



Kutta Mulla Gorinna Inc

REPORTING CONCERNS OF HARM AND ABUSE POLICY

Kutta Mulla Gorinna Inc acknowledges the traditional custodians of country and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the culture and the elders past, present and emerging.

Version 1

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Kutta Mulla Gorinna Inc

POLICIES AND PROCEDURES HANDBOOK

Section:	1 - Student Learning and Welfare	Pages: 7
Item:	Policy – Reporting Concerns of Harm & Abuse	
Policy Owner:	School Board	
Approver:	Board Chairperson	
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Revision Date:		
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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 accreditation requirements.

SCOPE

Students and staff, including full-time, part-time, permanent, fixed term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at Kutta Mulla Gorinna Special Assistance School.

REFERENCES

- [Child Protection Act 1999 \(Qld\)](#)
- [Child Safe Organisations Act 2024 \(Qld\)](#)
- [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 Check Act 2000 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Regulation 2020 \(Qld\)](#)
- [Criminal Code Act 1899 \(sections 229BB and 229BC\)](#)
- Kutta Mulla Gorinna Special Assistance School Complaints Handling Policy
- Kutta Mulla Gorinna Special Assistance School Complaints Handling Procedure
- Kutta Mulla Gorinna Special Assistance School Work Health and Safety Policy
- Kutta Mulla Gorinna Special Assistance School Student Safety and Wellbeing Policy

DEFINITIONS

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

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

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

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

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

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

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

HEALTH AND SAFETY

Kutta Mulla Gorinna Special Assistance School has written processes in place to enable it to comply with the requirements of the *Child Safe Organisations Act 2024 (Qld)*, the *Work Health and Safety Act 2011 (Qld)* and the *Working with Children Check Act 2000 (Qld)*.¹

¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.15*

RESPONDING TO REPORTS OF HARM

When the school receives any information alleging 'harm'² to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can, this may include reporting to Child Safety. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy³.

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 students⁴.

REPORTING INAPPROPRIATE BEHAVIOUR

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

- Andrew Malayta – Student Support Officer; or
- Clarissa Whiting – Teaching & Learning Lead⁵

DEALING WITH REPORT OF INAPPROPRIATE BEHAVIOUR

A staff member who receives a report of inappropriate behaviour must report it to the Head of School. Where the Head of School is the subject of the report of inappropriate behaviour, the staff member must inform a Director of the school's governing body⁶. Reports will be dealt with under the school's Complaints Handling Policy.

REPORTING SEXUAL ABUSE

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

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

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

² *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)*

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(1)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

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

The school's Head of School 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 KMG School's Head of School, the Head of School must give a written report about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to a Director of the school's governing body immediately.

A report under this section must include the following particulars:

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

REPORTING LIKELY SEXUAL ABUSE

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

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

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

The school's Head of School 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 school's Head of School, the Head of School must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a Director of the school's governing body immediately.

A report under this section must include the following particulars:

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;

⁷ *Education (General Provisions) Regulation 2017 (Qld) s.68*

- 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 abuse⁸.

REPORTING PHYSICAL AND SEXUAL ABUSE

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

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

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

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

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reportable suspicion⁹;
- 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 relates¹⁰.

Child Safety Regional Intake Service:

- Business hours are from 9am until 5pm Monday to Friday
- Level 1, 9 Tennyson Street, Mackay, QLD 4740 (07) 4864 1400

Note: a business hours (from 9am to 5pm Monday to Friday) phone number for your Regional Intake Service can be found [here](#). Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone free call 1800 177 135 (Queensland only).

⁸ Education (General Provisions) Regulation 2017 (Qld) s.69

⁹ Child Protection Act 1999 s.13G (2)(a)

¹⁰ 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 Report¹¹

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

Failure to Protect¹²

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 website¹³. All incoming staff receive induction regarding these issues as well as undertaking ISQ's online child protection modules annually.

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 administration¹⁴.

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 annually¹⁵. The school has a register for staff training completed, fortnightly whole school staff meetings agendas and/or meeting records.

¹¹ *Criminal Code Act 1899 (Qld) s.229BC*

¹² *Criminal Code Act 1899 (Qld) s.229BB*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

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

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 annually¹⁶.

COMPLAINTS PROCEDURE

Suggestions of non-compliance with the school's processes may be submitted as complaints under Kutta Mulla Gorinna Special Assistance School complaints handline procedure¹⁷.

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

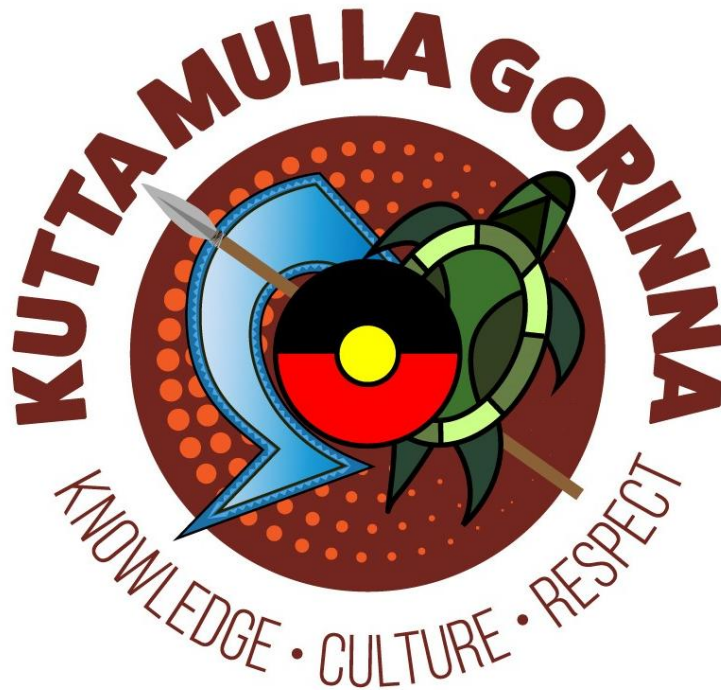
¹⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*

Attachments: Appendix 1 – Summary of Reporting Harm
Appendix 2 - Student Protection Notification

APPENDIX 1 - SUMMARY OF REPORTING HARM

WHO	WHAT ABUSE	TEST	REPORT TO	LEGISLATION
All Employees	Sexual	Awareness or a suspicion sexually abused or likely to be sexually abused	Executive School Director and/or a director of the governing body, through to police immediately	EGPA sections 366 and 366A
Teacher	Sexual and Physical	Significant harm & Parent may not be willing and able	Confer with Executive School Director and/or a director of the governing body, report through to Child Safety	CPA sections 13E and 13G
All Employees	Any	Significant harm & Parent may not be willing and able	Executive School Director and/or a director of the governing body, through to Child Safety	Accreditation Regulation section 16
All Employees	Physical, psychological, emotional, neglect, exploitation	Not a level that is otherwise reportable to Child Safety, refer with consent	Executive School Director and/or a director of the governing body, through to Family and Child Connect	CPA Sections 13B and 159M
Executive School Director	Any	Not a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA Sections 13B and 159M
Employing Authority (Executive School Director/Board)	Harm or likely harm due to the conduct of a teacher	When you start to deal with an allegation & When you finish dealing with an allegation	Queensland College of Teachers	QCT sections 76 and 77
Any member of the public	Any	Significant harm & Parent may not be willing and able	Child Safety	CPA section 13A

<p>Any person over the age of 18 years</p>	<p>A child sexual offence against a child by a person over the age of 18 years</p>	<p>Gains information that causes the person over the age of 18 years to believe on reasonable grounds, or ought reasonably to cause the person over the age of 18 years to believe, that a child sexual offence is being or has been committed and (b) at the relevant time, the child is or was— (i) under 16 years; or (ii) a person with an impairment of the mind.</p>	<p>Police</p>	<p>Criminal Code section 229BC</p>
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Kutta Mulla Gorinna Inc

Student Protection Notification

PRIVATE AND CONFIDENTIAL

REPORT OF SUSPECTED HARM OR SEXUAL ABUSE

Date:	
School:	Kutta Mulla Gorinna School
School Phone:	07 4829 4302
School Email and/ or Fax:	office@kmg.qld.edu.au

DETAILS OF STUDENT/ CHILD HARMED OR AT RISK OF HARM/ ABUSE	
Legal name:	Preferred Name:
DOB:	Gender:
Primary Language Spoken:	
Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/>	
Does the student have a disability verified under an EAP: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Disability Category:	
Student's residential Address:	Phone:
	Student's Personal Mobile:

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

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/ another child	<input type="checkbox"/> Unknown	

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: 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 the student; and 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 of anyone else who may have information about the harm or abuse		
Additional information provided as an attachment	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Name of staff member making report if not the Executive School Director:		
Position:	Signature:	Date:
Executive School Director:	Signature:	Date:
Executive School Director's email address: jgiblett@kmg.qld.edu.au		
Response requested by school: YES <input type="checkbox"/> NO <input type="checkbox"/>		

ACTION TAKEN		
Form was faxed or emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Service (QPS)
	<input type="checkbox"/>	Child Safety Services
	<input type="checkbox"/>	Family and Child Connect

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