



Discussion Module Handout

What is Harm?

Harm, to a student, is any detrimental effect of a **significant nature** on a student's physical, psychological or emotional wellbeing. This could include harm to an unborn child. Harm can be caused by physical abuse, psychological or emotional abuse or neglect, or sexual abuse or exploitation.

Managing your own behaviour is the first step in student protection

- Do not engage in conduct that could cause significant harm to a student, either physically, psychologically or emotionally without lawful authority (e.g. lawful physical restraint, self-defence, defence of others)
- Do not unlawfully discriminate against a student
- Do not touch a student in a sexual way, or engage in any other inappropriate sexual activity (for example, sending suggestive text messages or showing a student pornography)
- Do not do or say anything that would make a reasonable person think you are sexually involved with a student

You must report, to the Principal, any harm to a student that is caused by:

- another student
- someone from the student's family, a friend or a stranger
- the student self-harming
- an employee

If you suspect harm caused by the Principal report to the Regional Director.

Task 1: Documenting student protection concerns

This record was made by a teacher while on playground duty. Read the record, then list four things the teacher could have done to make this a more useful record

*Friday afternoon
Julie asks for credit at the tuckshop all the time. She says she's hungry and has no money.*

1).....

3).....

2).....

4).....



Task 2 :Case study

Write down your ideas about what the prep teacher should do.

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Task 3 : Filling in the SP-4 Form (this is an excerpt only)

Provide all information you have which led to the suspicion of harm or risk of harm (attach extra pages if necessary)
Details of any harm and/or risk of harm to the student – Please include: Time and date of incident, source of information, details of person alleged to have caused the harm, physical appearance of any injury, immediate and ongoing safety concerns, any disclosures made by student, any previous incidents of harm, behavioural indicators of harm, presence of any medical needs or developmental delays, and the if the information relates to an unborn child, the alleged risk to the unborn child.
Details of parent/carer’s circumstances – e.g. parenting capacity, protective capacity, presence of complicating factors including domestic violence, drug/alcohol misuse, mental health history, physical or intellectual disabilities, family stressors – financial, isolation, accommodation, unemployment, family law disputes, mobility and transience.
Parent/carer knowledge of the incident and their response
Details of environmental factors – e.g. condition of home, access to student by person alleged to have caused harm, presence of parent/household member able and willing to protect the student



Other services or supports currently in place to support the student – Please include contact with other professionals (police, medical, community)

Additional information provided as an attachment		Yes	No
Notifier 1 Name: Position: Notifier's email:	Signature:		Date:
Notifier 1 Name: Position: Notifier's email:	Signature:		Date:
ACTION TO BE TAKEN (Tick the appropriate suspected harm/risk of harm type below)			
<input type="checkbox"/>	Physical abuse	➔	Fax or email this form to: <ul style="list-style-type: none"> Department of Communities (Child Safety Services) Queensland Police Service (QPS) Regional Director
<input type="checkbox"/>	Sexual abuse		
<input type="checkbox"/>	Emotional abuse	➔	Fax or email this form to: <ul style="list-style-type: none"> Department of Communities (Child Safety Services) Regional Director
<input type="checkbox"/>	Neglect – includes self-harm where parent/carer not acting protectively		

The main thing to remember is:

If you suspect a student might have been harmed or might be at risk of harm tell the Principal straight away. If the Principal isn't available you must tell the Acting Principal or a Deputy Principal.



Legislation

Education (General Provisions) Act 2006

Section 365 Obligation to report sexual abuse of student under 18 years attending a state school

- (1) Subsection (2) applies if a staff member of a State school (the **first person**) becomes aware, or reasonably suspects, that any of the following have been sexually abused by another person who is an employee of the school—
 - (a) a student under 18 years attending the school;
 - (b) a pre-preparatory age child registered in a pre-preparatory learning program at the school;
 - (c) a person with a disability who—
 - (i) under section 420(2), is being provided with special education at the school; and
 - (ii) is not enrolled in the preparatory year at the school.
- (2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or the principal's supervisor—
 - (a) immediately; and
 - (b) if a regulation is in force under subsection (3), as provided under the regulation.

Code of Conduct for the Queensland Public Service

Standards of conduct

1.1 Commit to our roles in public service

Our role is to undertake our duties, and to give effect to the policies of the elected government, regardless of its political complexion.

We will:

- a. accept that the elected government has the right to determine policy and priorities
- b. be responsive to the government of the day and implement decisions and policies professionally and impartially
- c. comply with the laws of State, Australian and local governments
- d. comply with all relevant awards, certified agreements, subsidiary agreements, directives, whole-of-government policies and standards, and
- e. adhere to the policies, organisational values and organisational documents of our employing agency.

Child Protection Act 1999

Section 22 Protection from liability for notification of, or information given about, alleged harm or risk of harm

- (1) This section applies if a person, acting honestly -
 - (a) notifies the chief executive or another officer of the department that the person suspects -
 - (i) a child has been, is being or is likely to be, harmed; or
 - (ii) an unborn child may be at risk of harm after he or she is born; or
 - (b) gives the chief executive, an authorised officer or a police officer -
 - (i) information about alleged harm or alleged risk of harm to a child; or
 - (ii) information, relating to an unborn child, about a suspected risk of harm to the child after he or she is born.
- (2) The person is not liable, civilly, criminally or under an administrative process, for giving the notification or information.
- (3) Also, merely because the person gives the notification or information, the person can not be held to have -
 - (a) breached any code of professional etiquette or ethics; or
 - (b) departed from accepted standards of professional conduct.



Child Protection Act 1999

Section 186 Confidentiality of notifiers of harm or risk of harm

- (1) This section applies if a person (the notifier) notifies the chief executive, an authorised officer or a police officer that the notifier suspects –
 - (a) a child has been, is being or is likely to be, harmed; or
 - (b) an unborn child may be at risk of harm after he or she is born.
- (2) The person who receives the notification, or a person who becomes aware of the identity of the notifier, must not disclose the identity of the notifier to another person unless the disclosure is made-
 - (a) in the course of performing functions under this Act or a child welfare law or interstate law of another State to another person performing functions under this Act or a child welfare law or interstate law of another State; or
 - (b) under the *Child Protection (International Measures) Act 2003*, part 6; or
 - (c) to the ombudsman conducting an investigation under the *Ombudsman Act 2001*; or
 - (d) to the children's commissioner in compliance with a notice given by the commissioner under the Commissioner's Act requiring the disclosure; or
 - (e) for the performance by the chief executive (adoptions) of his or her functions under the Adoption Act 2009; or
 - (f) by way of evidence given in a legal proceeding under subsections (3) and (4).

Changes in legislation

Commencing 9 July 2012, it will be mandatory for school staff members to report the **sexual abuse or likely sexual abuse** of a student under 18 years – regardless of whom they suspect of committing the abuse. Mandatory means “required by law”.

The new law governing the reporting of sexual abuse and likely sexual abuse by school staff members is outlined in the *Education and Training Legislation Amendment Act 2011* (the Act).

Further information will be provided to staff before the new law commences.