



TOOWOOMBA
GRAMMAR SCHOOL

Reporting Concerns of Harm and Abuse Policy



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Introduction

Toowoomba Grammar School (the “**School**”) is committed to the protection of our students. If you have any questions or concerns regarding child safe standards at our school, please contact the Headmaster on email head@twgs.qld.edu.au or telephone (07) 4687 2525.

Purpose

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

- (a) how the School will respond to harm, or allegations of harm, to students under 18 years; and
- (b) the appropriate conduct of the School’s staff and students

to comply with legal and accreditation requirements.

Scope of Policy

This Policy applies to all students (regardless of age), parents, guardians, and staff (including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at the School) (“**Staff**”), and members of the Board of Trustees of Toowoomba Grammar School (the “**Board**”).

Definitions

Child, as per s8 of the *Child Protection Act 1999*, is an individual under 18 years.

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.
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.

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

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



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

Health and Safety

Toowoomba Grammar School has written processes 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 School 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 – refer to Toowoomba Grammar School Student Safety and Wellbeing Policy. 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 will ensure that their behaviour towards, and relationships with students, reflect proper standards of care for students. Staff, contractors and volunteers must not cause harm to students³.

Reporting Inappropriate Behaviour

If a person considers the behaviour of a staff member, volunteer or adult to be inappropriate, the person should report the behaviour to:

Senior School and Boarding

Name	Position	Contact Number	Email
Barry O'Sullivan	Chairman - Board of Trustees	07 4687 2564	board@twgs.qld.edu.au ⁴
John Kinniburgh	Headmaster	07 4687 2525	head@twgs.qld.edu.au
John Anderson	Deputy Headmaster	07 4687 2503	j.anderson@twgs.qld.edu.au
Mark Oliphant	Head of Senior School	07 4687 2575	m.oliphant@twgs.qld.edu.au
Ken Raven	Head of Junior School	07 4687 2555	k.raven@twgs.qld.edu.au
Nick Byron	Director of Boarding	07 4687 2575	n.byron@twgs.qld.edu.au
Lyle Gothmann	School Counsellor	07 4687 2527	l.gothmann@twgs.qld.edu.au

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)*

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 The Secretary to the Board of Trustees monitors the Board email address and will immediately forward to the Chairman.



Junior School

Name	Position	Contact Number	Email
Barry O’Sullivan	Chairman - Board of Trustees	07 4687 2525	board@twgs.qld.edu.au ⁵
John Kinniburgh	Headmaster	07 4687 2525	head@twgs.qld.edu.au
John Anderson	Deputy Headmaster	07 4687 2503	j.anderson@twgs.qld.edu.au
Ken Raven	Head of Junior School	07 4687 2555	k.raven@twgs.qld.edu.au
Chantelle Bauer	Deputy Head of Junior School (Teaching & Learning)	07 4687 2555	c.bauer@twgs.qld.edu.au
Amanda Hall	Deputy Head of Junior School (Students)	07 4687 2527	a.hall@twgs.qld.edu.au
Lyle Gothmann	School Counsellor	07 4687 2527	l.gothmann@twgs.qld.edu.au

Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Headmaster.

Where the Headmaster is the subject of the report of inappropriate behaviour, the staff member must inform a member of the Board⁶. Reports will be dealt with under the School’s Complaints Handling Policy.

Reporting Sexual Abuse⁷

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

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

then the staff member must give a written report about the abuse or suspected abuse to the Headmaster or to a member of the Board immediately.

The Headmaster or the member of the Board must immediately give a copy of the report to a police officer.

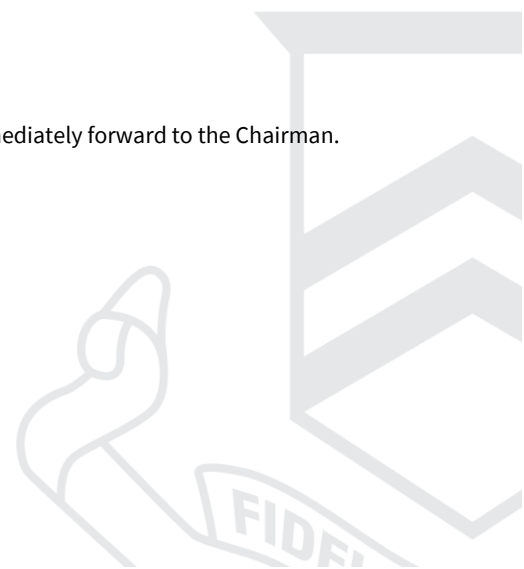
If the first person who becomes aware or reasonably suspects sexual abuse is the School’s Headmaster, the Headmaster must give a written report about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to a member of the Board immediately.

A report under this section must include the following particulars:

⁵ The Secretary to the Board of Trustees monitors the Board email address and will immediately forward to the Chairman.

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

⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*



- 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 abuse⁸.

Reporting Likely Sexual Abuse⁹

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

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

then the staff member must give a written report about the suspicion to the Headmaster or to a member of the Board immediately.

The school's Headmaster or the member of the Board must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the School's Headmaster, the Headmaster must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a member of the Board immediately.

A report under this section must include the following particulars:

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- d) any of the following information of which the first person is aware:
 - i. the student's age;
 - ii. the identity of the person who is suspected to be likely to sexually abuse the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse¹⁰.

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.68*

⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

¹⁰ *Education (General Provisions) Regulation 2017 (Qld) s.69*



Reporting Physical and Sexual Abuse ¹¹

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

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

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

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

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reportable suspicion¹²;
- b) the child's name, age and sex descriptor;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹³.

Contact details of the Child Safety Regional Intake Service - 1300 683 390 for South West / Darling Downs or the After-Hours Service on 1800 177 135 if it's outside business hours (Mon-Fri, 9am-5pm).

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 Report¹⁴

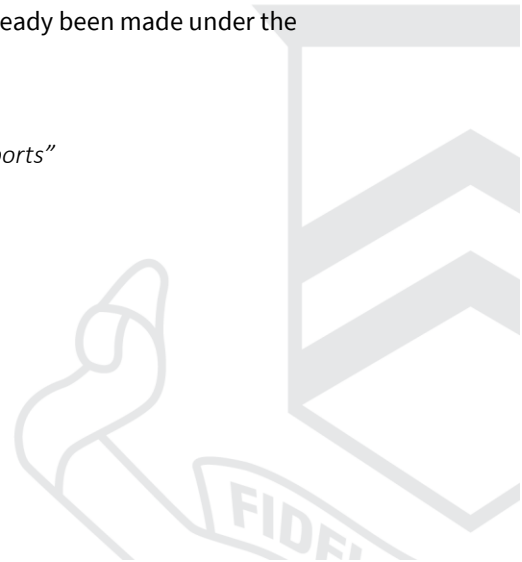
Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the School. A reasonable excuse not to make a report under the *Criminal Code Act 1899* includes that a report has already been made under the

¹¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

¹² *Child Protection Act 1999 s.13G (2)(a)*

¹³ See *Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"*

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



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 Protect¹⁵

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

Awareness

The School will inform Staff, students and parents of its processes relating to the health, safety and conduct of Staff and students in communications to them and it will:

- publish these processes on its website, on the Parent Lounge, in its fortnightly newsletter to parents and guardians and in student diaries and handbooks;
- raise awareness in staff inductions, at all-staff meetings at the commencement of each term and in student assemblies throughout the year;
- make copies available at the main reception areas throughout the School.¹⁶

Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the School website and will be available on request from the school administration¹⁷.

Training

The school will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁸. Annual online training is required of all staff and completion is monitored by the Human Resources Team. All staff undertake an induction process and this is also recorded by the Human Resources Team.

Implementing the Processes

The school will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually¹⁹.

¹⁵ *Criminal Code Act 1899 (Qld) s.229BB*

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

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

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

¹⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*



Complaints Procedure

Suggestions of non-compliance with the School's processes may be submitted as complaints under the Complaints Handling Policy.²⁰

References and Related Documents

- *Child Protection Act 1999 (Qld)*
- *Criminal Code Act 1899 (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)*
- Toowoomba Grammar School Complaints Handling Policy and Procedures
- Toowoomba Grammar School Statement of Commitment to Student Safety and Wellbeing
- Toowoomba Grammar School Student Safety and Wellbeing Policy
- Toowoomba Grammar School Work Health and Safety Policy

Review

Toowoomba Grammar School will review policies, procedures and practices regularly to ensure they remain effective, responsive and appropriate for the community. This includes undertaking periodic audits, self-assessments and reflective practice to identify strengths and opportunities for improvement.

This policy and supporting documents will be reviewed every year by the Deputy Headmaster or earlier if:

- The procedure, processes and arrangements change;
- Application of the policy fails to deliver the required outcomes;
- There are changes in requirements, legislation and standards; or
- An area for improvement is identified and agreed.

²⁰ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*



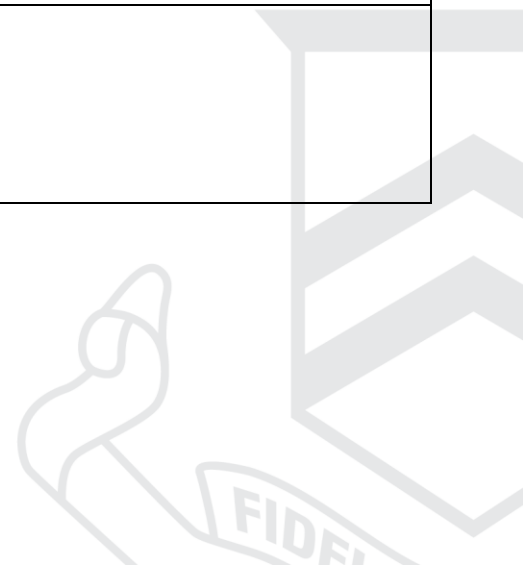
Appendix 1

Notification of Child Safety Concern – Parent/Public Report Form

NB: Should you wish to discuss your concern without completing the form, please call (07) 4687 2525 to speak with the Headmaster. Include information to the extent of your knowledge.

If you are a member of the public, you can report your concern directly to the Department of Families, Seniors, Disability Services and Child Safety . For more information go to their website:
<https://www.families.qld.gov.au/our-work/child-safety> .

SECTION 1: DETAILS OF PERSON MAKING THE NOTIFICATION	
Full name	
Telephone / Email	
SECTION 2: DETAILS OF STUDENT HARMED OR AT RISK OF HARM/ABUSE	
Child's name	
Age	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
Year Level	
Child's Residential Address	
Child's Mobile	
SECTION 3: PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (attach extra pages if necessary)	
Nature of Concern	
Please indicate the identity of anyone else who may have information about the harm or abuse	



SECTION 4: PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE	
<input type="checkbox"/> Adult Family Member <input type="checkbox"/> Child Family Member <input type="checkbox"/> Other Adult <input type="checkbox"/> Student / Other Child <input type="checkbox"/> Unknown	

THIS SECTION IS TO BE COMPLETED BY TOOWOOMBA GRAMMAR SCHOOL STAFF	
Name of Person Receiving Initial Report	
Signature	Date
Name of Headmaster or Headmaster’s Delegate	
Signature	Date

TO ENSURE CONFIDENTIALITY, PLEASE BE SURE TO PRINT TO A LOCAL PRINTER AND NOT TO A PUBLIC PRINTER.

Please email this form to the attention of the Headmaster at head@twgs.qld.edu.au



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FIDELIS IN OMNIBUS



Appendix 2

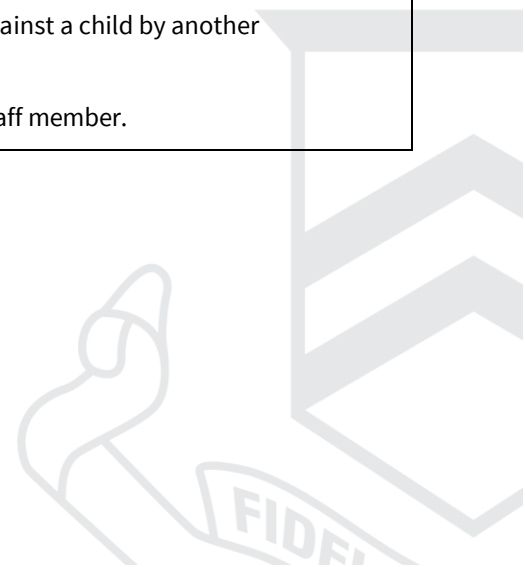
Notification of Child Safety Concern - Staff Reporting Form

This form is for use by all staff when reporting harm, sexual abuse, child sexual offences or inappropriate behaviour. Refer to the Toowoomba Grammar School Reporting Concerns of Harm and Abuse Policy.

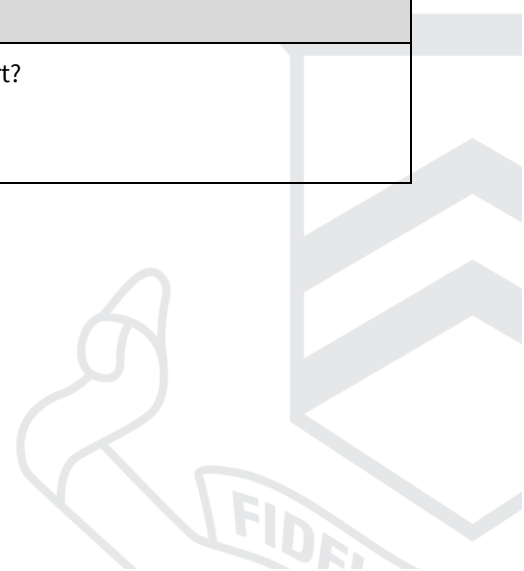
Terms in this form have the meaning given in the School's Reporting Concerns of Harm and Abuse Policy.

Please submit this form to the Headmaster or a school Child Protection Officer.

SECTION 1: DETAILS OF PERSON MAKING REPORT	
Full name	
Position title	
Type of staff member (tick)	<input type="checkbox"/> I am a staff member other than a teacher or registered nurse. <input type="checkbox"/> I am a staff member who is a teacher or registered nurse.
SECTION 2: REASON FOR MAKING REPORT	
Why are you making this report?	<input type="checkbox"/> I have received a report from a student, parent or other Staff member regarding harm or suspected harm to a student. <input type="checkbox"/> I have a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical abuse or sexual abuse, and may not have a parent able and willing to protect them from the harm (a reportable suspicion). <input type="checkbox"/> I do not have a reportable suspicion, but consider that a child is likely to become a "child in need of protection" if no preventative support is given. <input type="checkbox"/> I am aware or reasonably suspect that a student under 18 years has been, or is likely to be, sexually abused by a person. <input type="checkbox"/> I have gained information that causes me to believe on reasonable grounds that a child sexual offence is being or has been committed against a child by another adult at a time when the child is or was under 16 years, or is or was 16 or 17 years with an impairment of mind. <input type="checkbox"/> I have gained information that causes me to believe on reasonable grounds that a child sexual offence is being or has been committed against a child by another student/child. <input type="checkbox"/> I wish to report inappropriate behaviour by another staff member.



SECTION 3: DETAILS OF AFFECTED STUDENT	
Child's name	
Age	
Sex descriptor	
Year / House	
Child's contact details (e.g. address)	
SECTION 4: DETAILS OF ALLEGED HARM, SEXUAL ABUSE, CHILD SEXUAL OFFENCE OR INAPPROPRIATE BEHAVIOUR	
Date(s) of harm, sexual abuse, child sexual offence or inappropriate behaviour	
Person(s) who may have caused the harm or engaged in sexual abuse, child sexual offence or inappropriate behaviour (Name, Age, Year, House etc)	
Details of the harm, sexual abuse, child sexual offence or inappropriate behaviour (include as much information as possible)	
For teachers and registered nurses only: If you have a reportable suspicion, on what basis did you form that suspicion?	
If you are aware of or reasonably suspect sexual abuse or likely sexual abuse, on what basis did you form that awareness or suspicion?	
Are there any other persons who may be able to give information about the harm, sexual abuse, child sexual offence or inappropriate behaviour?	
SECTION 5: ACTIONS TAKEN	
Have you taken any action to date in relation to the matter apart from this report?	



SECTION 6: DATE OF REPORT	
Date report prepared	_____ / _____ / _____
Date submitted to the Headmaster	_____ / _____ / _____



Appendix 3

Report of Suspected Harm or Sexual Abuse to an External Agency

PRIVATE AND CONFIDENTIAL

Date	
School	
School Telephone	
School Email	
School Address	

NB: Should you not want to complete this form, please call (07) 4687 2525 to speak with the Headmaster.

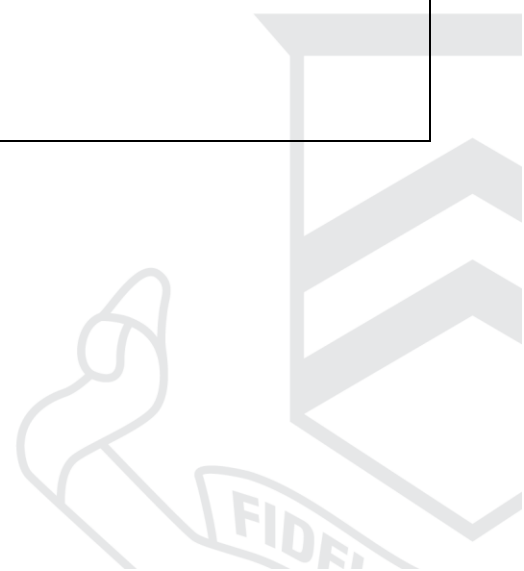
SECTION 1: DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE			
Legal Name		Preferred Name	
DOB		Sex	
Year Level		Cultural Background	
Primary language spoken			
Indigenous Status	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Both Aboriginal and Torres Strait Islander		
Does the student have a disability as defined under the NCCD? <input type="checkbox"/> Yes <input type="checkbox"/> No	Category of Disability <input type="checkbox"/> Physical <input type="checkbox"/> Cognitive <input type="checkbox"/> Sensory <input type="checkbox"/> Social / Emotional		
Student's Residential Address	Telephone		
	Student's Personal Mobile		



SECTION 2: FAMILY DETAILS			
Parent/caregiver 1		Relationship to Student	
Address (if different from student)			
Telephone	(H) (W) (M)		
Parent/caregiver 2		Relationship to Student	
Address (if different from student)			
Telephone	(H) (W) (M)		
Is the student in out of home care?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Are there any Family Court or Domestic Violence orders in place?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	

SECTION 3: PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE
<input type="checkbox"/> Adult Family Member <input type="checkbox"/> Child Family Member <input type="checkbox"/> Other Adult <input type="checkbox"/> Student / Other Child <input type="checkbox"/> Unknown

SECTION 4: PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary)
<p>Details of any harm and/or sexual abuse to the student – Please include:</p> <p>Time and date of the incident; location of the incident, source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.</p>



Please indicate the identity and particulars of anyone else who may have information about the harm or abuse.

Additional information provided as an attachment Yes No

SECTION 5: REPORTING STAFF MEMBER

Name of staff member making report if not the Headmaster		
Position	Signature	Date
Headmaster	Signature	Date
Headmaster's email address		
Response requested by school		

SECTION 6: ACTION TAKEN

Form was emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Families, Seniors, Disability Services and Child Safety
	<input type="checkbox"/>	Family and Child Connect

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)

Confirm receipt of emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.

