

**Statement by The Department of Education, Training and Employment to the
Queensland Child Protection Commission of Inquiry**

I, **Lynette Catherine McKenzie**, of Level 22, Education House, 30 Mary Street, Brisbane in the State of Queensland, Deputy Director-General, Department of Education, Training and Employment, solemnly and sincerely affirm and declare:

1. I am the Deputy Director-General of the Department of Education, Training and Employment (DETE).
2. I have held the position of Deputy Director-General since 6 October 2009.
3. My qualifications include a Bachelor of Education, a Graduate Certificate in Business, a Master of Education and Training and an Executive Master of Government Administration.
4. As Deputy Director-General, I have overall responsibility and accountability for the development of policy and the provision of service delivery to the Queensland State Schooling system. This role oversees the areas of State Schooling Implementation, Operations and Policy as well as the direct reporting arrangements of the Department of Education, Training and Employment Regional Directors.
5. Unless otherwise indicated, I am able to talk generally about Child Protection and the Department. Where applicable, I have indicated the Department employees who have a more detailed knowledge of certain areas.

Overview

6. This statement to the Queensland Child Protection Commission of Inquiry is provided by the Department of Education, Training and Employment (DETE). DETE is committed to providing Queenslanders with the knowledge, skills and confidence to maximise their potential, contribute productively to the economy and build a better Queensland. DETE provides education and training across the entire continuum of learning, with universal access from kindergarten, through schooling, training and higher education.

EDUCATION SYSTEM IN QUEENSLAND AND LINK TO CHILD PROTECTION

7. DETE is a strong supporter of child protection in Queensland evidenced through its range of procedures, programs and services designed to keep students safe from harm, as well as its involvement in a range of cross-government initiatives including the Suspected Child Abuse and Neglect (SCAN) Team system, the provision of additional support to students in out-of-home care through the Education Support Funding Program (ESFP) and through the activities of the Child Safety Directors' Network.
8. Education Queensland is one of six divisions within DETE. Education Queensland is focussed on delivering a high-quality education to more than 495,000 state school students in 1,239 state schools across Queensland, and to ensuring consistent implementation of strategies across all state schools.
9. DETE is committed to providing safe, supportive and disciplined learning environments, and providing a strong and supportive culture that promotes positive learning for all students to ensure that every day in every classroom, every student is learning and achieving.

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Date: 22.8.2012

Exhibit number: 32

Mandatory reporting of sexual abuse

Current Legislative Framework

10. The mandatory statutory reporting requirements are contained in chapter 12, part 10 of the *Education (General Provisions) Act 2006 (EGPA)*.

11. Section 365 states:

(1) Subsection (2) applies if a staff member of a State school (the **first person**) becomes aware, or reasonably suspects, in the course of the staff member's 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 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.

Maximum penalty – 20 penalty units.

Policy

12. It is important to note that despite the changes to the EGPA that have evolved into the current legislative framework (and are discussed below), Education Queensland has maintained a Child Protection policy since 1989 and since 1998 has mandated the reporting by employees of harm or suspected harm (not just sexual abuse). The suspicion of harm is in relation to any person and is not limited to harm perpetrated by an employee of the school. The Department's current policy is explained in greater detail at paragraphs 37 – 43.

Changes to the EGPA

13. The statutory reporting requirements were first introduced in 2004 into the then *Education (General Provisions) Act 1989* in response to a report of a Board of Inquiry¹ into the handling of complaints of sexual abuse in the Anglican Diocese of Brisbane. The provisions were carried over into the *Education (General Provision) Act 2006*. When first introduced, the provisions placed an obligation on staff to report suspected sexual abuse of students when perpetrated by an employee of the school only.
14. In November 2011, the *Education and Training Legislation Amendment Act 2011* (the Act) was passed by the Queensland Parliament to further improve the protection of Queensland students. From 9 July 2012, it became mandatory under the EGPA for school staff members to immediately report the sexual abuse of a student under 18 years – regardless of who they suspect of committing the abuse (i.e. “by another person” and not limited to an employee of the school). The Act also places obligations on principals to report directly to the police.
15. In response to a 2010 Queensland University of Technology report titled *Teachers reporting child sexual abuse: Towards evidence-based reform of law, policy and practice: Final report*², the reporting requirements were also expanded to require school staff to report to police the likelihood of future sexual abuse. The provisions about the requirement to report the likelihood of future sexual abuse will commence on a date as yet to be proclaimed. Commencement of this requirement has been delayed to enable the Government to progress amendments to clarify the original intention that there be no criminal sanction for failing to report the likelihood of future sexual abuse. This aims to mitigate concerns that the imposition of criminal sanction may result in over-reporting of low level matters. It was proposed that failure to report the likelihood of future sexual abuse would be dealt with by education authorities via disciplinary action, in appropriate circumstances.
16. The introduction of the Bill highlights an expectation that school staff must remain vigilant in protecting students from harm caused by sexual abuse.
17. While researching the issues raised by the QUT Report and drafting the amendments in the *Education and Training legislation Amendment Bill 2012*, a detailed analysis was conducted of the requirement to report harm embedded in policy and in legislation across all other Australian jurisdictions. A summary of this analysis known as State and Territory Legislative and Policy requirements for Reporting Harm is attached (Attachment 1). The analysis showed that the proposed amendments would ensure Queensland’s statutory reporting requirements are at least equivalent to the reporting requirements of other Australian jurisdictions.

¹ Mr P O’Callaghan QC & Professor F Briggs, *Report of the Board of Inquiry Into Past Handling of Complaints of Sexual Abuse in the Anglican Church Diocese of Brisbane*, May 2003, at <http://www.media.anglican.com.au/news/2003/05/AnglicanReport.pdf>.

² Mathews, B., Walsh, K., Butler, D., & Farrell, A. (2010). *Teachers reporting child sexual abuse: Towards evidence-based reform of law, policy and practice: Final report*. Brisbane, QLD: Queensland University of Technology.

18. It was clear there was no consistent legislative standard for the reporting of sexual abuse or risk of sexual abuse across Australia. However, most jurisdictions required mandatory reporting of harm and risk of harm – at the time the analysis was conducted only the Australian Capital Territory and Western Australia did not. New South Wales does not provide a penalty for a failure to report harm or risk of harm. For all jurisdictions, apart from the Northern Territory, the requirements are on prescribed professionals (teachers, police, child care workers, etc.). In the Northern Territory the obligation applies to all people.

Authority to protect students under the *Education (General Provisions) Act 2006 (EGPA)*

19. The EGPA gives individual state school principals, principals' supervisors and the Director-General the authority to take a range of actions to ensure the good order and management of schools and the safety of students.
20. State school principals are required to ensure that there is an approved behaviour plan (implemented as a *Responsible Behaviour Plan for Students*) for the school (EGPA Chapter 12, Part 1). The plan must "promote a supportive environment at the school ... to create a caring, productive and safe environment for learning" (s277(3) EGPA). The plan must also align with DETE's policies about the management of student behaviour, must be reviewed at least every three years and has no effect unless it is approved by the Director-General (delegated to Regional Directors or delegate).
21. A range of disciplinary actions is available to a principal under the EGPA. This includes:
- Detention of a student as punishment for disobedience, misconduct, wilful neglect to prepare homework, or for another breach of school discipline (EGPA Chapter 12, Part 2);
 - Suspension of a student for disobedience, misconduct or other conduct prejudicial to the good order and management of the school (EGPA Chapter 12, Part,3 Division 1);
 - Exclusion of a student by principals where the student's disobedience, misconduct or other conduct is so serious that suspension of the student is inadequate to deal with the behaviour (EGPA Chapter 12, Part 3, Division 1A);
 - Recommendation to their supervisor that a previously excluded student, be excluded from certain other state schools (EGPA s290 (2A)).
22. Principals use a range of school based strategies to modify and manage inappropriate student behaviour in consultation with parents/carers. Suspension and exclusion are only used when all other options to address the student's behaviour have been exhausted and there is a need to physically remove the student from the school. When considering the suspension or exclusion of a student, principals take into account the particular circumstances of an incident as well as the particular circumstances of the student. This could include, for example, whether a young student was able to be supervised if they were suspended from the school.
23. Principals are responsible for providing school work (1 – 5 day suspension) or an education program (6 – 20 day suspension) for a suspended student to enable them to continue their education. Where a student is proposed or recommended for exclusion, the principal is responsible for providing an education program while a final decision is made about their exclusion.

24. Principals' supervisors are also able to exclude a student from a school or other schools they supervise for disobedience, misconduct or other conduct that is so serious that suspension is inadequate to deal with the behaviour (EGPA Chapter 12, Part 3, Division 2).
25. The Director-General has the power to exclude a student from a state school at which the student is enrolled, certain State schools or all State schools if she is satisfied that the student's attendance at the school or schools poses an unacceptable risk to the safety or wellbeing of other students or staff of the school or schools (EGPA Chapter 12, Part 3, Division 3).
26. The Director-General also has the power to refuse the enrolment of a prospective student at a school if she believes that the prospective student would pose an unacceptable risk to the safety or wellbeing of members of the school community (EGPA Chapter 8, Part 1, Division 2).
27. DETE has a number of procedures³ which provide guidance to schools on these legislated behaviour management and disciplinary measures:
- Safe, Supportive and Disciplined School Environment
 - Refusal to Enrol
 - Temporary Removal of Student Property
 - Appropriate Use of Mobile Phones and Other Electronic Devices by Students.
28. DETE's Safe, Supportive and Disciplined School Environment procedure includes guidelines for principals and their supervisors in relation to students who have been charged with serious criminal offences and whose attendance at a school or schools could represent a risk to the safety or wellbeing of other students or staff. In these circumstances, principals are encouraged to take appropriate disciplinary action against the student, advise the Regional Director should a student pose a risk and consider recommending to their supervisor the student's exclusion from certain other schools.
29. Under this procedure, Regional Directors should consider recommending to the Director-General exclusion from all or certain state schools in Queensland if student poses an unacceptable risk to the safety or wellbeing of other students or staff of the school or schools.
30. All students excluded from a state school or schools, including those in out-of-home care, are allocated a regional case manager. DETE's Case Management Guidelines⁴ require a case manager to work with the student and their parents to re-engage in another school or education or training program as soon as possible after their exclusion. Many regional case managers are senior guidance officers. Department of Communities, Child Safety and Disability Services would be included as part of the process of re-engaging a young person who is in out-of-home care in education or another eligible option.
31. The case managers are also required to follow up with students within one month and six months of their exclusion to ensure the student's continued engagement. Records of contact by case managers are recorded in DETE's OneSchool system.

³ Copy supplied.

⁴ Copy supplied

32. DETE is aware that a decision to suspend or exclude a student in out-of-home care can impact significantly on the student's education outcomes as well as place strain on foster carers who are then required to provide supervision for the student for the period of the suspension.

Mature Age Student Criminal History Checks

33. DETE allows Mature Age Students to enrol in a state school only if enrolment of the applicant would **not** harm the best interests of children (EGPA Chapter 2, Part 5).
34. The Mature Age Student application process includes a criminal history check by the Queensland Police Service. A criminal history includes every conviction and charge made against the person for an offence, in Queensland or elsewhere, at any time and whatever the outcome of the charge.
35. Applications with a criminal history are considered with the key determinate being if the applicant's attendance at a school poses an unacceptable risk to the safety and wellbeing of students and staff.
36. Principals will only enrol a Mature Age Student if they possess a current Positive Mature Age Student Notice. Any change in a criminal history is required to be disclosed immediately under legislation, with a penalty imposed for failure to disclose.

Student Protection Procedures and Training

37. Education Queensland is committed to preventing reasonably foreseeable harm to students and to responding when an Education Queensland employee or an employee of a state school, in the course of their employment, reasonably suspects harm or risk of harm to students.
38. Harm, to a student, is any detrimental effect of a **significant nature** on a student's physical, psychological or emotional wellbeing. This could also include harm to an unborn child. Harm can be caused by physical abuse, psychological or emotional abuse, neglect or sexual abuse or exploitation (Adapted from Section 9, *Child Protection Act 1999*).
39. All state school employees (i.e. Education Queensland employees and non-departmental employees), short-term contractors working on a school site, volunteers and on-going visitors that have regular contact with students are inducted into Education Queensland's student protection procedures.
40. The Student Protection procedure outlines the responsibilities and procedures for responding to:
- harm caused by another student
 - harm caused by a person not employed by the department, including volunteers and school visitors
 - student self-harm.
41. According to this procedure, upon receiving a written report from a staff member who reasonably suspects the sexual abuse of a student, or upon receiving any other information capable of satisfying the principal that grounds exist to reasonably suspect a student has been harmed or is at risk of harm, or an unborn child may be at risk of harm, a completed SP-4: Report

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of Suspected Harm or Risk of Harm is forwarded to Queensland Police Service and/or Department of Communities, Child Safety and Disability Services, as a matter of urgency.

42. Allegations of harm or risk of harm to a student involving employees is managed in accordance with Allegations against employees in the area of student protection procedure.
43. In 2011, following discussions with Queensland Police Service and the Department of Communities, Child Safety and Disability Services, DETE reviewed the SP-4: Report of Suspected Harm or Risk of Harm form. Several changes were made including the introduction of the ability to email reports (previously only facsimile was advised), and an amendment to the previous requirement to send all reports to both Queensland Police Service and the Department of Communities, Child Safety and Disability Services. DETE now requires reports of sexual and physical harm to be sent to Queensland Police Service and the Department of Communities, Child Safety and Disability Services; and reports of emotional/psychological harm or neglect to be sent to the Department of Communities, Child Safety and Disability Services only.
44. Pre-service teacher training in Queensland provides a very brief general introduction to child protection. In addition, Education Queensland provides a 1.5 hour online Student Protection training⁵ which must be completed by all employees on commencing work in a state school. Education Queensland also provides a Power Point presentation and discussion module handout which is used by principals to provide an annual revision of student protection responsibilities at the start of each school year.
45. Short-term contractors working on a school site, volunteers and on-going visitors who have regular contact with students are inducted into the Student Protection procedure and responsibilities by completing the appropriate level of training as determined by the principal. This usually includes provision of the Student Protection Fact Sheet.
46. The online Student Protection training course provides an overview of child protection including indicators of various types of harm, as well as the legislative and policy obligations for staff. The online Student Protective training outlines some of the common indicators of harm, some of which are sufficient alone as reasonable grounds to suspect risk of harm, whilst others are meaningful only when they co-exist with other indicators. The training material stresses that the absence of indicators does not necessarily imply that a student is safe, and that the indicators are a guide only.
47. The training provides an overview of child protection concepts however, the material does not provide participants with the necessary expertise to enable assessment of the risk factors and protective factors in a student's situation beyond formulating a very basic suspicion of harm or risk of harm. Investigation and assessment is the role of child safety officers. As a result, teachers and principals tend to err on the side of caution when reporting.

⁵ Copy supplied

Allegations against employees

48. Paragraphs 49 to 51 have been provided to me by Mr Craig Allen, Assistant Director-General, Human Resources.
49. Allegations of suspected harm to students in state educational facilities by employees is managed in accordance with Allegations against employees in the area of student protection (<http://ppr.det.qld.gov.au/corp/hr/management/Pages/Allegations-Against-Employees-in-the-Area-of-Student-Protection.aspx>). The guidelines for implementation of this procedure include:
- Identification of the three broad categories of complaints including physical, psychological and sexualised harm.
 - The obligation on employees to report allegations of these types to DETE's Ethical Standards Unit.
 - The implementation of a three tier reporting framework:
 - *SP1 : Report of student harm (suitable for local resolution)* referral for allegations including low-level physical contact, verbal berating or comments/interactions with students.
 - *SP2 : Report of significant harm to a student as a result of actions by an employee* referral for allegations including where injury has been caused, is a repetition of previous behaviour or involves allegations of over-familiar and/or unprofessional conduct with students.
 - *SP3: Report of suspected sexual abuse of a student by an employee* referral for allegations of inappropriate relationships, touching students in a sexualised manner and identified 'grooming' behaviours with students.
50. Upon receipt of complaints against employees involving students, the Ethical Standards Unit undertakes an assessment of the allegations to determine:
- The appropriate level of departmental investigative response.
 - The requirement to refer the allegation to the Crime and Misconduct Commission as suspected Official Misconduct (s. 38 *Crime and Misconduct Act 2001*).
 - The ongoing risk to any person including referral of the allegation to DETE's Workforce Review unit for consideration of secondment or suspension of the employee (s. 189 *Public Service Act 2008*).
 - The requirement to refer an allegation of student harm involving a relevant teacher at a prescribed school to the Queensland College of Teachers (s. 76 *Education (Queensland College of Teachers) Act 2005*).
 - Whether the allegation is subject to investigation by the Queensland Police Service.
51. Throughout and at the completion of the investigation, DETE's Ethical Standards Unit maintains regular liaison with the aforementioned agencies and provides outcome advice as required. Investigations which determine allegations against employees are capable of substantiation are forwarded through DETE's Workforce Review unit for consideration of discipline (s. 187 *Public Service Act 2008*) including penalties up to and including termination of employment (s. 188 *Public Service Act 2008*).

Child Safety Directors Network (CSDN)

52. The Director, Child Safety, Education Queensland represents the Director-General and the Department in the Child Safety Directors' Network which provides leadership, coordination and direction by operating at the strategic whole-of-government level. The Network is responsible for identifying gaps and systemic issues within the operation of the child protection system and developing coordinated resolutions and improving the operation, coordination, planning and delivery of the child protection system in Queensland. The Child Safety Directors Network directs the work of sub-committees for Evolve Interagency Services and the Suspected Child Abuse and Neglect (SCAN) Team system.
53. Over the last twelve months the Network has led the development and trial of the Queensland Child Protection Guide to assist professional reporters within Queensland Government agencies to reduce the numbers of reports to the Department of Communities, Child Safety and Disability Services that do not meet the threshold for tertiary investigation. The Department of Education, Training and Employment is an active member of the Child Safety Directors Network and is a core member of the various sub-committees.

Suspected Child Abuse and Neglect (SCAN)

54. DETE is a core member agency of the Suspected Child Abuse and Neglect (SCAN) Team system coordinated by the Department of Communities, Child Safety and Disability Services. There are 12 FTE senior guidance officers that fulfil the role of DETE core member agency representatives on 30 operational SCAN teams across the State. Their role is to assist state and non-state school principals with the referral of cases to SCAN team meetings. Senior guidance officers attend SCAN meetings and provide information collected from school personnel for case reviews. In addition, they will ensure that relevant information is provided to principals and guidance officers in a timely way and in accordance with confidentiality and privacy requirements.
55. The purpose of the SCAN team system is to enable a co-ordinated, multi-agency response to children where statutory intervention is required to assess and meet their protection needs. This is achieved by timely information sharing between SCAN team core members, planning and co-ordination of actions to assess and respond to the protection needs of children who have experienced harm or risk of harm, holistic and culturally responsive assessment of children's protection needs.
56. The SCAN team system includes provision for Information Coordination meetings (ICM). These provide a forum for discussion of matters where a SCAN team core member representative seeks further information regarding the rationale for a Child Safety intake decision and requires the opportunity for multi-agency discussion. An ICM referral must meet all the following criteria, the matter has been assessed by Child Safety Services as a child concern report (CCR), the SCAN team core member representative has contacted the Child Safety Services regional intake team leader for further discussion regarding the decision and rationale, the matter remains a CCR and the SCAN team core member representative requires the opportunity for multi-agency discussion.

57. The role and responsibilities for SCAN team system members and the relevant information sharing protocols are outlined in sections 159I - 159L of the *Child Protection Act 1999*. Personal information collected by employees of DETE for provision to SCAN team meetings is managed in accordance with the *Child Protection Act 1999*, and where relevant the *Education (General Provisions) Act 2006*, and the IP Act.
58. The Suspected Child Abuse and Neglect (SCAN) Team system has undergone a number of revisions, the most recent was progressively implemented across the State between July and October 2010. The revised SCAN Team system was developed by the SCAN sub-committee chaired by the Department of Communities, Child Safety and Disability Services and comprising SCAN core member agencies (Queensland Police Service, Queensland Health, and DETE) as well as a recognised entity representative and representatives from the Commission for Children and Young People and Child Guardian.
59. Once the most recent changes to the SCAN Team system were finalised, an interagency training team conducted fifteen training sessions across the State, concluding in October 2010, to train core member agency SCAN representatives in the new processes. Representatives were trained from the revised SCAN manual, which had been completed earlier by the SCAN sub-committee.
60. There were two major changes to the SCAN system. The Department of Communities, Child Safety and Disability Services are to provide a response to the principal when they make a child protection report. If the report becomes a child protection notification, the response to the principal must contain the outcome. If the report is deemed a Child Concern Report (CCR) (i.e. does not meet the threshold for a child protection notification) then the response to the principal must contain both the outcome and the rationale used to determine the outcome. The response must be provided to the principal within five days of the report being made.
61. In order to assist the Department of Communities, Child Safety and Disability Services to meet its commitment of providing feedback on referrals within five days, SCAN supports the practice of referring core member agencies identifying which referrals are more urgent for the purposes of prioritisation.
62. The introduction of Information Coordination Meetings ("ICM") provides opportunity for multi-agency case discussion of Child Concern Reports (i.e. those matters that do not meet the threshold for a child protection notification). Upon receiving the feedback that the concerns raised did not meet the threshold for a child protection notification, if principals disagree with the decision and rationale provided, they can contact their local DETE SCAN team representative (Senior Guidance Officer) to discuss. The DETE SCAN team representative will then contact the Child Safety regional intake team leader to discuss the case and the decision. The regional intake team leader can decide from that discussion whether the referral is sufficiently concerning to bring the matter to SCAN or to leave it as a Child Concern Report.
63. After discussing the matter with the Child Safety regional intake team leader, the matter remains a Child Concern Report (CCR) and the DETE SCAN team representative requires the opportunity for a multiagency response. The DETE SCAN team representative can submit an ICM

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referral, where the matter must be listed on the ICM agenda within ten business days from receipt of the referral.

Queensland Child Protection Guide

64. The Queensland Child Protection Guide was developed by a multiagency group of stakeholders to assist professional reporters who are concerned about possible abuse or neglect of a child and must make a decision whether or not to report their concerns to Department of Communities, Child Safety and Disability Services – Regional Intake Services, Queensland Police Service or to a non-government agency.
65. The Queensland Child Protection Guide is an online decision support tool that has been designed specifically for health and education professionals who may hold concerns about children and their families. The aim of the Child Protection Guide is to assist these professionals to report their concerns to the appropriate agency or to refer families to the service provider best placed to meet their needs. DETE contributed knowledge and expertise to the cross-government Senior Officer Stakeholder group convened by the Child Safety Directors Network to develop, trial and evaluate the guide.
66. DETE does not collect reporting data centrally. Reporting data is supplied by Department of Communities, Child Safety and Disability Services or Queensland Police Service on request.
67. In 2010-11 the Department of Communities, Child Safety and Disability Services statistics indicated that school personnel (state and non-state schools) made 14,286 reports to Child Safety Regional Intake Services across Queensland. This figure accounts for 13% of the reports that Child Safety received in that year. Of these reports 11,241 (approximately 78.7%) did not reach the threshold to be recorded as a notification resulting in an investigation. Of the 3,045 reports made by school personnel that reached the threshold for notification, only 871 (approximately 28.6%) were substantiated (i.e.: 6% of total reports). In comparison, of the 13,599 (12% of all reports for the year) reports made from health sources, 3,710 (approximately 27.3%) reached the threshold for notification and 1,195 of those (approximately 32.2%) were substantiated (i.e.: 8.8% of total reports).
68. The reporting decision is not an easy one, and the consequences of the decision are considerable. The Reporting Guide was developed in order to achieve the following goals:
 1. help ensure that children and families requiring statutory child protection services are promptly reported
 2. help increase the ability of Department of Communities, Child Safety and Disability Services to provide direct family contact in response to serious reports by reducing time spent on reports that could be diverted to more appropriate service/services
 3. provide alternative options for reporters to assist children, young people and families who would be better served outside of the statutory child protection system.
69. The Guide is intended to compliment rather than replace critical thinking and does not prohibit a professional reporter from any course of action he/she believes is appropriate. Instead, the Guide incorporates proven design principles that help focus on the most critical pieces of

information for the decision at hand. The Guide reflects the consensus of multiple government departments and non-government agencies concerning situations that are best served through statutory responses and those that are best served through alternative interventions.

70. It was agreed by all stakeholders that the Queensland Child Protection Guide be trialled in one region for a period of 12 months. The South East Region was chosen as the trial site due to the enhanced secondary service system of non-government agencies that was currently in place in that region due to the Helping Out Families initiative trial that was already underway. It was agreed that the trial of the Guide would require the additional capacity in the secondary service system to respond to those referrals that were recommended for a non-statutory support response.
71. The use of the Guide in the South East Region is not mandatory. Information about the Guide was circulated to school principals and guidance officers and an officer in the South East Regional office was delegated responsibility to oversee and support the trial.
72. Usage data provided by Department of Communities, Child Safety and Disability Services indicates that the online Guide has been accessed 97 times in the period 30 January 2012 until 1 June 2012 in the South East Region by users from DETE. There is no data available on whether these usage events resulted in reports to Department of Communities, Child Safety and Disability Services or whether users found the resource helpful in the decision-making process. It should be noted that the data in relation to usage of the Guide does not distinguish between use relating to actual cases and training exercises.
73. Feedback from regional employees indicate that principals and guidance officers have found the Guide to be useful but that it did not replace the overriding responsibilities in DETE policies or the principal's professional decision making ability. Whilst the Guide was reported to be useful, in some instances no service providers were available for referrals to Intensive Family Support services, which was particularly evident in some geographic locations in the western part of the South East region, for example Beaudesert and Boonah. Staff in the South East region advised that it was useful to have a reference group chaired by Department of Communities, Child Safety and Disability Services to discuss implementation and progress of the trial.

Education Support for students in out-of-home care

74. Students in out-of-home care receive education support through the development of individual Education Support Plans and subsequent funding under the Education Support Funding Program.

Education Support Funding Program ("ESFP")

75. The Education Support Funding Program is a collaborative initiative funded by the Department of Communities, Child Safety and Disability Services and administered by the Department of Education, Training and Employment. The program is designed to address educational disadvantage experienced by many students in out-of-home care. The ESFP is governed by the Education Outcomes (including Education Support Funding Program) Memorandum of

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Understanding (MOU)⁶ between the Department of Communities, Child Safety and Disability Services and DETE.

76. DETE has also entered into a Memorandum of Understanding with each non-state schooling sector, the Queensland Catholic Education Commission and Independent Schools Queensland, to implement the ESFP within their schools. These MOU outline the roles and responsibilities of each sector for supporting students in out-of-home care, development of ESPs and implementation of the ESFP, and data collection and reporting requirements.
77. The ESFP involves the distribution of funds to support Queensland students subject to child protection orders that grant guardianship or custody to the Chief Executive Officer of the Department of Communities, Child Safety and Disability Services. These funds are made available to assist students across the state, Catholic and Independent schooling sectors.
78. In the 2010-11 financial year \$6.3 million was provided by the Department of Communities, Child Safety and Disability Services to the Department of Education, Training and Employment for additional support to 4,064 students in Years 1-12 in out-of-home care in both state and non-state schools in Queensland. In addition, \$2.0 million funding is allocated and administered by Department of Communities, Child Safety and Disability Services for education support through the Child Related Costs process.
79. Assistance provided under the ESFP must be linked to goals identified through the Education Support Planning process.
80. The ESFP provided a range of activities for students in out-of-home care during 2010-11 including:
- literacy and numeracy support
 - teacher aide support for individual students
 - intensive learning support
 - homework and tutoring support
 - behaviour and social skills support
 - coaching and anger management counselling
 - social skills training.
81. Schools value the Education Support Funding Program and can readily provide case studies highlighting the success of individual students. The following case study is one example. Further case studies can be provided if required.

⁶ Copy supplied.

Case study

John is 11 years old. When he enrolled at his new primary school, John had a record of severe behaviour problems. He had been suspended from his last school on numerous occasions. Care placement after care placement had broken down.

Working with John's child safety officer, the teachers at his new school developed an Education Support Plan (ESP). John's plan identified being able to participate in lunch-time play as important to John's wellbeing and outlined strategies to help him improve his social skills to enable that to occur. The school applied for funds from the Education Support Funding Program (ESFP) and used the money allocated to employ a teacher aide. The teacher aide worked one-on-one with John on a program of social skills training that included structured learning activities and restitution. When John broke something, he mended it. When he made a mess, he cleaned it up.

Since John began working with his teacher aide on his individual program, his behaviour has improved markedly. He still has some behaviour problems, but they are much less frequent and far less severe. He gets on better with his classmates and is able to go out to play at lunch instead of spending time in a supervised area. He is better at managing his anger, less aggressive to other students and more respectful of school property. John's school credits the ESFP and his more stable home environment with enabling John to achieve his goal of being able to play with his peers during lunch-time without supervision and with improvements to his language, literacy and numeracy skills as well.

Education Support Plans

82. Schedule 3 of the MOU referred to in paragraph 75 above, sets out the mandatory criteria for an Education Support Plan (ESP) to be completed. Importantly, the Department of Communities, Child Safety and Disability Services determines whether a student meets the mandatory criteria to have an ESP completed and notifies DETE (through the school principal). It is the aim of DETE to have an ESP for every student in out-of-home care, who meets the criteria set out in the MOU, within one month of their school principal being notified by the Department of Communities, Child Safety and Disability Services.
83. Developing an ESP involves input from the student in out-of-home care, and other significant persons in his or her life. The student's educational goals are established, needs identified, and strategies developed to meet these needs and goals.
84. DETE undertakes an annual data collection from schools for reporting purposes. This year an online application in DETE's OnePortal system was developed to allow schools to enter information about their students in out-of-home care. DETE also collects information from the non-state schooling sectors as part of its role in administering the program.
85. Data from the 2012 data collection for students in out-of-home care, currently being conducted, will be available in late September, therefore cannot be included in this response. The August 2011 collection indicated that there were 4,064 students in Years 1-12 in out-of-home care

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enrolled in the state and non-state schooling sectors. Of these students, 3,372 (82.8%) had an ESP developed, 441 (10.9%) had an ESP that was under development and 253 (6.2%) were still to be commenced.

86. DETE has recently commenced a project with Department of Communities, Child Safety and Disability Services aimed at improving the educational outcomes for students in out-of-home care. The project aims to focus attention on improving individual student achievement and academic success. Strategies to be employed include:
- regional operational plans which highlight clear performance measures for students in out-of-home care similar to the closing the gap targets set for indigenous students
 - showcasing good practice and strategies that are shown to improve attendance and individual academic achievement
 - improving the quality of the data exchange between DETE and Department of Communities, Child Safety and Disability Services to support schools and regions in improving outcomes for students in out-of-home care
 - the development of a new application as part of OneSchool to allow greater efficiency in data collection and provide significant reporting benefits.

Beam

87. The Beam pilot was funded by the Australian Government Department of Education, Employment and Workplace Relations as part of the Improving our Schools - National Action Plan for Literacy and Numeracy.
88. DETE partnered with Foster Care Queensland and the Department of Communities, Child Safety and Disability Services in developing this initiative.
89. The 'Beam' literacy and numeracy pilot aimed to accelerate achievement and promote sustained positive numeracy and literacy outcomes for primary school students in out-of-home care. By extending the capacity of foster carers through the provision of training modules and online resources, foster carers can engage students in literacy and numeracy activities in the home environment.
90. Carers attended a course where a teacher facilitated a series of six modules to show carers how they can support their children's learning. Four of the modules focussed on oral language, numeracy, reading and writing. Another module was dedicated as an individual session which allowed carers to seek support for specific needs of children in their care. The final module was an excursion where the facilitator modelled how carers can capitalise on everyday 'teachable moments' to improve children's literacy and numeracy.
91. Beam has been extremely well received by schools and carers. The quality and relevance of the resources coupled with the modelling of how to use them has been pivotal to the success of Beam. Beam provides an avenue to engage parents and carers in a positive way with schools, and as a result, the DETE regions have continued to work with the Department of Communities, Child Safety and Disability Services in the continued delivery of Beam throughout the 2011 and 2012 school years.

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92. Online training for teachers to become facilitators is available. In addition, facilitators can download the full suite of Beam resources from www.beam.edu.au.

Evolve Interagency Services

93. Evolve Interagency Services are a partnership between the Department of Communities, Child Safety and Disability Services, Queensland Health and DETE. Evolve provides therapeutic and behaviour support services for children on child protection orders and in out-of-home care who have significant behavioural and psychological issues and/or disability behaviour support needs.
94. DETE is not a direct provider of therapeutic services, however is represented on Evolve panels across Queensland. Senior guidance officers represent the department on the Evolve panels.

STATISTICAL INFORMATION

95. DETE does not collect data about reports of harm sent by schools to the Department of Communities, Child Safety and Disability Services or Queensland Police Service. Data provided by Child Safety and published on their web site shows aggregated data from 'school sources'. The number of reports received from state or non-state schools only is not able to be determined from this information.
96. Under the Memorandum of Understanding (MOU) with the Department of Communities, Child Safety and Disability Services regarding education outcomes, the Department of Communities, Child Safety and Disability Services provides DETE annually with the details of individuals in out-of-home care for the purpose of matching these details to students in Queensland state schools for the purpose of providing data on the educational outcomes of these students.
97. For the matched students, data on the following educational outcomes is provided back to the Department of Communities, Child Safety and Disability Services:

For individuals who have been in out-of-home care for two years or more:

- NAPLAN results (Proportion at or above national minimum standard for Years 3, 5, 7 and 9)
- Year 12 outcomes (Proportion of Queensland Certificate of Education awarded and Proportion of VET qualifications awarded) – Note: while Year 12 outcomes data is in the MOU it has never been provided by DETE. It is our understanding that Year 12 outcomes data will be removed from the next MOU with the intention of it being sourced from the Queensland Studies Authority (QSA).

For individuals who were in out-of-home care at any time during the reference period:

- School Disciplinary Absences (incidences of suspensions, exclusions and cancellations)
- Student attendance (Student attendance rate for Semester 1)
- Next Step Survey (Proportion of Year 12 completers 'learning' or 'earning' six months after leaving school) – this matching process is for 15-18 year olds and done in

conjunction with the Office of the Government Statistician which conducts the Next Step Survey.

98. Tables 1 and 2 provide data on significant characteristics of students in out-of-home care and data on the completion of ESP's for these students (Attachment 2)

EARLY INTERVENTION OR OTHER PREVENTION STRATEGIES

99. The following section provides information about the range of support services and support staff that are available to schools to assist students that require additional educational support.

Education Adjustment Program (EAP)

100. DETE provides targeted support to students with disability through the Education Adjustment Program (EAP). The six EAP categories include:
- autism spectrum disorder
 - hearing impairment
 - intellectual impairment
 - physical impairment
 - speech-language impairment
 - vision impairment.
101. Special education programs and service resources are based within schools and regions to support students' educational programs as well as the provision of special schools for a small number of students with a disability who require very highly individualised education support programs.
102. Special education programs and services for students and children with disability are available across state primary and secondary schools to give support to students with disability and assist classroom teachers in the development and delivery of the students' educational programs. There are approximately 600 special education programs across the state.
103. Special schools provide education programs specifically for students with intellectual impairment with significant educational support needs requiring a highly individualised program. They have teachers with specialised qualifications, and have ready access to DETE's funded nursing and therapy support. There are 42 special schools and one special campus in Queensland. Students need to meet eligibility criteria to access a special school.
104. Students who do not access additional resourcing through EAP, but who have a disability as defined by the *Disability Discrimination Act 1992 (Commonwealth) (DDA)*, are supported through the full array of student support services allocated to regions and schools. The DDA definition of disability is much broader than the criteria for DETE's six EAP categories or special school eligibility criteria.

105. DETE adheres to the DDA definition of disability and requires schools to make reasonable adjustments to ensure that all students with disability are able to participate in education on the same basis as students without disability.
106. Principals manage the resourcing within their schools. Schools provide support in a variety of ways. Some programs might support a wide range of students with disability whilst others might support a smaller identified group. This includes ensuring students have access to augmentative and alternative communication (AAC) if required. The *United Nations Convention on the Rights of Persons with Disabilities 2006* recognises the rights of students to have a communication aid and strategy that will enable them to access and participate in their lives. DETE provides a coordinated and collaborative approach to developing effective communication for students with little or no speech through the use of AAC. Schools ensure that when sensitive information (for example within the context of student protection procedures) is conveyed via AAC, the message is clarified and the intended message is confirmed by an impartial professional who is competent in the communication method and completed the student protection training.

Regional Behaviour Support Staff

107. DETE employs a range of dedicated staff to support classroom teachers and deliver professional development for school staff in the area of behaviour support. These staff also provide assistance for students who demonstrate challenging behaviours. These staff include Positive Learning Centre (PLC) teachers, dedicated regional behaviour management personnel, guidance officers, senior guidance officers and guidance officers (Intensive Behaviour Support).
108. Regional case managers are appointed to work with all students who are proposed or recommended for exclusion from a state school. Case managers facilitate the student's successful re-engagement in another school or other education or training program, such as TAFE. Case managers also follow up with the student within one month of the student's enrolment in a new school or program, and again within six months to ensure the student's continued engagement.
109. In addition, youth workers and social workers are employed in some schools and regions to provide support to students at risk of disengaging from education or who have already engaged from education.

School-Based Youth Health Nurses (SBYHN)

110. The School-Based Youth Health Nurse works in partnership with school personnel to promote positive health and well-being for students within a school community.
111. Queensland Health funds School-Based Youth Health Nurses in state secondary schools. A Memorandum of Understanding between Queensland Health and Education Queensland, which outlines the management guidelines for the program, makes this partnership possible. School-Based Youth Health Nurses work collaboratively with school personnel to provide a range of services to individual students, teachers, and class groups. School-Based Youth Health Nurses:
- provide individual health consultations for students

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- provide advice and information to students and their parent in an effort to optimise the management of a student's health and wellbeing
 - support teachers with their planning, implementation and evaluation of health related learning experiences
 - support the development of a healthy school environment and ethos, and
 - facilitate health related teacher in-service, in order to provide advice and information about health education resources and relevant Queensland Health policies and programs.
112. School-Based Youth Health Nurses are line managed through Queensland Health. As nurses registered in Queensland and employed by Queensland Health, school-based youth health nurses are required to operate within relevant legislation, policy and guidelines of their agency and professional registration. Whilst they are accountable to this supervisor, they are also required to maintain regular communication with the school principal or a nominee at their base school/s.

Registered nurses employed by DETE

113. DETE employed nurses meet the health needs of students with a verified disability and/or specialised health need. Registered nurses assist students through assessment, development of Individual and emergency Health Plans, the provision of training and supervision to staff, interventions and collaboration with students, parents and school personnel. Whilst based in a school, registered nurses respond to referrals for the provision of nursing services across the region.
114. Nursing procedures/interventions include, but are not limited to:
- enteral feeding (gastrostomy, nasogastric, jejunostomy)
 - urinary management (catheterisation, urostomy care)
 - bowel management (colostomy/ileostomy care)
 - diabetes management (insulin, blood sugar level testing, diabetic emergency)
 - epilepsy management (rectal Valium, nasal/buccal Midazolam, vagus nerve stimulator support)
 - anaphylaxis management (adrenaline auto injector (EpiPen®) use)
 - asthma management (emergency medication).
115. Registered nurses:
- aim to build the capacity of school personnel to safely and competently manage the health requirements of students with a verified disability and/or a specialised health need
 - assess students with a verified disability and/or a specialised health need
 - communicate and collaborate with the education team in developing health plans aligned with educational goals for students with a verified disability and/or a specialised health need
 - develop and implement individualised student health and emergency health plans
 - provide training for relevant school personnel in routine and emergency health procedures
 - problem solve in managing students' specialised health needs
 - interpret medical orders, medical reports and medical terminology for the educational team

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- liaise with school personnel, students, parents/carers, doctors, specialists, health agencies and hospital staff
- act as a resource to teachers by providing relevant up to date information and advice about complex health needs
- advise and provide information regarding communicable disease control for students with specialised health needs
- advocate to ensure inclusion of the student with a verified disability and/or a specialised health need in the school and education planning process
- use evidence based practice to make clinical decisions in a school setting
- assist the parent and student to identify and access community resources, as required
- contribute to operational planning activities and relevant school based committees, supervise practicum placements of undergraduate nursing students on clinical placement in the school environment, and
- support professional development for teachers in a range of health issues.

Occupational Therapists and Physiotherapists

116. Occupational therapists and physiotherapists work as part of an educational support team to assist students with disability who have been verified through the Education Adjustment Program (EAP).
117. Whilst the work of the occupational therapist and physiotherapist target the needs of students with intellectual, physical, vision, hearing, speech-language impairment, autistic spectrum disorder or multiple impairments, their professional roles are quite different and specific.
118. Occupational therapists aim to enhance students' participation in the education process by assisting to develop their functional skills for work, life and recreation.
119. Physiotherapists work with those students who have posture and movement disorders or delayed neuro-sensory motor development. Through therapeutic intervention and support they aim to develop and restore students' motor competencies in order to enhance their access and participation in schooling.
120. Occupational therapists and physiotherapists:
 - assess student needs
 - provide occupational and/or physiotherapy services to students
 - plan, develop, implement and review programs
 - consult and network with other members of the support team
 - assess, prescribe, and review aids and equipment
 - plan and/or deliver professional development
 - are involved in the EAP process.
121. Therapists provide services to designated state primary, secondary and special schools within a region. A member of the regional office provides administrative and organisational

support to therapists, and a senior member of the same profession provides professional supervision.

Speech-Language Pathologists

122. Speech-language pathologists (SLPs) collaborate with school staff to assist students who have special needs in language, speech sounds, fluency, voice, social interaction skills, communication strategies, and eating, drinking and swallowing. The specialised speech-language therapy services they provide are aimed at increasing students' educational access, participation and achievement.
123. Speech-language pathologists work collaboratively with school staff, the speech-language pathologist in charge, and other service providers within and outside of DETE to provide efficient and effective services to students and schools.
124. Speech-language pathologists are responsible for:
- working as a member of the education team to determine the educational needs of students with special needs in communication and/or eating and drinking difficulties
 - assisting in developing and delivering programs that enhance or support students communication skills
 - assisting the education team to adjust the communication demands of the curriculum to enable student participation and achievement of educational goals
 - providing professional development activities for teachers, teacher aides and other support staff
 - consulting with and providing resources to school staff, parents and the school community
 - liaising with other agencies.

Guidance Officers

125. Guidance officers provide a broad guidance, counselling and support service to students who require assistance resolving personal, social or emotional problems, are experiencing learning difficulties, have a disability or require advice in relation to study skills, subject selection and career planning.
126. Guidance officers are school-based, working in either a large school or servicing a number of schools within a geographic area.
127. Guidance officers are able to assist individual students, in collaboration with parents, teachers, and other support personnel, with the identification of factors that are hindering learning, positive participation at school and relationships.
128. Guidance officers:
- provide professional expertise, leadership, and support to school communities and networks in the development and implementation of plans, programs, and procedures to assist students in achieving positive educational, developmental and lifelong learning outcomes

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- collaboratively negotiate, develop and implement programs for students that have a focus on preventative and early intervention strategies, are responsive to identified personal, social and educational needs and aim to foster resilience and personal skills development
- advocate, provide counselling, psychoeducational assessment and/or individual student support, recommendations and advice to students, teachers and parents concerning mental health, educational, behavioural, career development and family issues.

129. Guidance officers contribute towards and are accountable for the provision of a comprehensive student support program that is responsive to the identified and changing needs of the students, negotiated with and authorised by the school principal.

130. Guidance officers are required to participate in regular clinical and technical supervision with a senior guidance officer or an appropriate officers nominated by the senior guidance officer.

Youth Support Coordinator Initiative

131. The Youth Support Coordinator Initiative (YSCI) provides a targeted layer of support to students in the secondary school who are at risk of disengaging from school. The initiative seeks to assist these students to successfully transition into and through their Senior Phase of Learning. The early intervention and prevention program that Youth Support Coordinators provide in secondary schools is an initiative of the Department of Education, Training and Employment and the Department of Communities, Child Safety and Disability Services. Youth Support Coordinators provide a broad range of services to secondary school students including:

- support students in their senior years as they transition to further education, training and employment
- assist young people and their families to resolve social and personal issues and develop skills to support and strengthen educational engagement
- work as part of a multi-disciplinary team to support young people at risk to maintain their engagement in education or training
- develop linkages with the broader community to enhance access by young people and their families to support and assistance.

132. Youth Support Coordinators are visiting members of a school's student support services unit who are employed by community-based organisations and funded through a partnership arrangement between the Department of Education, Training and Employment and the Department of Communities, Child Safety and Disability Services. Whilst they are line-managed by their agency, school principals lead the YSCI activities when delivered on education premises and during school hours. Youth Support Coordinators liaise with principals and other nominated members of the school community to ensure a collaborative approach to service delivery and a holistic approach to support student wellbeing, attainment and transitions.

School Chaplains / Student Welfare Workers

133. A chaplaincy or student welfare service is an optional student support service that may exist in a state school. In these schools, chaplains/student welfare workers provide students, staff and parents with an additional dimension of support. If the school has a chaplain, this support may have a religious and/or spiritual component. School chaplains/student welfare workers

contribute to students' educational welfare and wellbeing through a support service that is sensitive to and considerate of the broad range of cultural, spiritual and religious backgrounds and belief systems represented in their designated school community. The role of the school chaplain/student welfare worker may vary from school to school and is defined by the school's Local Chaplaincy Committee. The activities in which a school chaplain/student welfare worker may be involved within a school and local community include:

- community development – e.g. contributing to newsletters
- educational support - assisting with classroom activities, under the direction of a teacher, or attending extra curricula activities e.g. sports day or camps.
- mentoring - acting as a role model for students and assisting in the development of supportive relationships for, with and among students.
- social and /or emotional support – assisting students to develop knowledge, understandings and skills that support learning, positive behaviour and constructive social relationships.
- spiritual support – only chaplains may provide an additional dimension to the school's care, guidance and support of students with spiritual, religious needs. Whilst modelling and owning their own faith positions or belief, chaplains must avoid any implications that any one religion, denomination or other set of beliefs is advantageous or superior to any other denomination, religion or belief.

134. Although chaplains/student welfare workers are employees of an Accredited Employing Authority and operate in schools as contractors, they are accountable to the school principal (or delegate) in relation to the day-to-day running of services at the school and are subject to reasonable directions from the principal (or delegate).

School-Based Police Officers

135. School-based police officers play an important role in supporting secondary school students at risk of offending or becoming involved with the juvenile justice system. They also provide a broad educational and preventative service to students through the sharing of information about the law, police duties, and safety programs.
136. The School Based Policing program is a joint initiative of the Queensland Police Service and Education Queensland. School-based police officers are based full-time in forty-seven high school clusters throughout Queensland.
137. In these schools, school-based police officers are able to help build a positive relationship between students and the police by:
- assisting students with their understanding of the law and legal processes that aid in crime prevention and proactive policing
 - developing and presenting curriculum material that addresses locally identified school community and policing issues
 - undertaking initial response and investigation of offences within the perimeters of the school
 - providing advice, where appropriate, to members of the school community with regard to traffic matters, property and personal safety
 - coordinating programs such as *School Watch*, *Safety House* and *Property Identification*.

138. School-based police officers report directly to the Officer-in-Charge, Child Protection Investigation Unit in the division where the school cluster is located. Whilst they are accountable to this supervisor, they are also required to maintain regular communication with the school principal or a nominee at their base school/s.

Ed-LinQ

139. Ed-LinQ is a statewide initiative funded by Queensland Health. The initiative aims to improve mental health outcomes for children and young people by enhancing partnerships and referral pathways by enhancing partnerships and referral pathways between local school communities, primary care providers and child and youth mental health services.
140. Ed-LinQ aims to:
- Enhance school staff knowledge of how to identify when a student is at-risk of , or is experiencing, mental illness
 - Ensure school staff will have access to information regarding local referral and care pathways
 - Engage appropriate services to be accessed to provide advice, assessment and intervention for identified students
 - Establish the process of supporting strong strategic links at the local level, to improve access to key resources
 - Have this process supported through a focus on developing the skills and knowledge of key education and primary care stakeholders
 - Ultimately demonstrate an overall improvement in the mental health outcomes of Queensland school students.
141. There are district Ed-LinQ coordinators located throughout Queensland and they are situated within the Child and youth Mental Health Service (CYMHS) clinics. There is a state-wide coordination position that supports the initiative.
142. The coordinators work across the mental health, education and primary care sectors by:
- Facilitating a strategic framework for collaboration and communication between the sectors and,
 - Providing mental health consultation, information and training opportunities
143. Paragraph 144 has been provided to me by Mr Ian Mackie, Assistant Director-General, Indigenous Education and Training Futures.

Community education counsellors

144. Counsellors work closely with guidance officers and their local communities, and provide a significant service to Aboriginal and Torres Strait Islander students. Community education counsellors are located generally in schools with significant numbers of Aboriginal and Torres Strait Islander students, as well as in clusters of schools throughout the state. Community education counsellors provide a range of services including:
- Provide educational counselling and support services within specific secondary school/s to ensure that the best possible assistance services are available to Aboriginal and/or Torres Strait Islander secondary students and communities.

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- Establish and maintain links with out of school sources of information and support services to assist Aboriginal and Torres Strait Islander secondary students.
- Provide information to the school community about Aboriginal and/or Torres Strait Islander social and cultural perspectives.
- Provide advice and information to school administrators regarding Aboriginal and/or Torres Strait Islander social and cultural protocols in order to meet the needs of schools and their communities.
- Ensure that relevant information concerning Aboriginal and/or Torres Strait Islander social and cultural issues is readily available to all members of the school community.
- Participate in activities to develop productive partnerships between members of the school community.
- Establish and maintain links with "out of school" sources of information and support services to assist in the advancement of Aboriginal and Torres Strait Islander secondary students.

Support for pregnant and parenting students

145. Young parents who leave school early often face greater hardship and poverty than young people who complete their education. In particular, young mothers may experience social isolation, a higher than average likelihood of a second pregnancy during their teenage years, a higher risk of involvement in unstable and violent relationships, and poorer than average outcomes for their children in terms of health, welfare and educational achievement.
146. One of the most effective ways to minimise the risk of negative outcomes is to support pregnant young women and young parents to remain connected to learning. By working together, schools, parents/carers and students determine a plan for supporting the pregnant or parenting young person to continue their education.
147. School-based and community-based support is available to assist students to complete their education by identifying barriers and finding solutions to make the path to learning easier.

School-based support

148. Pregnant and parenting students are entitled to the same level of educational opportunity as other students. Schools provide appropriate arrangements to support them to complete their education through flexibility in:
- classroom and school management
 - curriculum design, teaching and learning strategies, and assessment
 - uniform/dress codes
 - temporary alterations in attendance.
149. The creation of flexible pathways and a range of opportunities for achievement have provided a level of support that enables all young people to complete their education and training. For pregnant and parenting young people, continuation of their learning may occur through:
- Mainstream school - schools can provide support, for example, through flexible arrangements in timetabling and attendance.
 - Distance education - studying while staying at home by enrolling in courses via a number of institutions on correspondence or online basis.
 - Alternative Education Centres - which may provide on-campus support such as a creche or child care centre or a designated area where parents can study, rest or feed their babies. An example is the Albert Park Flexible Learning Centre .

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- Tertiary Institutions - such as TAFE that offers education and training in a wide range of fields.
- Home Education - where individually tailored education is provided by parents for their children. Within home education, parents are responsible for developing their own program for their child, conducting learning activities, setting assessment and monitoring the child's progress.

150. A number of schools in Queensland have specific programs in place to support pregnant and/or parenting students e.g. Burnside State High School runs the STEMM program (Supporting Teenagers Education Mothering Mentoring) and Mabel Park State High School runs the POWER program (Parents Overcoming Work and Education Restrictions).

Community-based support

151. Schools can facilitate access to a range of community-based support services such as health services, counselling services, childcare options and housing by:
- establishing strong links with the support agencies in their community
 - negotiating with students for time-off school to attend appointments
 - having community agency staff on campus or arranging for them to come to the student for appointments.

Daniel Morcombe Child Safety Curriculum

152. The Department of Education, Training and Employment is developing the Daniel Morcombe Child Safety Curriculum (the Curriculum) in partnership with the Daniel Morcombe Foundation. The Curriculum is being developed using evidence based research to align with principles of best practice in child safety education. An analysis of child safety education programs available across all Australian jurisdictions was conducted prior to commencing the drafting of this Curriculum. The results (Attachment 3) confirmed that this Curriculum will provide a modern, best practise approach to the subject not currently available in the market. A network of renowned experts involved in researching child abuse and its prevention are also providing feedback on the Curriculum materials being developed.
153. The Curriculum aims to teach children about personal safety and awareness, including cyber safety and telephone safety. It will build their knowledge and skills in recognising, reacting and reporting when they are unsafe or find themselves in harm's way.
154. The Curriculum will be targeted at Prep to Year 9 students in state and non-state schools and will consist of classroom lessons delivered across each of the following three phases of learning: Prep to Year 2, Year 3 to Year 6, and Year 7 to Year 9.
155. Denise and Bruce Morcombe, who have been engaged by the Department of the Premier and Cabinet until September 2013 as Child Safety Ambassadors, will travel throughout Queensland during 2012 and 2013 visiting schools and community centres to deliver key child safety messages and create awareness of the Curriculum.

Information sharing in relation to juvenile offenders

156. There have been extensive discussions with the Department of Justice and Attorney-General (DJAG) to establish internal processes to ensure DJAG officers provide DETE officers with information about juvenile offenders (or alleged offenders) in a proactive and timely manner. While current provisions exist for the sharing of this information between the Directors-General of each department under the *Youth Justice Act 1992* in the past the process has been inconsistently applied due to the administrative requirements for releasing information and legislative interpretations at an officer level.
157. As a result of recent discussions, the DJAG is currently developing an internal protocol that places a positive duty on DJAG officers to disclose to DETE officers that a student has been charged or convicted of an offence which may mean they pose a risk to the safety of children, teachers or other staff. The protocols will place a positive duty on DJAG officers to disclose information on students who have been charged or convicted of an offence as identified on a list of offences that have been agreed to by both departments. The proposed subset of offences have been drawn from *Schedule 2: Current serious offences* in the *Commission for Children and Young People and Child Guardian Act 2000*.
158. It is acknowledged that generally juvenile offenders benefit from a stable home and school environment as part of their rehabilitation. Accordingly, it is not DETE's objective to use information obtained as part of an automatic process to exclude all students identified as alleged or convicted juvenile offenders, or to use disciplinary processes, as additional punishment for an alleged crime. A viable option in many cases may be to offer support through school-based programs or risk-management within the school.
159. DJAG is currently drafting the internal protocol and it is anticipated DETE will receive the draft protocol for review by 31 August 2012.

Office of Early Childhood Education and Care (OECEC)

160. I have been provided with a separate submission statement from Kathryn Woods (Executive Director, Program Management, Funding & Performance) and Jennifer Shaw (Director, Regulation & Quality Improvement) of the OECEC. The statement is attached (Attachment 4).

Non-State School Sector

161. I have been provided with a separate submission statement from Pat Parsons, Director, Non-State Schools Accreditation Board. The statement is attached (Attachment 5).

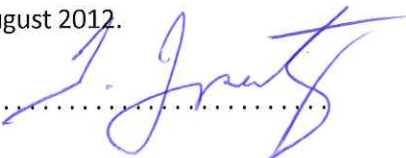
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I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Signed 

Lynette Catherine McKenzie

Taken and declared before me, at Brisbane this 22nd day of August 2012.

Witness..... 

~~Solicitor/Barrister/Justice of the Peace/Commission~~
~~for Declarations~~

State and Territory Legislative and Policy requirements for Reporting Harm

	Sexual harm			Other harm		
	Staff	Non-staff		Staff	Non-staff	
		volunteers	contractor		volunteer	contractor
ACT	✓	✓	✗	✓	✓	✗
	✓	✓	✓	✓	✓	✓
NSW	✓	✗	✗	✓	✗	✗
	✓	✓	✗	✓	✓	✗
NT	✓	✓	✓	✓	✓	✓
	✓	✓	✓	✓	✓	✓
QLD	✓	✗	✗	✗	✗	✗
	✓	✓	✓	✓	✓	✓
SA	✓	✓	✗	✓	✓	✗
	✓	✓	✗	✓	✓	✗
VIC	✓	✗	✗	✓	✗	✗
	✓	✗	✗	✓	✗	✗
WA	✓	✗	✗	✗	✗	✗
	✓	✓	✗	✓	✓	✗
TAS	✓	✓	✓	✓	✓	✓
	✓	✓	✓	✓	✓	✓

Legislation
Policy

AUSTRALIAN CAPITAL TERRITORY

Type of Harm	Who is mandated to report?	Relevant Legislation / Relevant Policy	Who are reports made to?
<p>L E G I S L A T I O N</p> <p>Sexual and non-accidental physical harm that has or is occurring.</p> <p>A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid)</p>	<p>Staff and non-staff</p> <p>A mandatory reporter is a person who is: a doctor; a dentist; a nurse; an enrolled nurse; a midwife; a teacher at a school; a person providing education to a child or young person who is registered, or provisionally registered, for home education under the <i>Education Act 2004</i>; a police officer; a person employed to counsel children or young people at a school; a person caring for a child at a child care centre; a person coordinating or monitoring home-based care for a family day care scheme proprietor; a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families; the public advocate; an official visitor; a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation as an unpaid volunteer.</p>	<p>Section 356 of the <i>Children and Young People Act 2008</i></p>	<p>Chief Executive (Office for Children, Youth, Family Support)</p>
<p>P O L I C Y</p> <p>Sexual and non-sexual Sexual abuse Non-accidental physical injury Emotional abuse neglect</p>	<p>Staff and non-staff</p> <p>Mandatory reporters (as defined above) and</p> <p>Required reporters: anyone who is employed or contracted by the Department and is not a mandated reporter, and</p> <p>Visitors: visitors in schools include people from wider community, including the international community, who provide services directly to students or in support of students, through an employing or sponsoring organisation or as volunteers</p>	<p>Child Protection and Reporting child Abuse and Neglect in ACT Public Schools.</p> <p>Department staff and visitors who consider the risk of harm for a child or young person to require immediate police attention should ring emergency services (000).</p> <p>Mandated and required reporters must report any belief on reasonable grounds that the child or young person has experienced or is experiencing sexual abuse and/or non-accidental physical injury.</p>	<p>Office for Children, Youth, Family Support</p>
Section 356 of the <i>Children and Young People Act 2008</i>			
Section 356 Offence – mandatory reporting of abuse			

- (1) a person commits an offence if –
- the person is a mandated reporter; and
 - the person is an adult; and
 - the person believes on reasonable grounds that a child or young person has experienced, or is experiencing
 - sexual abuse; or
 - non-accidental physical injury; and
 - the person's reason for the belief arise from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid); and
 - the person does not, as soon as practicable after forming the belief, report (a *mandatory report*) to the chief executive –
 - the child or young person's name or description; and
 - the reasons for the person's belief.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

NEW SOUTH WALES

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N Sexual and non-sexual harm Physical abuse Sexual abuse Emotional/ Psychological abuse Neglect Exposure to family violence Risk of significant harm caused by a range of concerns: <ul style="list-style-type: none"> • sexual abuse • psychological harm • relinquishing care • parent/carer substance abuse • parent/carer mental health • parent/carer domestic violence • neglect, in relation to: <ul style="list-style-type: none"> -- supervision -- physical shelter/environment -- food -- medical care -- mental health care -- education • an unborn child. 	Staff	A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children; and a person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children	Sections 23 and 27 of the <i>Children and Young Persons (Care And Protection) Act 1998</i> .	Department of Community Services
P	Sexual and non-sexual harm	Staff and non-staff (volunteers)	Protecting and Supporting Child and Young People Policy & Allegations against Employees in the Area of Child	Department of Community Services

O L I C Y	All harm types and risk of significant harm.	All departmental employees, including those in state offices, schools, TAFE NSW, Adult Migrant English Service, Adult and community Education, volunteer workers in DET and State Training Services. All staff have an obligation to advise the principal or workplace manager of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work. The policy also states that the principal has an obligation to ensure that all staff are aware of their mandatory obligation to report suspected risk of significant harm.	Protection Staff use the Keep Them Safe mandatory reporting tools as a framework for reporting harm and risk of harm.	Staff report any risk of significant harm concerns to the principal or workplace manager, and the principal or workplace manager reports those concerns to Community Services, or staff report directly to Community Services if they believe the principal or workplace manager has not reported risk of significant harm concerns to Community Services, and they still have concerns about risk of significant harm
Sections 23 and 27 of the Children and Young Persons (Care And Protection) Act 1998				
<p><u>Section 23 Child or young person at risk of significant harm</u></p> <p>(1) For the purposes of this Part and Part 3, a child or young person is "at risk of significant harm" if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:</p> <p>(a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,</p> <p>(b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,</p> <p>(b1) in the case of a child or young person who is required to attend school in accordance with the <i>Education Act 1990</i> -the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,</p> <p>(c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,</p> <p>(d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,</p> <p>(e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,</p> <p>(f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.</p> <p>Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.</p> <p>(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.</p>				
<p><u>Section 27 Mandatory reporting</u></p> <p>(1) This section applies to:</p> <p>(a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and</p> <p>(b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.</p> <p>(2) If:</p> <p>(a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of significant harm, and</p> <p>(b) those grounds arise during the course of or from the person's work,</p> <p>it is the duty of the person to report, as soon as practicable, to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.</p>				

NORTHERN TERRITORY

Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
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	Type of harm reported			
L E G I S L A T I O N	Sexual and non- sexual harm. Physical, psychological or emotional abuse or neglect of the child; Sexual abuse or other exploitation of the child; Exposure of the child to physical violence.	Staff and non-staff (volunteers) Any person with reasonable grounds is a mandatory reporter.	Sections 15 and 26 of the <i>Care and Protection of Children Act 2007</i>	CEO or a police officer (Department of Health and Families)
P O L I C Y	Sexual and non- sexual harm. Physical, psychological or emotional abuse or neglect, sexual abuse or exploitation of the child.	Staff and non-staff (volunteers) Requires all school and state based education staff to report all types of harm, risk of and occurring harm. Staff and non-staff (volunteers) make reports directly to a centralised joint Child Protection and Police intake line. Staff and non-staff (volunteers) can consult with the school counsellor or student services to determine reporting applicability. Protocols are currently being written into the policy to give direction around best practice of informing principals of referrals of harm.	Policy is currently in development and is yet to be approved. Not yet publicly available. (information source: Melinda Hazel, Professional supervisor school counsellor service, Department of Health and Families)	Department of Health and Families and Police.
Sections 15 and 26 of the <i>Care and Protection of Children Act 2007</i>				
<u>Section 15 Harm to a child</u>				
(1) Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on: (a) the physical, psychological or emotional wellbeing of the child; or (b) the physical, psychological or emotional development of the child (2) Without limiting subsection (1), harm can be caused by the following: (a) physical, psychological or emotional abuse or neglect of the child; (b) sexual abuse or other exploitation of the child; (c) exposure of the child to physical violence				
<u>Section 26 Reporting obligations</u>				
(1) A person is guilty of an offence if the person: (a) believes, on reasonable grounds, any of the following: (i) a child has suffered or is likely to suffer harm or exploitation; (ii) a child aged less than 14 years has been or is likely to be a victim of a sexual offence; (iii) a child has been or is likely to be a victim of an offence against section 128 of the Criminal Code; and				

(b) does not, as soon as possible after forming that belief, report (orally or in writing) to the CEO or a police officer;

(i) that belief; and

(ii) any knowledge of the person forming the grounds for that belief; and

(iii) any factual circumstances on which that knowledge is based.

Maximum penalty: 200 penalty units.

QUEENSLAND

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual harm Sexual abuse of a student under 18 years by an employee. (employee is defined to mean a person engaged to carry out work at the school for financial reward)	Staff A staff member of a state or non state-school	Sections 365 and 366 of the Education (General Provisions) Act 2006	Principal or Principals supervisor; Principal or Director school's governing body
P O L I C Y	Sexual and non-sexual harm. physical abuse psychological or emotional abuse neglect sexual abuse or exploitation substance abuse or self-harm.	Staff and non-staff (volunteers & contractors) This policy applies to all Education Queensland employees including school staff members as well as district, regional and central office personnel. It also includes other employees of State schools, that is, non departmental employees working in a school context (such as Youth Support Coordinators, School-Based Youth Health Nurses and Chaplains), volunteers and regular or on-going visitors to the school. Relevant contexts include escorting students on camps, excursions, educational programs external to a school including a TAFE college and tours within or outside Australia. Employee of a state school means any person engaged to carry out work at the school for financial reward (includes paid employees of P&C, contractors on school premises, etc)	Student Protection Policy Principals discuss employees' suspicions with them and decide if they reasonably suspect the student has been harmed or is at risk of harm, or an unborn child may be at risk of harm. To reasonably suspect means the principal suspects on grounds that are reasonable in the circumstances. If the principal decides that he/she reasonably suspects the student has been harmed or is at risk of harm, or an unborn child may be at risk of harm, the employee is required to complete SP4; Report of Suspected Harm or Risk of Harm, have it counter-signed by the principal, and forward it to the Department of Communities (Child Safety Services) and Queensland Police Service as a matter of urgency. Every employee, student, parent or member of the public has the right to make a voluntary report directly to the Department of Communities (Child Safety Services) or Queensland Police Service, if they suspect that a child or young person is being harmed or is at risk of harm; or an unborn child may be at risk of harm after being born.	Department of Communities (Child Safety Services) or Queensland Police Service

Sections 365 and 366 of the Education (General Provisions) Act 2006

365 Obligation to report sexual abuse of person under 18 years at 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.
- Maximum penalty--20 penalty units.
- (3) A regulation may prescribe the particulars the report must include.
- (4) A State school's principal or a principal's supervisor must immediately give a copy of a report given to the principal or supervisor under subsection (2) to a person nominated by the chief executive for the purpose (the chief executive's nominee).
- Maximum penalty--20 penalty units.
- (5) The chief executive's nominee must immediately give a copy of a report given to the nominee under subsection (4) to a police officer.
- Maximum penalty--20 penalty units.
- (6) A person who makes a report under subsection (2), or gives a copy of a report under subsection (4) or (5), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.
- (7) Without limiting subsection (6)--
 - (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
 - (b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice--the person does not contravene the requirement by giving the information.

366 Obligation to report sexual abuse of person under 18 years at non-State school

- (1) Subsection (2) applies if a staff member of a non-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 a director of the school's governing body--
 - (a) immediately; and
 - (b) if a regulation is in force under subsection (3), as provided under the regulation.
- Maximum penalty--20 penalty units.
- (3) A regulation may prescribe the particulars the report must include.
- (4) A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.
- Maximum penalty--20 penalty units.
- (5) A person who makes a report under subsection (2), or gives a copy of a report under subsection (4), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.
- (6) Without limiting subsection (5)--
 - (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
 - (b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice--the person does not contravene the requirement by giving the information.
- (7) In this section--
 - director, of a non-State school's governing body, means--
 - (a) if the governing body is a company under the Corporations Act--a person appointed as a director of the governing body; or
 - (b) otherwise--a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.

SOUTH AUSTRALIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual and non-sexual harm Physical abuse Sexual abuse Emotional/psychological abuse Neglect	Staff and non staff Mandatory reports are: doctors; pharmacists; registered or enrolled nurses; dentists; psychologists; police officers; community corrections officers; social workers; teachers; family day care providers; employees/volunteers in a government department, agency or instrumentality, or a local government or non-government agency that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children; ministers of religion (with the exception of disclosures made in the confessional); employees or volunteers in religious or spiritual organisations	Section 11 of the <i>Children's Protection Act 1993</i>	Department for Families and Communities
P O L I C Y	Sexual and non-sexual All harm types, risk of and occurring harm.	Staff and non-staff (volunteers) Mandatory training "Responding to Abuse and Neglect Training" is provided to all staff and non-staff (volunteers). The training details obligations to report harm, early intervention pre-reporting options, support and resources. All staff and non-staff (volunteers) are required to attend the full day training which explains their obligations under the legislation to report all harm types, occurring harm and risk of harm.	Child Protection: responding to abuse and neglect DECS staff and volunteers are required to notify the Department for Families & Communities, through the Child Abuse Report Line (131478) if they suspect on reasonable grounds that a child has been or is being abused or neglected. This responsibility is part of the broad duty of care that staff and volunteers have towards the safety and wellbeing of children and young people.	Department for Families & Communities
Section 11 of the Children's Protection Act 1993				
<p>Section 11—Notification of abuse or neglect</p> <p>(1) If—</p> <p>(a) a person to whom this section applies suspects on reasonable grounds that a child has been or is being abused or neglected; and</p> <p>(b) the suspicion is formed in the course of the person's work (whether paid or voluntary) or of carrying out official duties,</p> <p>the person must notify the Department of that suspicion as soon as practicable after he or she forms the suspicion.</p> <p>Maximum penalty: \$10 000.</p> <p>(2) This section applies to the following persons:</p> <p>(a) a medical practitioner;</p> <p>(ab) a pharmacist;</p> <p>(b) a registered or enrolled nurse;</p>				

<p>(c) a dentist;</p> <p>(d) a psychologist;</p> <p>(e) a police officer;</p> <p>(f) a community corrections officer (an officer or employee of an administrative unit of the Public Service whose duties include the supervision of young or adult offenders in the community);</p> <p>(g) a social worker;</p> <p>(ga) a minister of religion;</p> <p>(gb) a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes;</p> <p>(h) a teacher in an educational institution (including a kindergarten);</p> <p>(i) an approved family day care provider;</p> <p>(j) any other person who is an employee of, or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who—</p> <p>(i) is engaged in the actual delivery of those services to children; or</p> <p>(ii) holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.</p> <p>(3) A notification under this section must be accompanied by a statement of the observations, information and opinions on which the suspicion is based.</p> <p>(4) This section does not require a priest or other minister of religion to divulge information communicated in the course of a confession made in accordance with the rules and usages of the relevant religion.</p> <p>(5) A person does not necessarily exhaust his or her duty of care to a child by giving a notification under this section.</p> <p>(6) A person must not threaten or intimidate, or cause damage, loss or disadvantage to, a person to whom this section applies because the person has discharged, or proposes to discharge, his or her duty under subsection (1).</p> <p>Maximum penalty: \$10 000.</p>
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VICTORIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	<p>Sexual harm and non-sexual physical harm</p> <p>Physical abuse</p> <p>Sexual abuse</p> <p>Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162 (c) or 162 (d) formed in the course of practising his or her office, position or employment</p>	<p>Staff</p> <p>The following professionals are prescribed as mandatory reporters under section 182 of the <i>Children Youth and Families Act 2005</i>:</p> <p>Mandatory notifiers are: registered medical practitioners; registered nurses; a person registered as a teacher under the Education Training and Reform Act 2006 or teachers granted permission to teach under that Act; principals of government or non-government schools, and members of the police force.</p>	Sections 182(1) a-e, 184 and 162 c-d of the <i>Children, Youth and Families Act 2005</i>	Secretary (Department of Human Services, Children, Youth and Families)
P O L I C Y	All harm types which there has been formed a belief based on reasonable grounds. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or	<p>In congruence with the legislation, the policy identifies the following professional groups as mandatory reporters.</p> <ul style="list-style-type: none"> • primary and secondary school teachers and principals (including students in training to become teachers) • registered medical practitioners (including 	Protecting the safety and wellbeing of children and young people: a joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools	Child FIRST (Child and Family Information, Referral and Support Team) for Significant concerns

<p>young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p>psychiatrists)</p> <ul style="list-style-type: none"> nurses (including school nurses) police. <p>The policy makes the following mention of non mandated reporters</p> <p>Section 183 of the CYFA states that any person who believes on reasonable grounds that a child is in need of protection may report their concerns to Child Protection. This means that any person, including non-mandated licensed children's services or school staff, is able to make a report to Child Protection when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.</p>	<p>and young people in Victorian schools and licensed children's services.</p> <p><i>Protecting the Safety and Wellbeing of Children and Young People</i> defines the respective roles and responsibilities of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, licensed children's services and Victorian schools in working together to protect children and young people from abuse and neglect.</p> <p>The protocol provides information for licensed children's services and Victorian schools to take appropriate action when it is believed that a child has suffered harm, or is likely to suffer harm, through abuse or neglect.</p>	
<p>Sections 162 c-d 182(1) a-e, 183 and 184 of the Children, Youth and Families Act 2005</p>			
<p><u>Section 162 When is a child in need of protection?</u></p> <p>(1) For the purposes of this Act a <u>child</u> is in need of protection if any of the following grounds exist-</p> <p>(c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;</p> <p>(d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the <u>child</u> from harm of that type;</p>			
<p><u>Section 182 Who is a mandatory reporter?</u></p> <p>(1) The following <u>persons</u> are mandatory reporters for the purposes of this Act-</p> <p>(a) a registered medical practitioner;</p> <p>(b) a nurse registered under the Health Professions Registration Act 2005;</p> <p>(c) a <u>person</u> who is registered as a teacher under the <u>Education and Training Reform Act 2006</u> or has been granted permission to teach under that Act;</p> <p>(d) the principal of a Government school or a non-Government school within the meaning of the <u>Education and Training Reform Act 2006</u>;</p> <p>(e) a member of the police force;</p>			
<p><u>Section 184 Mandatory reporting</u></p> <p>(1) A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection on a ground referred to in section 162(c) or 162(d) must report to the Secretary that belief and the reasonable grounds for it as soon as practicable—</p>			

(a) after forming the belief, and
 (b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.
 Penalty: 10 penalty units.

Section 183 Report to protective intervener

Any person who believes on reasonable grounds that a child is in need of protection may report to a protective intervener that belief and the reasonable grounds for it.

WESTERN AUSTRALIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual harm Sexual abuse Belief on reasonable grounds that sexual abuse has occurred or is occurring.	Staff Mandatory reporters for sexual abuse are; Doctors; nurses and midwives; teachers and police officers. Mandatory reporting only applies when a teacher is working in their role as a teacher either in a paid or voluntary capacity. If a belief of sexual abuse is formed outside of working hours. When not working as a teacher, then there is no legal requirement to report. However, as a concerned citizen, a report can be made voluntarily.	Section 124B of the <i>Children and Community Services Act 2004</i>	CEO or a person approved by the CEO (Department for Child Protection)
P O L I C Y	Sexual and non-sexual harm. Physical, psychological, emotional abuse or neglect.	Staff and non-staff (volunteers) The policy applies to all departmental staff including those who: <ul style="list-style-type: none"> - work in public schools; - provide educational programs off school sites; or - work in support roles in district education offices or Central Office where they may have contact with children 	Child Protection Policy Teachers must report a belief formed on reasonable grounds of child sexual abuse that occurred on or after 1 January 2009 to the Mandatory Reporting Service (MRS) of DCP in accordance with the <i>Children and Community Services Act 2004</i> . Sexual abuse that occurred before 1 January 2009 is not a mandatory report but must be reported to the principal. Non-teaching staff must advise the principal (verbally or in writing) of concerns regarding possible sexual abuse. All staff must report concern relating to sexual, physical, psychological, emotional abuse or neglect that arise during school activity.	Principal and principal forwards concerns to Department for Child Protection.
Section 124 B of the <i>Children and Community Services Act 2004</i>				

Section 124B Matters concerning sexual abuse of children to be reported by certain persons

- (1) A person who —
- is a doctor, nurse, midwife, police officer or teacher; and
 - believes on reasonable grounds that a child —
 - has been the subject of sexual abuse that occurred on or after commencement day; or
 - is the subject of ongoing sexual abuse; and
 - forms the belief —
 - in the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer or teacher; and
 - on or after commencement day, must report the belief as soon as practicable after forming the belief.
- Penalty: \$6 000.
- (2) For the purposes of subsection (1) the report must be made to —
- the CEO; or
 - a person approved by the CEO; or
 - a person who is a member of a class of persons approved by the CEO.
- (3) In a prosecution for an offence under subsection (1) it is a defence for the person charged to prove that he or she honestly and reasonably believed that —
- all of the reasonable grounds for his or her belief were the subject of a report made by another person; or
 - the CEO had caused, or was causing, inquiries to be made under section 31 about the child's wellbeing; or
 - the CEO had taken, or was taking, action under section 32 in respect of the child's wellbeing.
- (4) A requirement that a person has under subsection (1) is in addition to, and does not affect, any other function that the person has in respect of the child in the course of the person's work as a doctor, nurse, midwife, police officer or teacher.

TASMANIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
LEGISLATION	<p>Sexual and non-sexual harm</p> <p>Physical abuse</p> <p>Sexual abuse</p> <p>Emotional/psychological abuse</p> <p>Neglect</p> <p>Exposure to family violence</p> <p>A belief, suspicion, reasonable grounds or knowledge that: a child has been or is being abused or neglected or is an affected child</p> <p>or</p> <p>there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides.</p>	<p>Staff and non-staff (volunteers)</p> <p>Registered medical practitioners; nurses; dentists, dental therapists or dental hygienists; registered psychologists; police officers; probation officers; principals and teachers in any educational institution; persons who provide child care or a child care service for fee or reward; persons concerned in the management of a child care service licensed under the Child Care Act 2001; any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education and child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons</p>	<p>Sections 13 and 14 of the <i>Children, Young Persons and Their Families Act 1997</i></p> <p>Section 38 Family Violence Act 2004</p>	<p>Secretary or a Community-Based Intake Service</p>
	Sexual and non-sexual	Staff and non-staff (volunteers)	Mandatory Reporters of Child Abuse: Child	Child Protection Advice and Referral Service

<p>POLICY</p> <p>There is no specific policy developed for reporting harm. There is a "child protection information sheet" which details the responsibilities of reporting harm of children.</p>	<p>Since 2000 it has been mandatory for all school staff to report known or suspected cases of child abuse to Child Protection. The purpose of mandatory reporting is to develop a community where reporting is expected from everyone and where discretion about reporting is not based on personal choices. If a school staff member believes, knows or suspects that a student is being abused or neglected, they must notify the Child Protection Advice and Referral Service (CPAARS)</p>	<p>Protection Information Sheet.</p> <p>Developed in consultation with the Department of Education, Department of Health and Human Services and other government and community services that work with children, young people and families (June 2005).</p>	<p>(CPAARS)</p>
<p>Sections 13 and 14 of the Children, Young Persons and Their Families Act 1997</p>			
<p>Section 13 Responsibility to prevent abuse or neglect or certain behaviour</p> <p>(1) An adult who knows, or believes or suspects on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.</p> <p>(1A) If while a woman is pregnant, an adult knows, or believes or suspects on reasonable grounds, that the child of that pregnancy once born –</p> <p>(a) is reasonably likely to suffer abuse or neglect; or</p> <p>(b) is reasonably likely to require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child –</p> <p>that adult has a responsibility to take steps to prevent the occurrence of that abuse or neglect or that behaviour.</p> <p>(2) One step the adult may take to prevent the occurrence of abuse or neglect of a child, or behaviour referred to in subsection (1A)(b), is to inform the Secretary or a Community-Based Intake Service of –</p> <p>(a) his or her knowledge, belief or suspicion; and</p> <p>(b) the basis of that knowledge, belief or suspicion.</p>			
<p>Section 14 Informing of concern about abuse or neglect or certain behaviour</p> <p>(1) In this section, "prescribed person" means –</p> <p>(a) a medical practitioner; and</p> <p>(b) a registered nurse or enrolled nurse; and</p> <p>(ba) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession; and</p> <p>(c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist; and</p> <p>(d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and</p> <p>(e) a police officer; and</p> <p>(f)</p> <p>(g) a probation officer appointed or employed under section 5 of the Corrections Act 1997; and</p> <p>(h) a principal and a teacher in any educational institution (including a kindergarten); and</p> <p>(i) a person who provides child care, or a child care service, for fee or reward; and</p> <p>(j) a person concerned in the management of a child care service licensed under the Child Care Act 2001; and</p> <p>(k) any other person who is employed or engaged as an employee for, or in, or who is a volunteer in –</p> <p>(i) a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children; and</p> <p>(ii) an organisation that receives any funding from the Crown for the provision of such services; and</p> <p>(l) any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.</p> <p>(2) If a prescribed person, in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows –</p> <p>(a) that a child has been or is being abused or neglected or is an affected child within the meaning of the Family Violence Act 2004; or</p> <p>(b) that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or</p> <p>(c) while a woman is pregnant, that there is a reasonable likelihood that after the birth of the child –</p> <p>(i) the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside; or</p>			

(ii) the child will require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child – the prescribed person must inform the Secretary or a Community-Based Intake Service of that belief, suspicion or knowledge as soon as practicable after he or she forms the belief or suspicion or gains the knowledge.

Penalty:

Fine not exceeding 20 penalty units.

(3) Whether a person informs the Secretary or a Community-Based Intake Service under subsection (2) verbally or in writing, the person must include in the information a statement of the observations, information, opinions and other grounds upon which the belief, suspicion or knowledge is based.

(4) For the purposes of this section, the Secretary may issue or approve guidelines relating to the manner in which a person may inform the Secretary or a Community-Based Intake Service under subsection (2).

(5) Without limiting the matters and procedures that may be included in the guidelines, the guidelines may provide that a person may inform the Secretary or a Community-Based Intake Service under subsection (2) by following the procedure set out in the guidelines or by informing another person for or with whom the person works.

(6) It is a defence to a charge for an offence against subsection (2) –

(a) if the person charged can prove that he or she honestly and reasonably believed that the Secretary or a Community-Based Intake Service had been informed of all the reasonable grounds on which his or her belief, suspicion or knowledge was based by another person; or

(b) if the person charged has complied with guidelines issued under subsection (4) that apply to him or her in respect of the organisation, body or other person for whom or in which the person works.

Family Violence Act 2004

Section 38 Informing of concern about family violence

(1) In this section –

"prescribed person" means –

(a) a medical practitioner; and

(b) a registered nurse or enrolled nurse; and

(ba) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession; and

(c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist; and

(d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and

(e) a police officer; and

(f) a correctional officer or probation officer appointed or employed under section 5 of the Corrections Act 1997; and

(g) a principal or a teacher in any educational institution (including a kindergarten); and

(h) a person who provides child care, or a child care service, for fee or reward; and

(i) a person concerned in the management of a child care service licensed under the Child Care Act 2001; and

(j) any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

(2) If a prescribed person, in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows, that family violence involving the use of a weapon, sexual violence or physical violence, or where a child is affected, has occurred or is likely to occur, the prescribed person must inform a police officer as soon as practicable.

Penalty:

Fine not exceeding 20 penalty units.

(3) Whether a person informs a police officer under subsection (2) verbally or in writing, the person must include in the information his or her name and address and a statement of the observations, information, opinions and other grounds upon which the belief, suspicion or knowledge is based.

(4) It is a defence in proceedings for an offence under subsection (2) if the person charged establishes that he or she honestly and reasonably believed that a police officer had been informed by another person of the relevant belief, suspicion or knowledge.

Attachment 2: Characteristics of students in out-of-home care

Table 1 provides data on significant characteristics of students in out-of-home care.

Table 1: Number and percentage of students in Years 1 – 12 in out-of-home care (a,b) identified as Aboriginal or Torres Strait Islander or who have a verified disability, enrolled in Queensland schools, or who access ESFP.

	State Schools	QCEC	ISQ	Total
Total number of students in out-of-home care enrolled in Queensland schools	3575	353	136	4064
Number of students in out-of-home care identified as Aboriginal and/or Torres Strait Islander	1287	146	32	1465
Percentage of students in out-of-home care identified as Aboriginal and/or Torres Strait Islander	36%	41.4%	23.5%	36%
Number of students in out-of-home care who have a verified disability	871	82	10	963
Percentage of students in out-of-home care who have a verified disability	24.3%	23.2%	7.4%	23.7%
Number of students in out-of-home care who accessed ESFP Funding	2454	305	104	2863
Percentage of students in out-of-home care who accessed ESFP Funding	68.6%	86.4%	76.5%	70.4%

Source: Department of Education and Training

- (a) Includes those students subject to child protection orders ("the court orders") granting custody or guardianship to the Chief Executive of Communities. Does not include students subject to other protective orders, including Court Assessment Orders, interim orders or Child Protection Orders with no custody directive, or that grant custody to persons other than the Director-General.
- (b) QCEC refers to Queensland Catholic Education Commission and ISQ refers to Independent Schools Queensland.

Table 2 provides data for students in Years 1 - 12 in out-of-home care in Queensland schools, who as at the end of Term 2 had a completed ESP, an ESP under development or no ESP.

Table 2: Number and percentage of students in Years 1 – 12 in out-of-home care (a,b) enrolled in Queensland schools with an education support plan.

	State Schools	QCEC	ISQ	Total
Total number of students in out-of-home care enrolled in Queensland schools	3575	353	136	4064
Number of completed ESPs	3026	246	100	3372

Percentage of completed ESPs	84.6%	69.7%	73.5%	82.8%
Number of ESPs under development	333	77	31	441
Percentage of ESPs under development	9.3%	21.8%	22.8%	10.9%
Number of ESPs not commenced	216	30	7	253
Percentage of ESPs not commenced	6%	8.5%	5.1%	6.2%

Source: Department of Education and Training

- (a) Includes those students subject to child protection orders ("the court orders") granting custody or guardianship to the Chief Executive of Communities. Does not include students subject to other protective orders, including Court Assessment Orders, interim orders or Child Protection Orders with no custody directive, or that grant custody to persons other than the Director-General.
- (b) QCEC refers to Queensland Catholic Education Commission and ISQ refers to Independent Schools Queensland.

Overview: Child safety education programs

Attachment 3

Queensland programs				
Organisation	Program title	Audience	Resources	Key themes/messages/concepts
Bravehearts	<i>Ditto's Keep Safe Adventure</i> http://www.bravehearts.org.au/education.ews	P – Year 3	<ul style="list-style-type: none"> • 30 minute Ditto character live performance in schools • Lesson modules (under development) • CD-ROM and instructional booklet • Workshops delivered to parent groups and other community organisations on request 	<ul style="list-style-type: none"> • Yes and no feelings • Warning signs • Private parts • Good and bad secrets • Who to talk to.
Cherbourg State School	<i>Cherbourg Jarjums Safe and Strong</i> (Developed by school 2008-9. Implementation commenced 2010)	P – Year 3 Years 3 – 5 Years 5 – 7	<ul style="list-style-type: none"> • Units with lesson plans covering each theme • Posters • Resources • Worksheets to support lesson delivery. 	<ul style="list-style-type: none"> • My Body (includes public and private parts) • Safety in Cherbourg • Networks and persistence • Dealing with feelings.
Children's Safety Australia	<i>Safe Start</i> (Published 2009. Endorsed by QPS 2010) http://www.childsafety.org.au/	P – Year 3 Years 3 – 5 Years 6 – 7	<ul style="list-style-type: none"> • Teacher information • Lesson plans • Worksheets • Posters, stickers and magnetised postcards (Children's safety kits). 	<ul style="list-style-type: none"> • I am special, so are you • Safety is my right • My body belongs to me • I can get help.
Daniel Morcombe Foundation and Queensland Police Service	<i>Being Safety Smart</i> (Launched 2008) http://www.beingsafetysmart.com.au/BSS/	Years 1 – 3	<ul style="list-style-type: none"> • Online interactive game teaching abuse prevention concepts and strategies. 	<ul style="list-style-type: none"> • Ask parent/carer first • Stick with your buddy • Watch where you are going • Trusted adults • Finding help if you're lost • Knowing and using your codeword • Being safe when out and about • It's ok to shout and tell.

Overview: Child safety education programs

Attachment 3

Organisation	Program title	Audience	Resources	Key themes/messages/concepts
Family Planning Queensland	<i>I Can — Promoting Self Protection posters</i> (Published 2005) http://www.fpq.com.au/publications/teachingAids/i-can-posters.php	Ages 2–5 years	<ul style="list-style-type: none"> • Six posters • Teacher support material • Learning activities • Resources. 	<ul style="list-style-type: none"> • Poster 1: Feelings • Poster 2: Bodies • Poster 3: Touches • Poster 4: Warning signs • Poster 5: Getting help • Poster 6: Feeling safe.
Youth Violence Taskforce (QLD – Queensland and Queensland Police Service)	<i>It's okay to walk away, say no to violence</i> (Under development)	Years 8 – 9	<ul style="list-style-type: none"> • Package in DRAFT ONLY • Two lessons based on a DVD presentation • Lessons to be delivered with Queensland Police Service officers working with teachers • Worksheets and other resources to support lesson delivery • Brochure outlining key messages. 	<ul style="list-style-type: none"> • Violence and its consequences • Underlying conditions that can lead to violence • Situational awareness (seeing and hearing, understanding, thinking and planning) • Communication skills • Environment scenarios.
New South Wales Department of Education and Training	<i>Child Protection Education: Curriculum materials to support teaching and learning in personal development, health and physical education</i> (Published 1997) http://www.curriculumsupport.education.nsw.gov.au/primary/pdhppe/safe/cpe.htm	Years 1 – 2 Years 3 – 4 Years 5 – 6 Years 7 – 8 Years 9 – 10	<ul style="list-style-type: none"> • Teacher support materials • Teaching and learning activities • Resource lists. 	<ul style="list-style-type: none"> • Recognising abuse • Power in relationships • Protective strategies.

	Organisation	Program title	Audience	Resources	Key themes/messages/ concepts
South Australia	South Australian Department of Education and Children's Services	<i>Keeping Safe</i> (Published 2008) http://www.decs.sa.gov.au/curric/files/pages/keepingsafe3_5.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafe10_12.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafe2.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafe6_9.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafe10_12.pdf	Early Years R – Year 2 Years 3 – 5 Years 6 – 9 Years 10 – 12	<ul style="list-style-type: none"> Curriculum materials Available online and in hard copy Support materials for teachers working with students from CALD backgrounds. 	<ul style="list-style-type: none"> The right to be safe Relationships Recognising and reporting abuse Protective strategies.
	Kimberley Aboriginal Medical Services Council Inc.	<i>Protective Behaviours Community Way</i> http://www.healthinfonet.ecu.edu.au/key-resources/promotion-resources?lid=14641	Not identified	<ul style="list-style-type: none"> Six lessons Posters Worksheets. 	<ul style="list-style-type: none"> Theme 1: We all have the right to feel safe all of the time (eg early warning signs, safety, the safety cycle, problem solving) Theme 2: Nothing is so awful that we can't talk with somebody (safety networks).
	Western Australia	<i>Protective Behaviours</i> Access is via WA DET intranet (password protected).	K – Prep Years 1 – 3 Years 4 – 7 Years 8 – 10	<ul style="list-style-type: none"> Curriculum materials Teacher support materials Lesson plans and resources. 	<ul style="list-style-type: none"> Theme 1: We all have the right to feel safe at all time (Warning signs and safety) Theme 2: We can talk with someone about anything no matter what it is (safety networks).

Organisation	Program title	Audience	Resources	Key themes/messages/ concepts
National programs Protective Behaviours Inc	<i>The right to feel safe</i> (Published 1995)	Teachers	<ul style="list-style-type: none">• Train-the-trainer manual.	<ul style="list-style-type: none">• Theme 1: We all have the right to feel safe at all times• Theme 2: Nothing is so awful that we can't talk to someone about it.

Introduction

The Department of Education, Training and Employment is committed to providing Queensland children with the best possible start in life.

The Department's role in early childhood education and care is as:

- (a) a Regulatory Authority under the *Child Care Act 2002 (Qld)* (the Act) and the *Education and Care Services National Law Act 2010* (the National Law); and
- (b) a funder and manager of universal education and care programs and services designed to support development of young children, focusing on early intervention.

Early Childhood Education and Care – an overview

The Office for Early Childhood Education and Care (OECEC) was established within the Department on 1 January 2009. It is responsible for the strategic management and implementation of early years reforms and funds a number of early childhood education and care programs. It is also responsible for the regulation of early childhood education and care services in Queensland. Queensland Government regulates the early childhood education and care sector in both the profit and not-for-profit sectors.

Approximately 2,550 education and care services in Queensland are regulated under a National Quality Framework which was implemented by the *Education and Care Services National Law (Queensland) Act 2011* (National Law). Service types that are in-scope of the National Law include approximately:

- 443 kindergarten services
- 1,362 long day care services
- 93 family day care schemes
- 22 pre-Prep services on state school sites
- 652 outside school hours care services.

The Department administers and regulates the *Child Care Act 2002 (Qld)* (the Act) and the *Education and Care Services National Law Act 2010* (the National Law). The National Law commenced in Queensland on 1 January 2012, by virtue of the *Education and Care Services National Law (Queensland) Act 2011*.

Regulatory activities in Queensland are conducted by the Department of Education and Training and Employment (DETE) through the Office for Early Childhood Education and Care, along with the 13 regional offices across Queensland. Authorised officers within the regions engage directly with ECEC services, while the Office for Early Childhood Education and Care provides training, advice, guidance and support to Authorised officers and the sector. Officers within the regions and the Office have delegated decision making powers under the Act and the National Law including for example, service and provider approvals, waivers, compliance enforcement and assessment and rating of services.

Authorised Officers have direct contact with over 2600 early childhood education and care services as part of their role in licensing, approving, assessing and regulating services.

The primary role of the Regulatory Authority (and its Authorised Officers) is to monitor and enforce compliance with the Act and the National Law. The safety, health and wellbeing of children attending education and care services is paramount.

While personnel within the Regulatory Authority may receive and investigate reports and complaints pertaining to the safety, health and wellbeing of children that arise under the Act and the National Law, any matters that may relate specifically to child protection are immediately referred to responsible agencies with a statutory child protection role (such as the Queensland Police Service's Child Protection Investigation Unit - CPIU).

Training is provided to Authorised Officers to support them in administering the relevant legislation and implementing new procedures and process guidelines. Many Authorised Officers have undertaken good decision-making training with the Queensland Ombudsman, and will undertake administrative investigations training with the Queensland Ombudsman in late 2012.

As the Regulatory Authority, the Department has a number of procedures related to the provision of safe and suitable care of children while in early childhood education and care services. The procedures provide guidance to Authorised Officers on matters such as advising the appropriate statutory authority of matters which involve harm or suspected harm to children.

Responsibilities of approved service providers

Neither the *Child Protection Act 1999 (Qld)*, the *Child Care Act 2002*, nor the National Law require carers, educators or Authorised Officers to mandatorily report child protection concerns to the Department of Communities.

However, early childhood education and care services are required to advise DETE of any harm or serious incident involving a child while they are being provided with education and care.

Under section 81 of the *Child Care Act 2002*, a licensee is required to report 'harm to a child' (while the child was receiving care in a child care service) to the Regulatory Authority, if:

- (a) a child has died or suffered a serious injury, or the licensee becomes aware, or reasonably suspects, that harm has been caused to a child; and
- (b) the death or serious injury happened, or the harm was caused or is suspected to have been caused, while a carer in the service was—
 - (i) providing care to the child (whether or not the care provided to the child was child care); and
 - (ii) providing child care in the course of the service.

In 2011 (from 1 January to 31 December), DETE received 207 reports of harm.

There is no specific requirement under the National Law for an approved provider to report harm as defined under the *Child Care Act 2002*. Under the National Law, approved providers are required to advise the regulatory authority of serious incidents and incidents other than serious incidents (section 174) occurring in the course of being provided with education and care. Serious incidents

are described in the Education and Care Services National Regulations (National Regulations) and include the following:

- the death of a child;
- injury or trauma to, or illness (where attention of a medical practitioner was sought or ought reasonably to have been sought);
- attendance of emergency services was sought, or ought reasonable to have been sought;
- a child was missing or not able to be accounted for;
- a child was taken or removed from the service in a manner that contravenes the Education and Care Services National Regulations; and
- a child was mistakenly locked in or out of part of the premise.

Incidents other than serious incidents (section 174) include: Complaints alleging the safety, health or wellbeing of a child was or is being compromised; and complaints alleging that the National Law has been breached.

Reports and complaints are investigated and compliance action is taken where necessary. Where there is a potential child protection issue, the matter is referred to a statutory child protection authority.

Regulation 84 of the National Regulations requires the Approved Provider of an education and care service to ensure that the nominated supervisor and other staff members at the service who work with children are advised of the existence and application of the current child protection law; and obligations, if any, that they may have under that law. A failure to comply with this requirement may result in the Regulatory Authority issuing a Compliance Direction to the Approved Provider.

In Queensland, the *Commission for Children and Young People and Child Guardian Act 2000* (Commission's Act) requires persons working in child regulated employment to have a positive prescribed notice (blue card) or a positive exemption notice.

As a regulated business under the Commission's Act, each child care service must develop and implement a written risk management strategy to promote the wellbeing of children at the service and to protect them from harm. (*Commission for Children and Young People and Child Guardian Act 2000*, section 172, refers).

Comparison with Interstate and International Models

The National Quality Framework, embodied in the National Law, provides a comprehensive and consistent national approach with respect to regulation of early childhood education and care services. It also introduces the National Quality Standard (NQS), which is intended to promote continuous quality improvement in education and care. The NQS comprises seven quality areas which education and care services are assessed and rated against to determine an overall service rating.

All States and Territories contributed to the development of the National Quality Framework under the National Partnership Agreement on the National Quality Agenda and there has been considerable international interest in the model.

With respect to early intervention and prevention through integrated service delivery, the Queensland Government is at the forefront of innovation. An external evaluation of the Early Years Centre (EYC) initiative is in the final stages of completion. The evaluation indicates that the EYC model demonstrates innovation in service delivery by incorporating the key elements to enhance effective integration: a balance of universal and targeted services, multidisciplinary and integrated delivery, and a mix of centre, satellite, home visiting and outreach services.

Strategies to support children in out of home care

The Queensland Government is committed to *Investing in the Early Years – a National Early Childhood Development Strategy*. One of the reform priorities of the strategy is to improve the service response and outcomes for vulnerable children and their families, building on the *National Framework for Protecting Australia's Children*. Particular attention is given to children with a disability, children at risk of homelessness, some Indigenous children, some children from culturally and linguistically diverse backgrounds, children in jobless families and children in or at risk of entering the child protection system.

In line with the National Early Childhood Development Strategy and National Partnership on Early Childhood Education, the Department is committed to providing universal access to kindergarten programs for all Queensland children in the year prior to Prep. This includes children with diverse needs (e.g., Aboriginal and Torres Strait Islander children, children with a disability and culturally and linguistically diverse background and children in out-of-home care).

Health Care Card holders, including all children in out-of-home care, can access kindergarten programs at low or no cost. Programs are offered through long day care and kindergarten services, which gives parents and carers more choice. The intent of this program is to provide additional financial support to vulnerable children and families to ensure they are not excluded from access.

Activities specifically designed to support children in out-of-home care to participate in kindergarten programs include:

- making foster families aware of the availability and low cost of kindergarten programs for children in their care;
- incorporating information on kindergarten program participation into the Child Safety Practice Manual for officers and the Foster and Kinship Carer Handbook for carers;
- from January 2013, collecting annual data on kindergarten-aged children in out-of-home care participating in kindergarten programs; and
- disseminating information to teachers about the experiences and needs of children in out-of-home care to facilitate their inclusion in kindergarten programs.

International Trends

National and international research suggests that integrated early years services deliver long-lasting benefits for children, families and communities. This approach has been adopted for some time in the United Kingdom with promising outcomes. In line with growing evidence, the Indigenous Early Childhood Development National Partnership Agreement and *Investing in the Early Years: A National Early Childhood Development Strategy* champion delivery of integrated services in the early years.

Indigenous Representation

Participation rates for Aboriginal and Torres Strait Islander (ATSI) children in early childhood education (i.e. kindergarten) programs in Queensland have steadily increased from a baseline of 29% in 2008 to 56% in 2011. The kindergarten participation targets for ATSI children are 78% in 2012 and 95% in 2013.

Many ATSI children remain at risk of missing out on early childhood services, despite having the most to gain from them. Under the Indigenous Early Childhood Development National Partnership Agreement, the Department is overseeing establishment of ten Children and Family Centres (CFCs) in Aboriginal and Torres Strait Islander across the state to deliver integrated early childhood education and care, maternal and child health, and family support services. While all families are welcome to attend the CFCs, the services are designed to be culturally responsive and targeted to Aboriginal and Torres Strait Islander families with children from birth to eight years of age.

Interagency Cooperation

When the Department, as a Regulatory Authority, receives information that may relate to a child protection issue, the Queensland Police Service's CPIU nearest the regional office is notified. The Department of Communities, Workplace Health and Safety Queensland and Commission for Children and Young People and Child Guardian (CCYPCG) may also be notified of the issue (depending on the circumstances).

With respect to its integrated service delivery, the Department has a Memorandum of Understanding with Queensland Health to provide maternal and child health services at its EYCs.

EYCs and CFCs use a multidisciplinary approach to service provision where child health nurses, early childhood educators and family support workers work collaboratively to deliver universal services at the centres and in the community. This approach helps to identify families with issues requiring more specialised support.

EYC and CFC clients requiring more support may be referred to other agencies or helped through integrated case management, where staff across disciplines may work collaboratively with the family.

EYCs and CFCs have developed formal and informal partnerships with a range of local organisations to either deliver services collaboratively or make and receive referrals. In particular the EYCs have developed strong reciprocal relationships with local Aboriginal and Torres Strait Islander organisations.

Local Advisory Committees (LACs), which include representatives from relevant Queensland and Australian Government agencies, have been supporting the establishment of CFCs in each community. The LACs initially advised the Department on matters such as service delivery needs and community consultation, but are now advising lead agency service providers on specific service delivery and implementation matters.

Early Intervention and Prevention Strategies

The Department funds a number of universal early childhood development programs that assist families to support the development of their young children and improve children's ability to participate in and benefit from early childhood education opportunities. These programs contribute

to ensuring children receive the services and support they need to thrive in a home and educational setting.

Integrated early years services funded by the Department include the following.

EYCs and CFCs

The Department funds four EYCs, with associated satellite services (13 communities in total). EYCs are located in communities with high population growth and higher than average numbers of vulnerable families. They provide a range of universal services (such as supported playgroups and health clinics) for families expecting a child and those with children aged up to eight years. They also deliver programs to support access to kindergarten for vulnerable children and families, including pre-kindy early education programs, mobile playgroups and supporting volunteers within culturally and linguistically diverse communities to talk to families about the benefits of kindergarten.

In addition, the Department oversees delivery of ten CFCs in areas with high Aboriginal and/or Torres Strait Islander populations under the Indigenous Early Childhood Development National Partnership Agreement. CFCs are designed to deliver integrated early childhood education and care, maternal and child health, and family support services. The services are designed to be culturally responsive and targeted to Aboriginal and Torres Strait Islander families with children from birth to eight years of age, however all families are welcome to attend the CFCs,

EYCs and CFCs engage with their local communities to attract vulnerable families who may not otherwise access services. Strategies may include mobile and home visiting services as well as the use of brokerage funds. They also provide services to help parents and carers develop the skills they need to support their children's learning and development. Examples include parenting support, cooking and nutrition programs, and drop-in programs that enable parents and carers to develop confidence and build relationships with others in their community.

Multidisciplinary staff in EYCs and CFCs support universal services and observe when families may be experiencing other issues they need help with. Referral and or targeted support is offered with informed consent.

Child and Family Support Hubs

Child and Family Support Hubs (Hub) are multi-functional and highly flexible services focussing on activities for families with young children as a universal entry point, with wrap-around family support services. There are 25 funded Child and Family Support Hubs located across Queensland.

The Hubs deliver a range of integrated child and family support services and may include combinations of parenting education, links to or delivery of early childhood education and care services, family support, child health services, resource libraries, information and referral services and pre-post natal health care.

The type and mix of programs available within the Hubs are intended to meet the needs of young children and their families within their local communities. The focus is to promote the safety and well being of children through the use of prevention and early intervention strategies, to develop networks for families, and to provide family support and parenting education to support parents to achieve the best outcomes for their children.

Child and Family Support (CAFS) Services

DETE funds six CAFS services under its RAATSICC program. These provide family support activities aimed at improving the well-being and resilience of children and families, and may be co-located with a child care centre or Child and Family Hub. CAFS workers do not provide support to families if there is a Child Protection Notification currently being investigated or if a Child Protection Order is in place.

Parenting Support

Parenting and family support are integrated into the suite of services and programs delivered by universal early childhood development programs.

Specifically, the Targeted Parenting Program works alongside four Child and Family Support Hubs to deliver parenting programs with a particular emphasis on supporting Aboriginal and Torres Strait Islander families to promote the development and wellbeing of their children. The Targeted Parenting Program is delivered in Mackay, Pormpuraaw, Aurukun and Mount Morgan.

The non-state education sector, an overview

The non-state sector of education operates to provide primary and secondary education in Queensland. There are 478 operating schools (providing education services to slightly more than 248,000 students). There are 146 governing bodies operating to govern these schools. Governing bodies must be corporations. The number of directors who constitute governing bodies is variable, ranging from one to 17 directors. It is estimated that there are approximately 1,100 directors at the present time.

The number of non-State schools in Queensland and the number of enrolments in those schools are continuing to rise steadily; representing over the last decade an increase of 8.88 per cent in the number of schools and 32.46 per cent in the number of students.

Non-state schools are established and operate in Queensland under the *Education (Accreditation of Non-State Schools) Act 2001* (the "Accreditation Act") and the attendant *Education (Accreditation of Non-State Schools) Regulation 2001* (the "Accreditation Regulation").

The Accreditation Act establishes and provides for the operation of the Non-State Schools Accreditation Board (the "board"). The board is an independent statutory body that provisionally accredits and accredits non-state schools and monitors whether those schools continue to comply with the requirements of the Accreditation Act, including the accreditation criteria prescribed under the Accreditation Regulation and whether the schools' governing bodies continue to be suitable to be governing bodies.

To operate in Queensland a non-state school must be provisionally accredited or accredited under the Accreditation Act by the board.

There is a range of statutory initiatives for the welfare and safety of children which operate in the non-state sector and apply to schools and staff of schools, and school governing bodies and their constituent directors.

A synopsis of the main provisions is now set out. More particulars may be found in the legislation.

Non-state schools must have written process about health and safety of students

The Accreditation Regulation prescribes as an accreditation criterion that all non-state schools must have written processes about the health and safety of its staff and students, that accord with relevant workplace health and safety legislation, and about the appropriate conduct of its staff and students, that accord with legislation applying in the State about the care or protection of children. (Accreditation Regulation, section 10, refers.)

Non-state school's written process must have process for dealing with inappropriate behaviour of staff

The Accreditation Regulation prescribes as an accreditation criterion that each non-state school's written child welfare processes must include a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate. Also the process for reporting inappropriate behaviour must deal with how the information reported to the stated staff member must be dealt with by the stated staff member. (Accreditation Regulation, section 10, refers.)

Requirement to report sexual abuse or suspected sexual abuse of certain students

The *Education (General Provisions) Act 2006* (the "General Provisions Act") requires that if a staff member of a non-State school becomes aware, or reasonably suspects, that a student

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under 18 years, or a person with a disability, attending the school, has been sexually abused by another person, the staff member must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body. The school's principal or governing body's director must immediately give a copy of a written report to a police officer. (General Provisions Act, section 366, refers).

The written report must be given immediately and in a way set out under the *Education (General Provisions) Regulation 2006* (the "General Provisions Regulation"), which prescribes that such a written report must include certain particulars about the person giving the report and the student, and details of the abuse or suspected abuse sexual abuse. (General Provisions Regulation, section 68, refers).

Requirement (not yet commenced) to report likely sexual abuse of certain students

The General Provisions Act has been amended (albeit not yet commenced) to require that if a staff member of a non-State school reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years, or a person with a disability, attending the school, is likely to be sexually abused by another person, the staff member must give a written report about their suspicion to the school's principal or a director of the school's governing body. (General Provisions Act, section 366A, refers).

The written report must be given immediately and in a way set out under the General Provisions Regulation which prescribes (albeit not yet commenced) that such a written report must include certain particulars about the person giving the report and the student, and details of the basis for reasonably suspecting that the student is likely to be sexually abused. (General Provisions Regulation, section 68A, refers).

Directors may delegate their function to receive and report sexual abuse matters

The General Provisions Act gives directors of a non-State school governing body the option of delegating to an appropriately qualified individual a director's function under section 366 or 366A of receiving a written report, and giving a copy of a written report to a police officer, and sets out some of the parameters of any such delegation. (General Provisions Act, section 366B, refers).

Reporting harm, or reasonable suspicion of harm

The Accreditation Regulation prescribes (as an accreditation criterion) that each non-state school must have a written process for the reporting by a school staff member, to the school's principal (or another nominated person) harm, or suspected harm, of a significant nature to a student who, when the harm was caused or is suspected to have been caused, was under 18 years of age.

The principal, or other nominated person, is to report the harm, or suspected harm, to the chief executive officer, or another officer, of the Department of Communities; or an authorised officer under the *Child Protection Act 1999*; or to a police officer. It is irrelevant how the harm is caused. Harm includes self-harm; but does not include the risk of, or likelihood of, harm.

All directors of non-state school governing must have blue card or exemption notice

The Accreditation Act specifies that for the *Commission for Children and Young People and Child Guardian Act 2000*, a person is taken to be a person carrying on a 'regulated business' by being a director of the governing body of a provisionally accredited, or accredited, non-state school. Thus, each director must hold a current positive notice blue card, or (if a police

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officer or registered teacher) a current positive exemption notice. (Accreditation Act, section 15, refers).

The Accreditation Act specifies that, if a director of a non-state school's governing body does not have a current positive notice blue card or, as the case may be, a current positive exemption notice, the board has no option but to decide that the governing body is not suitable to continue to be the school's governing body. (Accreditation Act, section 39, refers).

School must not employ individual as teacher unless person is an approved teacher

The *Education (Queensland College of Teachers) Act 2005* (the "College of Teachers Act") specifies that a non-state school's employing authority must not employ a person as a teacher in a school unless the person is an approved teacher.

The Queensland College of Teachers determines if a person is an approved teacher (which includes a registered teacher or a person who holds a permission to teach). In this regard, the College assesses suitability to teach, and is obliged to have regard to a range of information, including information from the police about criminal history, and other pertinent material held by the College. (College of Teachers Act, sections 11, 12 and 12A, refer).

Certain persons providing voluntary services at non-state schools must have blue card or exemption notice

The *Commission for Children and Young People and Child Guardian Act 2000* requires that each person (except for a parent of a child attending the school, or under the College of Teachers Act, a registered teacher or a person holding a permission to teach) must not provide paid or voluntary services at the school unless the person has, or has applied for, a blue card or exemption notice.

Non-state school employing authority to notify Queensland College of Teachers about certain matters

The College of Teachers Act requires a non-state school's employing authority to notify the Queensland College of Teachers if it commences an investigation into a teacher for alleged harm caused, or likely to be caused, to a student (who is a child) because of the conduct of a teacher at the school. If a school's employing authority commences an investigation into a teacher for alleged harm caused, or likely to be caused, to a student as contemplated by section 76, and the teacher is dismissed or resigns, the employing authority must notify the Queensland College of Teachers. (College of Teachers Act, sections 76 and 77, refer).

Further, if a non-state school's employing authority dismisses a teacher in circumstances that, in the opinion of the employing authority, call into question the teacher's competency to be employed as a teacher (and a section 76 or 77 notice is not required to be given), the employing authority must give the Queensland College of Teachers a copy of the notice of dismissal. (College of Teachers Act, section 78, refers).

Prosecuting authority to notify Queensland College of Teachers about committal, conviction etc.

The College of Teachers Act requires that if a person (who the commissioner of police or the director of public prosecutions reasonably believes is an approved teacher) is committed for trial on an indictable offence, is convicted of the indictable offence, or if the prosecution process ends without a conviction for the indictable offence, the commissioner or director must notify the Queensland College of Teachers of certain details of the matter. (College of Teachers Act, section 80, refers).

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**Non-state school must have risk management strategy to
promote the wellbeing of children at school**

As a regulated business under the *Commission for Children and Young People and Child Guardian Act 2000*, each non-state school must develop and implement a written risk management strategy to promote the wellbeing of children at the school and to protect them from harm. (*Commission for Children and Young People and Child Guardian Act 2000*, section 172, refers).