



RIVERMOUNT COLLEGE

Realising the Potential Within

8.03.01 REPORTING CONCERNS OF HARM AND ABUSE (Child Protection) POLICY

PURPOSE OF POLICY

The purpose of this policy is to provide written processes about-

- a) how the school will respond to harm, or allegations of harm, to students under 18 years; and
- b) the appropriate conduct of the College's staff and students to comply with accreditation requirements.

SCOPE

Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at Rivermount College and includes information about the reporting of harm and abuse.

RESPONSIBILITY

Principal reporting to the Board of Directors

LEGISLATION AND REFERENCES

[Child Protection Act 1999 \(Qld\)](#)
[Child Safe Organisations Act 2024 \(Qld\)](#)
[Criminal Code 1899 \(Qld\)](#) (Sections 229B and 229BC)
[Child Protection Regulation 2023 \(Qld\)](#)
[Education \(General Provisions\) Act 2006 \(Qld\)](#)
[Education \(General Provisions\) Regulation 2017 \(Qld\)](#)
[Education \(Accreditation of Non-State Schools\) Act 2017 \(Qld\)](#)
[Education \(Accreditation of Non-State Schools\) Regulation 2017 \(Qld\)](#)
[Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)
[Working with Children \(Risk Management and Screening\) Regulations 2020 \(Qld\)](#)
[Qld Child Protection Guide](#)

Complaints Handling Policy and Procedure 03.16.01

Student Safety and Wellbeing Policy

Work Health and Safety Policy 08.11.01 for the [Work Health and Safety Act 2011 \(Qld\)](#)

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DEFINITIONS

Harm, as per s9 of the *Child Protection Act 1999*, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

1. It is immaterial how the harm is caused.
2. Harm can be caused by –
 - a) physical, psychological or emotional abuse or neglect; or
 - b) sexual abuse or exploitation.
3. Harm can be caused by –
 - a) a single act, omission or circumstance; or
 - b) a series or combination of acts, omissions or circumstances.
 - c)

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

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

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

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

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

HEALTH AND SAFETY

The College has written policies in place to enable it to comply with the requirements of the *Work Health and Safety Act 2011 (Qld)* and the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*.

RESPONDING TO REPORTS OF HARM

When the College receives any information alleging 'harm'¹ to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can. This is set out in the College's *Child Risk*

¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(7)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this Policy².

CONDUCT OF STAFF AND STUDENTS

All staff, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff, contractors and volunteers must not cause harm to students³.

REPORTING INAPPROPRIATE BEHAVIOUR

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to the Deputy Principal (Ashley Thomas), Heads of Secondary School (Susan Rowe, Matt Lawson) or Head of Primary School (Chris Guy).

The student may also report the behaviour to a:

- a) Classroom Teacher; or
- b) College Counsellor; or
- c) College Nurse; or
- d) the Principal⁴.

Dealing with a Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Principal. The process at Rivermount College is to complete the online form 'Report a Student Safety Concern', found on Teacher Kiosk. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the College's governing body⁵. Reports will be dealt with under the College's *Complaints Handling Policy and Procedure*.

REPORTING SEXUAL ABUSE OR LIKELY SEXUAL ABUSE

Reporting Sexual Abuse⁶

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

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

² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

then the staff member must give a written report about the abuse, or suspected abuse, to the College Principal or to a Director of the College's governing body immediately. The process at Rivermount College is to complete the online form 'Report a Student Safety Concern', found on Teacher Kiosk, which is sent immediately to the Principal. The College Principal or the Director must immediately give a copy of the report to a police officer.

If the first person who becomes aware or reasonably suspects sexual abuse is the College Principal, the Principal must give a written report about the abuse, or suspected abuse, to a police officer immediately and must also immediately give a copy to a College Director.

A report under this section must include the following particulars:

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- d) details of the abuse or suspected abuse;
- e) any of the following information of which the first person is aware:
 - i. the student's age;
 - ii. the identity of the person who has abused, or is suspected to have abused, the student;
 - iii. the identity of anyone else who may have information about the abuse or suspected abuse⁷.

Reporting Likely Sexual Abuse⁸

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

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

then the staff member must give a written report about the suspicion to the College Principal or to a Director of the College's governing body immediately. The process at Rivermount College is to complete the online form 'Report a Student Safety Concern', found on Teacher Kiosk, which is sent immediately to the Principal. The College Principal or the Director must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the College Principal, the Principal must give a written report about the suspicion to a police officer immediately and must also immediately give a copy to a College Director.

⁷ *Education (General Provisions) Regulation 2006 (Qld) s.68*

⁸ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

A report under this section must include the particulars:

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- d) any of the following information of which the first person is aware:
 - i. the student's age;
 - ii. the identity of the person who is suspected to be likely to sexually abuse the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse⁹.

MANDATORY REPORTING OF PHYSICAL AND SEXUAL ABUSE¹⁰

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

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

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

The doctor, nurse, teacher or early childhood education and care professional must give the written report to the Chief Executive of the Department of Families, Seniors, Disability Services and Child Safety (or another department administering the *Child Protection Act 1999*) and should give a copy of the report to the Principal. The process at Rivermount College is to complete the online form 'Report a Student Safety Concern', found on Teacher Kiosk, which is sent immediately to the Principal.

A report under this section must include the following particulars: -

- the basis on which the person has formed the reportable suspicion ¹¹.
- the child's name, age and sex descriptor;
- details of how to contact the child;
- details of the harm to which the reportable suspicion relates;
- particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.¹²

⁹ Education (General Provisions) Regulation 2017 (Qld) s.68A

¹⁰ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)

¹¹ See Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"

¹² See Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"

RESPONSIBILITIES UNDER CRIMINAL CODE ACT 1899 (QLD)

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

Failure to Report¹³

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

Failure to Protect¹⁴

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

AWARENESS

The College will inform staff, students and parents/guardians of its processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website¹⁵.

The College Board of Directors ensures that staff, students and parents/guardians are made aware of the College's child protection processes by way of publishing this policy in the Staff Handbook, Student Handbook, Parent and Student online portals and on the College website.

Staff are aware of the failure to protect offence and understand the need to consider known risks of child sexual offences seriously, and if necessary, to take action on an institutional level to reduce or remove the risk

Staff are aware of their reporting obligations, and that failure to report to police a belief that a sexual offence is or has been committed against a child is an offence.

¹³ *Criminal Code Act 1899 (Qld) s.229BC*

¹⁴ *Criminal Code Act 1899 (Qld) s.229BB*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

ACCESSIBILITY OF PROCESSES

Processes relating to the health, safety and conduct of staff and students are accessible on the College website and will be available on request from the College administration¹⁶.

TRAINING

The College will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁷. The College Board of Directors ensures that all staff are trained in implementing the child protection processes with staff training reports, Staff Handbook acknowledgements and records of PD Day attendance.

All volunteers, tutors and contractors are made aware of child protection reporting responsibilities and processes via annual induction training.

IMPLEMENTING THE PROCESSES

The College will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually¹⁸.

COMPLAINTS PROCEDURE

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College's *Complaints Handling Policy & Procedure*.¹⁹

¹⁶ Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s. 16(4)(b)

¹⁷ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

¹⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s. 16(4)(d)

¹⁹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)