harm can be caused by –
  - (a) physical, psychological or emotional abuse or neglect; or
  - (b) sexual abuse or exploitation.

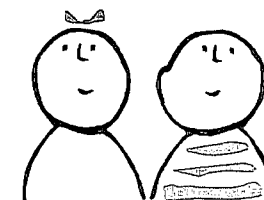


**ABUSE** is the action



**HARM** is the consequence

*Concentrating on '**Harm**' focuses on the effects on the child and helps in the assessment of their ongoing safety needs and wellbeing.*

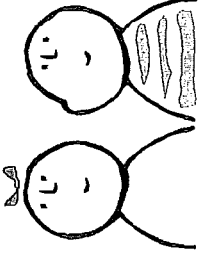


# There are four sources of harm to a student

Harm caused by:

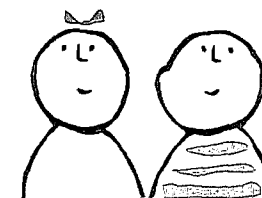
1. A Catholic Education Office Diocese of Toowoomba employee (Module 1)
2. Someone not immediately associated with the school environment eg. family member (Module 2)
3. Other students (Module 3)
4. Student self-harm (Module 3)

*Summary of Reporting Processes (Module 4)*

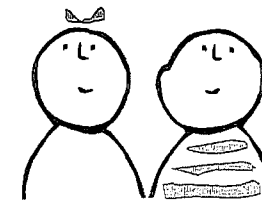


**IDENTIFYING AND RESPONDING  
TO INAPPROPRIATE BEHAVIOUR  
AND HARM TO STUDENTS  
BY EMPLOYEES**

# Employment Statement of Principles



- In performing their duties it is expected that all employees will support the core values of the Catholic Education Office Diocese of Toowoomba, as outlined in the document titled *A Statement of Principles Regarding Catholic Education (as per the Contract of Employment which must be read, understood and accepted by the prospective employee)*.
- In doing so they will avoid, by word or action, any influence upon students that is contrary to the teachings and values expressed by the Catholic Church in whose name they act.



# Employee Behaviour

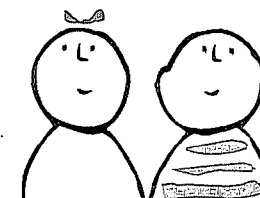
Catholic Education Office Diocese of Toowoomba's staff *Code of Conduct* is intended to clarify and affirm the standards of behaviour which are expected of employees of Catholic Education Office Diocese of Toowoomba in the performance of their duties.

## **When Does the Code Apply?**

The requirements of the Code applies at all times to all Catholic Education Office Diocese of Toowoomba employees engaged on a relief, casual, fixed term, or continuing basis in schools or Colleges.

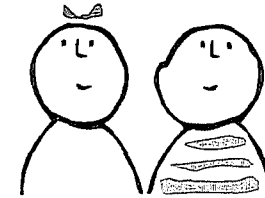
Employees should note that the Code and the Catholic Education Office Diocese of Toowoomba's *Student Protection Policy* are also to apply while escorting students on camps, excursions, and tours within or outside Australia.





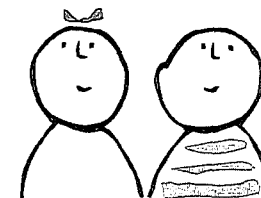
# Professional relationships and interactions with students

- Employees' interactions with students are based on a trusting relationship arising from the nature of their work. These relationships and interactions with students are open to scrutiny.
- Within these employee/student interactions there are a range of behaviours which may cause physical, emotional, psychological or sexual harm or risk of harm to students.
- These include:
  - Breaching professional boundaries
  - Inappropriate physical contact, intervention or restraint
  - Inappropriate verbal and other interventions
  - Sexual misconduct / abuse



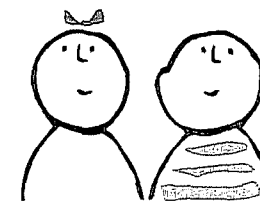
# Professional Boundaries

- It is expected that employees will be caring, compassionate adults who take an interest in their students and who set appropriate boundaries within those employee-student relationships.
- Employees should avoid any situation that gives rise to a reasonable suspicion that the professional boundaries between the employee and the student have been breached.
- Boundary violation occurs when a staff member misuses their authority and power to take advantage of a student's trust.
- Others can misinterpret some situations that involve no physical contact, despite the non-harmful intentions of the employee and the student.



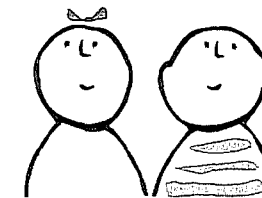
# Relevant Student Protection Sections of Code of Conduct

- Breaches of Professional Boundaries – Refer to Pgs. 9 - 13 of Code of Conduct.
- Inappropriate physical contact, intervention or restraint – Refer to Pgs. 14 - 16 of Code of Conduct
- Inappropriate verbal and other management interventions – Refer to Pgs. 13 - 14 of Code of Conduct
- Sexual misconduct or sexual abuse – Refer to Pg. 11 of Code of Conduct
- Maintaining professional boundaries – Refer to Pgs. 12 - 13



# Mandatory Reporting

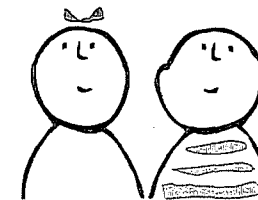
Mandatory reporting of sexual  
abuse or suspected sexual abuse of  
a student by an employee



## What is Sexual Abuse?

Sexual Abuse occurs when a school employee involved a child/student in sexual activity. Sexual abuse involves but is not limited to a range of activity including exposing child/student to pornographic images, exhibitionism, sexual touching and fondling, oral sex and intercourse.

It takes place between a child or young person and a person who is older, or has power, authority or control over the child or young person. This authority allows the older person to use force, trickery, emotional bribery or blackmail or other emotional pressures. It could also involve secrecy, misuse of power and distortion of adult-child relationships.



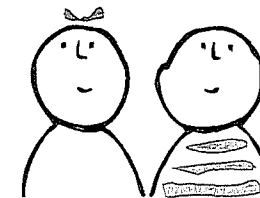
# Reporting sexual abuse or suspected sexual abuse of a student by an employee

All school staff who suspect that a school employee has sexually abused a student at the school must:

- **immediately** report the matter to the Principal or the Bishop and the Director of the Toowoomba Catholic Education Office (if the matter involves the Principal)
  
- supply a written mandatory report to the Principal or the Bishop and the Director of the Toowoomba Catholic Education Office (or delegate)

The Principal or the Bishop and the Director of the Toowoomba Catholic Education Office must then **immediately** report the matter to the Queensland Police Service.

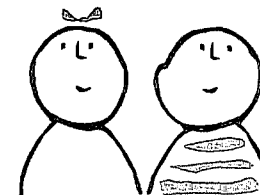
***School staff who fail to report such matters would be in breach of section 366 the Education (General Provisions) Act 2006.***



What does  
“Reasonably Suspects” mean?

“Reasonably suspects means suspects  
on grounds that are reasonable in the  
circumstances.”

*Education (General Provisions) Act 2006*

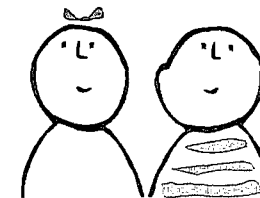


Can I discuss it with anyone  
before I report?

**If employees are unsure about what they have  
heard or seen they can discuss matters with  
their:**

- **Principal**
  
- **Diocesan Student Protection Officer**
  
- **School Counsellor**



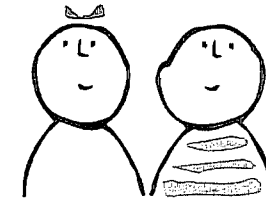


## What happens to an employee who is reported?

Any employee reported for alleged sexual abuse of a student would, *generally*:

- be advised of the report
- stood aside on full pay until an investigation and other necessary actions by police had been concluded.

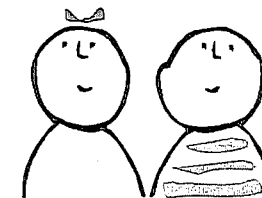
In both of the above points the Director would be guided by the Queensland Police Service as to the appropriateness of these actions.



# What About Volunteers?

The Commission for Children and Young People and Child Guardian imposes on all organisations working with children the following 'student/child protection' responsibilities in relation to volunteers:

- All volunteers must undertake and complete a student protection information / induction process
  
- All volunteers must be made aware of the organisation's reporting processes if they reasonably suspect that a child has been harmed or is at risk of harm

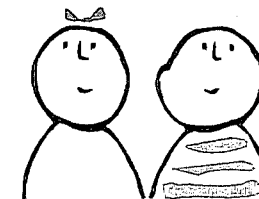


# Volunteers

Mandatory legislative requirements do not apply to volunteers so there is no legal requirement for volunteers to report,

## **HOWEVER**

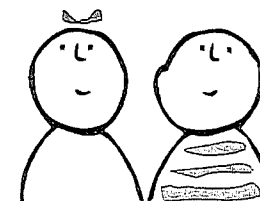
any person volunteering their services must be made aware that they should notify school authorities of such matters.



## What about employees reporting volunteers?

Employees who reasonably suspect that a volunteer is harming a student (including sexual abuse) are required to report this suspicion according to Catholic Education Office Diocese of Toowoomba's student protection reporting processes.

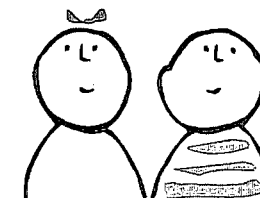
What protection does an employee have when making a mandatory report?



Staff making a report under the legislation will be protected from liability (e.g. defamation or breach of confidence).

*Education (General Provisions) Act 2006 s366(5)*

# How will allegations against employees be assessed?



Catholic Education Office Diocese of Toowoomba has a three tier framework for assessing complaints/allegations of inappropriate behaviour or harm or risk of harm to students by employees – they are:

➤ **Category 1 interventions**

(Harm - including mandatory reporting of sexual abuse)

➤ **Category 2 interventions**

(inappropriate behaviour – Professional Misconduct/Criminal Misconduct)

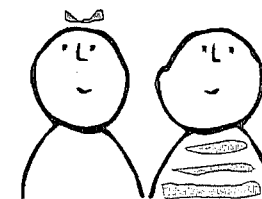
➤ **Category 3 interventions**

(Inappropriate behaviour – minor incident)

➤ The Principal will determine for the purposes of the initial reporting to the Catholic Education Office Diocese of Toowoomba whether an allegation is a Category 2 or Category 3 intervention. This initial determination is made in consultation with the Student Protection Contact and other staff from the Catholic Education Office Diocese of Toowoomba as necessary.

(See handout)

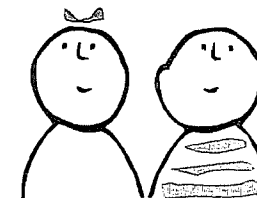
# Category 1 Interventions - harm to students by employees (including mandatory reporting of sexual abuse)



- **These types of allegations include physical, sexual, emotional and psychological harm. These incidents could include a criminal offence, which if proved to the required standard could make the employee liable for dismissal.**
  
- **Types of allegations requiring Level 1 interventions include e.g. :**
  - **Allegations of sexual abuse**
  - **Physical assault causing injury**
  - **Other incidents that could be assessed as causing harm to a student**
  
- **Reporting Process:**
  - **Physical, emotional and psychological harm – staff to report to Principal or student protection contact. If the allegation concerns the Principal a staff member must report to the Director (or delegate.)**
  
  - **Sexual abuse or suspected sexual abuse - staff to immediately report to Principal. If the allegation concerns the Principal a staff member must report to the Bishop and the Director (or delegate.)**

**Allegations / suspicions of all harm are then to be immediately reported to the Queensland Police Service by Principal or Bishop and Director (or delegate)**

# Category 1 Reporting Form Guidelines:

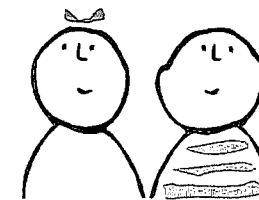


Guidelines for using the Category 1 “Mandatory Reporting Form” for allegations of sexual abuse or suspected sexual abuse of a current student by a current employee or of other harm by an employee:

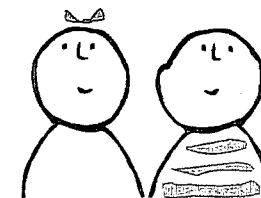
- Part A must be completed by the “first person” who becomes aware or came to reasonably suspect the sexual abuse of a current student by a current employee.
- It must be handed to the Principal who must complete Part B and provide the report immediately to the police and a copy to the Director (or delegate).
- See Category 1 ‘Mandatory Reporting Form’ Handout.



# Category 2 interventions – inappropriate behaviour by employees (Professional Misconduct/Criminal Misconduct)



- These types of allegations may include professional misconduct, which if proved to the required standard would make the employee liable for disciplinary action.
  
- The types of allegations requiring Level 2 interventions include:
  - allegations of sexual harassment
  - inappropriate non-physical and/or physical contact
  - exposing or subjecting the child/student to emotionally or psychologically inappropriate behaviour
  
- **Reporting Process:**
  - Staff to report to Principal or student protection contact or to the Director (or delegate) if the allegation concerns the Principal
  - Staff to complete the **Reporting Form – Inappropriate Behaviour** and provide to the Principal or to the Director (or delegate) if the allegation concerns the Principal



# Category 2 Reporting Form Guidelines

Guidelines for using the Category 2 Reporting Form for an allegation of employee physical/sexual/emotional/psychological inappropriate behaviour – Category 2 incident:

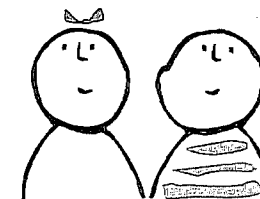
Category 2 Reporting Form should be completed by the Principal for a Category 2 allegation of physical, sexual, emotional, psychological inappropriate behaviour that does not meet the criteria for a category one incident.

Principals completing this form should provide as much information as is available, and attach other supplementary documentation if available.

The form and documentation should be faxed or emailed by the Principal to the Director (or delegate) at the Catholic Education Office Toowoomba.

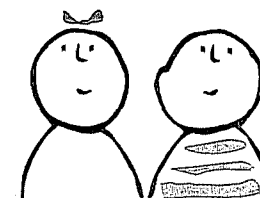
See Category 2 Reporting Form handout.

## Category 3 Interventions – inappropriate behaviour by employees (Minor Incident)



- The types of allegations requiring Category 3 interventions include:
  - **a one-off allegation of inappropriate behaviour by a staff member**
  - **where no physical injury results**
  - **there is no suggestion of sexual misconduct**
  - **the student's parent/caregiver is willing for the school to manage the matter**
  
- These matters can generally be resolved through informal resolution processes that are coordinated locally by the Principal, such as mediation and/or conciliation and/or management correction and guidance.
  
- Reporting Process:
  - Staff to report to Principal or student protection contact or to the Director (or delegate) if the allegation concerns the Principal
  - Staff to complete the **Reporting Form – Inappropriate Behaviour** and provide to the Principal or to the Director (or delegate) if the allegation concerns the Principal

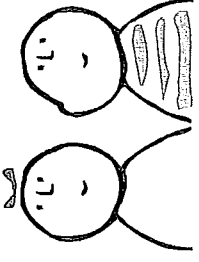
# Category 3 Reporting Form Guidelines:



If the criteria below are answered in the affirmative, Category 3 Reporting Form must be completed by the Principal and faxed or emailed to the Director (or delegate) within 72 hours (or three school days) of the incident.

- A complaint/allegation/report (in any form) has been received stating that an employee's alleged inappropriate behaviour could be harmful to a student.
  - No physical injury was sustained by the student, if the complaint/allegation/report involved low level physical contact from an employee.
  - The complaint/allegation/report does not relate to sexual abuse or suspected sexual abuse or other harm of a student by the employee.
  - The conduct alleged does not warrant formal disciplinary action if proven.
  - Principal (Director [or delegate] if the allegation is about the school Principal) considered the matter could be dealt with effectively at the local level.
  - The student's parent/caregiver agrees to have the matter dealt with by the Principal (Senior Education Officer if the allegation is about the Principal).
- 
- See Category 3 'Reporting Form' Handout.

See Flowchart Handout



## Acknowledgement:

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Catholic Education Office Diocese of Toowoomba acknowledges the assistance and contribution of the Archdiocese of Brisbane Catholic Education Centre in the development of this document.