Reporting Concerns of Harm and Abuse Policy



Australian Technology & Agricultural College

Reporting Concerns of Harm and Abuse Policy

Purpose:	The purpose of this policy is to provide written processes about – (a) how the school will respond to harm, or allegations of harm, to students under 18 years; and (b) the appropriate conduct of the school's staff and students to comply with the *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) section 16*.		
Scope:	Students and staff, including full-time, part-time, permanent, fixed term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at ATAC		
References:	• *Child Protection Act 1999* (Qld) • *Child Protection Regulation 2023* (Qld) • *Child Safe Organisations Act 2024* (Qld) • *Criminal Code Act 1899* (sections 229BB and 229BC*)* (Qld) • *Education (General Provisions) Act 2006* (Qld) • *Education (General Provisions) Regulation 2017* (Qld) • *Education (Accreditation of Non-State Schools) Act 2017* (Qld) • *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) • *Education (Queensland College of Teachers) Act 2005* (Qld) • *Working with Children Check Act 2000* (Qld) • *Work Health and Safety Act 2011* (Qld) • ATAC Complaints Handling Policy • ATAC Complaints Handling Procedure		
Status:	Approved	**Supersedes:**	Child Protection Policy
Authorised by:	Board Chair	**Date of Authorisation:**	24/11/2026
Review Cycle:	Annually, or as appropriate, to reflect changing legislation and environment.	**Next Review Date:**	November 2027
Policy Owner:	Business Services Manager		

Definitions

Harm, as per s 9 of the *Child Protection Act 1999*, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

1. It is immaterial how the harm is caused.
2. Harm can be caused by—

a) physical, psychological or emotional abuse or neglect; or
b) sexual abuse or exploitation.

3. Harm can be caused by—
   a) a single act, omission or circumstance; or
   b) a series or combination of acts, omissions or circumstances.

Child in need of protection, as per s10 of the *Child Protection Act 1999*, is a child who—

a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
b) does not have a parent able and willing to protect the child from the harm.

Sexual abuse, as per s364 of the *Education (General Provisions) Act 2006*, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances—

(a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
(b) the relevant person has less power than the other person;
(c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

Staff, in this policy, refers to full-time, part-time, permanent, fixed term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements.

Health and Safety

ATAC has written processes in place to enable it to comply with the requirements of the *Child Safe Organisations Act 2024* (Qld), the *Work Health and Safety Act 2011* (Qld) and the *Working with Children Check Act 2000* (Qld).[1]

Conduct of Staff and Students

All staff will ensure that their behaviour towards, and relationships with students, reflect proper standards of care for students. Staff, contractors and volunteers must not cause harm to students[2].

Reporting Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to:

- Dr Narendra Nand, Principal; or
- Radhika Behal, Business Development Manager/Admin

Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the principal. Where the principal is the subject of the report of inappropriate behaviour, the staff member must inform a director of the school's governing body[3]. Reports will be dealt with under the school's Complaints Handling Policy.

Reportable Conduct Scheme Obligations

The school will comply with its obligations under the *Child Safe Organisations Act 2024* (Qld) by ensuring that reportable allegations and reportable convictions involving workers are reported internally as soon as practicable, notified to the Queensland Family and Child Commission within required statutory timeframes, and appropriately investigated and reported as required under the Act.[4]

An initial report under this section must include the following particulars:

a) details of the reportable allegation or reportable conviction;
b) the name, including any former name or alias, of the worker the subject of the reportable allegation or reportable conviction;
c) the date of birth of the worker, if known;
d) the name of the head of the reporting entity;
e) whether the sector regulator for the reporting entity or the police service has been contacted about the reportable allegation or reportable conviction;
f) the reporting entity's contact details, including its name, address and telephone number;

[1] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.15*
[2] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*
[3] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*
[4] *Child Safe Organisations Act 2024 (Qld) s.33-37*

g) if the worker currently performs work for the reporting entity—any action, including risk management action, taken in response to the reportable allegation or reportable conviction, including, for example—
   i. immediate steps taken to prevent the worker from having contact with children; and
   ii. any disciplinary action taken or proposed to be taken against the worker;
h) any other matter prescribed by regulation.[5]

Queensland College of Teachers Obligations

The school will comply with its obligations under the *Education (Queensland College of Teachers) Act 2005* (Qld) by notifying the Queensland College of Teachers as soon as practicable when the school begins dealing with an allegation of harm to a child involving a teacher, and again as soon as practicable once the school's dealings with the allegation are concluded.[6]

A notice when the school begins dealing with an allegation of harm to a child involving a teacher must include the following particulars:

a) the name of the employing authority and, if the name of the authority is different to the name of the prescribed school, the name of the prescribed school;
b) the name of the relevant teacher;
c) the day the employing authority started dealing with the allegation;
d) the allegation, particulars of the allegation and any other relevant information;
e) details about what actions the employing authority has taken to deal with the allegation.[7]

[5] *Child Safe Organisations Act 2024 (Qld) s.35*
[6] *Education (Queensland College of Teachers) Act 2005 (Qld) s.76 and s.77*
[7] *Education (Queensland College of Teachers) Act 2005 (Qld) s.76*(3)

Reporting Sexual Abuse[8]

Section 366 of the *Education (General Provisions) Act 2006* states that if a staff member becomes aware, or reasonably suspects, in the course of their employment at the school, that any of the following has been sexually abused by another person:

a) a student under 18 years attending the school;
b) a kindergarten aged child registered in a kindergarten learning program at the school;
c) a person with a disability who:
   i. under section 420(2) of the *Education (General Provisions) Act* 2006 is being provided with special education at the school; and
   ii. is not enrolled in the preparatory year at the school.

then the staff member must give a written report about the abuse or suspected abuse to the principal or to a director of the school's governing body immediately.

The school's principal or the director must immediately give a copy of the report to a police officer.

(Delete paragraph below if not choosing to implement this delegation)

Under section 366B of the *Education (General Provisions) Act 2006,* the directors of a school's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this will not be the principal or any other staff member of the school). Directors will ensure they are well briefed about the requirements of section 366B before delegating this function, including the identification of the delegation in this policy and informing the school community of the delegate/s name/s their contacts, and their role in the school's processes.

If the first person who becomes aware or reasonably suspects sexual abuse is the [School Name's] principal, the principal must give a written report about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to a director of the school's governing body immediately.

A report under this section must include the following particulars:

a) the name of the person giving the report (the ***first person***);
b) the student's name and sex;
c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
d) details of the abuse or suspected abuse;
e) any of the following information of which the first person is aware:
   i. the student's age;
   ii. the identity of the person who has abused, or is suspected to have abused, the student;
   iii. the identity of anyone else who may have information about the abuse or suspected abuse[9].

[8] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*
[9] *Education (General Provisions) Regulation 2017 (Qld) s.68*

Reporting Likely Sexual Abuse [10]

Section 366A of the *Education (General Provisions) Act 2006* states that if a staff member reasonably suspects in the course of their employment at the school, that any of the following is likely to be sexually abused by another person:

a) a student under 18 years attending the school;
b) a kindergarten aged child registered in a kindergarten learning program at the school;
c) a person with a disability who:
   i. under section 420(2) of the *Education (General Provisions) Act* 2006 is being provided with special education at the school; and
   ii. is not enrolled in the preparatory year at the school.

then the staff member must give a written report about the suspicion to the principal or to a director of the school's governing body immediately.

The school's principal or the director must immediately give a copy of the report to a police officer.

(Delete paragraph below if not choosing to implement this delegation)

Under section 366B of the *Education (General Provisions) Act 2006,* the directors of a school's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this will not be the principal or any other staff member of the school). Directors will ensure they are well briefed about the requirements of section 366B before delegating this function, including the identification of the delegation in this policy and informing the school community of the delegate/s name/s their contacts, and their role in the school's processes.

If the first person who reasonably suspects likely sexual abuse is the school's principal, the principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a director of the school's governing body immediately.

A report under this section must include the following particulars:

a) the name of the person giving the report (the ***first person***);
b) the student's name and sex;
c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
d) any of the following information of which the first person is aware:
   i. the student's age;
   ii. the identity of the person who is suspected to be likely to sexually abuse the student;
   iii. the identity of anyone else who may have information about suspected likelihood of abuse[11].

[10] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*
[11] *Education (General Provisions) Regulation 2017 (Qld) s.69*

Responding to Harm[12]

Harm caused by physical or sexual abuse

Under Section 13E(3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early childhood education and care professional forms a 'reportable suspicion' about a child "in the course of their engagement in their profession", they must make a written report.

A reportable suspicion about a child is a reasonable suspicion that the child:

a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department of Families, Seniors, Disability Services and Child Safety (or another department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early childhood education and care professional should give a copy of the report to the principal.

A report under this section must include the following particulars:

a) the basis on which the person has formed the reportable suspicion[13];
b) the child's name, age and sex descriptor;
c) details of how to contact the child;
d) details of the harm to which the reportable suspicion relates;
e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates[14].

[Insert contact details of your Child Safety Regional Intake Service]

(Delete Note)

Note: a business hours phone number (from 9.00am to 5.00pm Monday to Friday) for your Regional Intake Service can be found here. Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone free call 1800 177 135 (Queensland only).

Harm caused by psychological or emotional abuse or neglect

When the school receives any information alleging 'harm'[15] to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can, this may include reporting through the principal to

[12] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (1) and(2)(d)*
[13] *Child Protection Act 1999 s.13G (2)(a)*
[14] See *Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"*
[15] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(7): the definition of 'harm' for this regulation is the same as in section 9 of the Child Protection Act 1999 (Qld)*

Child Safety.[16] If the harm is not at a level that is otherwise reportable to Child Safety, the matter should be referred to the principal, who may then refer the matter to Family and Child Connect.

Responsibilities under Criminal Code Act 1899 (Qld)

The *Criminal Code Act 1899* includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

Failure to Report[17]

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. A reasonable excuse not to make a report under the *Criminal Code Act 1899* includes that a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) and the *Child Protection Act 1999* (reporting significant harm or risk of significant harm) as per this policy.

Failure to Protect[18]

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

Awareness

The school will inform staff, students and parents of its processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website[19].

The governing body ensures that staff, students and parents are made aware of the school's child protection processes via the school website. All staff are directed to read school policies and procedures upon commencing employment.

Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the school website and will be available on request from the school administration[20].

Training

[16] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (1)(a)*
[17] *Criminal Code Act 1899 (Qld) s.229BC*
[18] *Criminal Code Act 1899 (Qld) s.229BB*
[19] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*
[20] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

The school will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually[21].

Staff will be annually trained and directed to read policies and procedure and the response will be recorded via email and/or training register.

Implementing the Processes

The school will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually[22].

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under Complaints handling policy.[23].

Related Policies and Procedures

[21] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*
[22] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*
[23] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*

Appendix 1

Summary of Reporting

Who	What abuse	Test	Report to	Legislation
All staff	Sexual	Awareness or suspicion Sexually abused or likely to be sexually abused	Principal or to a director of the governing body, through to police immediately	EGPA sections 366 and 366A
Principal if 'first person'	Sexual	Awareness or suspicion Sexually abused or likely to be sexually abused	A director of the governing body and police immediately	EGPA sections 366 and 366A
Teacher and registered nurse	Sexual and physical	Significant harm; and Parent may not be willing and able	Confer with principal, report to Child Safety	CPA sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm, and Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulation section 16
All staff	Any	Not a level that is otherwise reportable to Child Safety	Family and Child Connect, may refer with consent or Principal, through to Family and Child Connect	CPA sections 13B and 159M
Principal	Any	Not a level that is otherwise reportable to Child Safety	Family and Child Connect, may refer without consent	CPA Sections 13B and 159M
Employing authority (Principal/Board)	Harm or likely harm due to the conduct of a teacher	When you start to deal with an allegation, and When you finish dealing with an allegation	Queensland College of Teachers	QCT sections 76 and 77
Any member of the public	Any	Significant harm, and Parent may not be willing and able	Child Safety	CPA section 13A
Any adult including students 18 years or older, parents/guardians and volunteers	A child sexual offence against a child by an adult	Gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed and (b) at the relevant time, the child is or was— (i) under 16 years; or (ii) a person with an impairment of the mind.	Police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed	Criminal Code section 229BC

Who	What abuse	Test	Report to	Legislation
All workers	Reportable allegation or reportable conviction by a worker	Reasonable belief that a worker has committed— reportable conduct; or misconduct that may involve reportable conduct. It is irrelevant whether or not the conduct or misconduct is alleged to have occurred in the course of the worker performing work for the school (entity).	Head of Entity or their delegate, as soon as practicable. Where the allegations involve the Head of Entity, the notification must be made to the QFCC. May also go to a director of the governing body.	CSO Act section 33
Head of the Reporting Entity (Head of Entity) or their delegate	Reportable allegation or reportable conviction by a worker	Reasonable belief that a worker has committed— reportable conduct; or misconduct that may involve reportable conduct. It is irrelevant whether or not the conduct or misconduct is alleged to have occurred in the course of the worker performing work for the school (entity).	QFCC initial notification within 3 business days. QFCC either interim or final report, within 30 business days.	CSO Act sections 34, and 30(1)(c)
Any person	Reportable allegation or reportable conviction by any worker	Reasonable belief that any worker has committed— reportable conduct; or misconduct that may involve reportable conduct. It is irrelevant whether or not the conduct or misconduct is alleged to have occurred in the course of the worker performing work for the school (entity) or any other entity.	May report to QFCC at any time.	CSO Act section 33(4)