

Child Protection in Anglican Education and Care Services Procedures (v1.2)



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1 Introduction

Most children grow up in loving families that care for and nurture them and help them develop into healthy young adults. However, for a small proportion of children, this is not their lived experience. These children grow up in families that face one or more significant social, emotional or financial issues that impact on the family.

Because of their regular contact with children and families and their knowledge of child development, staff in Education and Care Services (ECS) play a vital role in identifying and responding to suspected child abuse, neglect or inappropriate behaviour and helping families access required support services within their local communities.

These procedures support the *Child Protection in Anglican Education and Care Services Policy* (the policy) and provide direction to ECS staff, volunteers and visitors when actioning the policy and their roles and responsibilities.

Throughout the procedures, unless otherwise indicated, the term:

- ECS staff includes the Nominated Supervisor, Director/Coordinator and all other employees;
- Responsible Person may be the Nominated Supervisor, Director/Coordinator or, in their absence, the certified supervisor who has been placed in charge of the ECS; and
- Principal refers to the Principal of a school with an associated ECS; and
- Chair/Executive Officer (EO) refers to the Chair or EO of a Management Committee (non-school based ECS).

Information on other abbreviations, definitions and key terms can be found in Appendix 1.

1.1 Guiding principles

The Approved Provider and ECS staff, volunteers and visitors share in the responsibility to provide a safe and supportive living and learning environment for children. This responsibility is placed on them by the Gospel teachings of Jesus, legislation and policy requirements. The policy and these procedures are based on the following principles.

- Every child has inherent rights, including dignity, privacy, respect and safety.
- Every child also has a right to protection from abuse, neglect and inappropriate behaviour by a staff member or a volunteer.
- The value of the family unit is to be respected but not to the detriment of the best interests of the child.
- In every preventive or protective action, the safety, wellbeing and best interests of the child must be the paramount considerations.
- ECS staff and volunteers have a responsibility to care for children attending the ECS¹, promote their safety and wellbeing and ensure all measures are taken to protect children from harm.
- Harmful acts by a person who has authority over children are a breach of trust and constitute professional misconduct. Any ECS staff member or volunteer who harms a child may face criminal and/or disciplinary action for such acts.
- Any form of sexual behaviour by an ECS staff member or volunteer towards a child who is under their care is always sexual abuse and a serious criminal offence. Such behaviour will always be reported to the police.
- Any staff member or volunteer who is reported and/or investigated in relation to suspected child protection concerns must be treated with natural justice, dignity, sensitivity and respect. However, where, on the basis of available information, it is believed the individual may pose an unacceptable risk of harm to a child, the staff member or volunteer will not be permitted to continue to work in their position.
- ECS staff and volunteers will always cooperate with Child Safety and police and will work collaboratively with other professionals and agencies to achieve the best possible outcomes for children and families.

¹ References to 'attending an ECS' include children who are enrolled at the ECS but may not be in attendance every day.



2 Child protection concerns held by children and parents

The ECS must ensure that parents and children are encouraged to discuss suspected child protection concerns with the Responsible Person and that parents and children understand what will happen when they share these concerns.

Parents and children should also have access to relevant, age appropriate information including the *Child Protection in Anglican Education and Care Services Policy* and the resource *Safeguarding Our Children - Child Protection in Anglican Education and Care Services: A Guide for Parents*.

3 Responding to child protection concerns

3.1 Discussing child protection concerns before taking further action

When an ECS staff member, volunteer or visitor has concerns for the safety and wellbeing of a child or unborn child² they must immediately discuss their concerns with the Responsible Person who will:

- identify any additional information known about the child or family for inclusion in a statutory report or referral;
- confer with the Anglican Schools Commission's (ASC) Child Safety and Wellbeing Advocate;
- consult the online [Child Protection Guide](#), if required (Refer to *ECS Resource Sheet 5 – Child Protection Guide*);
- help complete the relevant reporting or referral form, when required; and
- ensure supports are immediately provided to the child.

When the Responsible Person is not the Nominated Supervisor or Director/Coordinator and they are given information about suspected child protection concerns, the Responsible Person will immediately inform the Nominated Supervisor or Director/Coordinator of the concerns.

ECS Resource Sheet 11 – Information Sharing provides guidance on sharing child protection information with other individuals, including the ASC and the Principal or Student Protection Officer of an associated Anglican school.

3.1.1 Mandatory reporters

Under s.13H of the *Child Protection Act 1999* (the Act), mandatory reporters³ can give information to a colleague and a colleague can give information to a mandatory reporter, to help the mandatory reporter:

- decide if a child may have suffered or may be at risk of suffering significant harm as a result of physical or sexual abuse and may not have a parent able and willing to protect the child from harm;
- provide a report to Child Safety or keep a record of the report; or
- take appropriate action to deal with suspected harm or risk of harm to a child.

3.2 Reporting child abuse and neglect to Child Safety

3.2.1 When to report to Child Safety

ECS mandatory reporters must make a written report to Child Safety⁴ when they suspect:

- a child may have suffered, may be suffering or may be at risk of suffering significant harm as a result of physical, sexual or emotional/psychological abuse or neglect and may not have a parent able and willing to protect the child from harm; or
- an unborn child may be at risk of significant harm after birth and may not have a parent able and willing to protect the child from harm.

² The provisions in relation to an unborn child refer to concerns a person may have before a child is born about the child's safety and wellbeing after birth. The provisions are intended to be preventative so Child Safety can offer the pregnant woman support before the baby's birth.

³ ECS staff who are mandatory reporters include any individual who is not under 18 years of age, who is not a volunteer and who, under the Education and Care Services legislation, is an Approved Provider, a Nominated Supervisor or an Educator.

⁴ In accordance with s.13E of the Act and the *Child Protection in Anglican Education and Care Services Policy*.



All other ECS staff, volunteers and visitors must discuss suspected physical, sexual, emotional/psychological abuse or neglect or unborn child concerns with the Responsible Person who will ensure the concerns are reported to Child Safety when the child or unborn child may be in need of protection.

3.2.2 Responsibilities when reporting to Child Safety

Mandatory reporters

- Immediately discuss the concerns with the Responsible Person and seek their assistance with completing the required reporting form/s;
 - for suspected physical or emotional/psychological abuse, neglect or unborn child matters, complete and submit the *E-Report Form*;
 - for suspected sexual abuse or likely sexual abuse, complete the *ECS Form 1* and email to Child Safety (see also Section 3.4); and
- provide any records associated with the report to the Responsible Person to be stored securely.

Other staff, volunteers & visitors

- immediately discuss the concerns with the Responsible Person;
- provide information to help the Responsible Person complete the *E-Report Form* (suspected physical or emotional/psychological abuse, neglect or unborn child matters) or *ECS Form 1* (suspected sexual abuse or likely sexual abuse); and
- provide any records associated with the report to the Responsible Person to be stored securely.

Responsible Person

- consult with the Child Safety and Wellbeing Advocate (ASC) and/or refer to the [CPG](#);
- for school based ECS, seek additional information about the family from the Principal when there is, or has been, a sibling enrolled at the school;
- when the concerns are identified by a mandatory reporter, help the mandatory reporter complete the *E-Report Form* or *ECS Form 1* including all relevant information known by the ECS;
- when the concerns are identified by another ECS staff member, volunteer or visitor, complete the *E-Report Form* or *ECS Form 1* including all relevant information known by the ECS;
- when more than one individual has contributed information to the report, ensure all contributors are listed as notifiers in the report⁵
- ensure the relevant form is submitted/emailed to Child Safety (see also Section 3.4);
- do not contact the parent/s to inform them of the concerns unless advised to do so by Child Safety;
- complete and forward the *ECS Form 2* to the Child Safety and Wellbeing Advocate (ASC) and the Principal or Chair/EO; and
- store all documents securely in accordance with records management policy and procedures.

CSWA, Principal, Chair / EO

- note the information provided in the *ECS Form 2*;
- as required, provide guidance and support to the ECS; and
- store the form in a secure location.

⁵ This ensures that all contributors to the report receive the protections for notifiers under [s.186](#) of the CPA.



3.3 Action when a report to Child Safety is NOT required

When the Responsible Person is informed of suspected abuse or neglect that does not require a report to Child Safety, the Responsible Person should document the concerns and continue to monitor and support the child.

3.3.1 Responsibilities when a report to Child Safety is not required

Responsible Person

- as required, consult with the Child Safety and Wellbeing Advocate (ASC) and/or refer to the [CPG](#);
- if, based on all the available information, the matter does not require a report to Child Safety, complete the *ECS Form 4* including all information known by the ECS;
- continue to monitor and support the child;
- provide information and support to the parents (see Part 4 Providing Support); and
- store all documents securely in accordance with records management policy and procedures.

3.4 Reporting sexual abuse or likely sexual abuse to police

3.4.1 When to report to police

Following discussion with the Responsible Person, all suspicions of sexual abuse or likely sexual abuse of a child attending an ECS, by any person, must immediately be reported to the police. When the concerns relate to harm by another child at the ECS, refer to *ECS Resource Sheet 13 - Responding To Child Sexualised Behaviours*

3.4.2 Responsibilities when reporting to police

Mandatory reporters

- discuss the concerns with the Responsible Person;
- seek assistance from the Responsible Person in completing and submitting the *ECS Form 1*; and
- provide any records associated with the report to the Responsible Person to be stored securely.

Other staff, volunteers & visitors

- discuss the concerns with the Responsible Person;
- provide information to help the Responsible Person complete the *ECS Form 1*; and
- provide any records associated with the report to the Responsible Person to be stored securely.

Responsible Person

- consult with the Child Safety and Wellbeing Advocate (ASC) and, for school based ECS, seek additional information about the family from the Principal when there is, or has been, a sibling enrolled at the school;
- complete the *ECS Form 1*, including all relevant information known by the ECS and immediately emailed to the police;
- do not contact the parent/s to inform them of the concerns unless advised to do so by the police;
- complete the *ECS Form 5 - C01 Template* or *ECS Form 6 - I01 Template* and immediately forward to the Approved Provider to notify them of alleged concerns that require notification under s.174(2)(a) or (b) in the [Education and Care Services National Law \(Queensland\)](#) or s.175 (2)(d) or (e) in the [Education and Care Services National Regulations](#) – see section 3.7 for further guidance on forms
- if this matter relates to the behaviour of a staff member or volunteer follow procedures detailed in 3.6 managing inappropriate behaviour;
- complete and forward the *ECS Form 2* to the Child Safety and Wellbeing Advocate (ASC) and the Principal or Chair/EO; and
- store all documents securely in accordance with records management policy and procedures.

CSWA, Principal, Chair / EO

- note the information provided in the *ECS Form 2*;
- as required, provide guidance and support to the ECS; and
- store the form in a secure location.



Approved
Provider

- when required, note the information in the *ECS Form 5 - C01 Template* or *ECS Form 6 - I01 Template*;
- to comply within specified timeframes, complete and immediately submit the C01 or I01 Notification to the Regulatory Authority, as per s.176 of the [Education and Care Services National Regulations](#);
- as required, provide guidance and support to the ECS; and
- store all documents in a secure location.

3.5 Voluntary reports to Child Safety or the police

Any staff member or volunteer who makes a voluntary report to Child Safety or police, outside the processes outlined in this procedure, will still be protected under the Act (see Sections 5.2 and 5.3).

3.6 Managing inappropriate behaviour

3.6.1 When to report inappropriate behaviour towards a child by a staff member or volunteer

All ECS staff, volunteers and visitors must, as soon as practicable, report all concerns or allegations of inappropriate behaviour of a staff member or volunteer towards a child attending the ECS to the Nominated Supervisor.

3.6.2 Guidance for Nominated Supervisors: identifying a concern or allegation of inappropriate behaviour requiring investigation

Inappropriate behaviour is behaviour of a sexual, physical or psychological nature which exploits the special position of trust and authority between a staff member/volunteer and a student. When an a concern or allegation meets this definition and relates to suspected harm or risk of harm to a student, including grooming behaviour, the matter is to be managed as detailed in 3.6.3 (below). Harm to a child, is considered to be a detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

The management of other behaviour of a staff member or volunteer is discussed in 3.6.6 below.



3.6.3 Responsibilities when reporting inappropriate behaviour by a staff member or volunteer



- immediately discuss any concerns or allegations with the Nominated Supervisor;
- provide information to the Nominated Supervisor about the alleged inappropriate behaviour; and
- provide any records associated with the matter to the Nominated Supervisor.



- as required, consult with the Principal or Chair/EO and/or Child Safety and Wellbeing Advocate (ASC);
- consider whether other policies, procedures and processes should also be applied, e.g. if the matter requires complaints management or additional human resource/performance management;
- if the concern or allegation relates to alleged harm or risk of harm to a child complete the *ECS Form 3*, including all relevant information known by the ECS;
- immediately email the *ECS Form 3* to the Principal or Chair/EO and the Child Safety and Wellbeing Advocate (ASC);
- complete the *ECS Form 5 - C01 Template/ECS Form 6 - I01 Template* and immediately forward to the Approved Provider to notify of concerns that require notification under s.174 (2)(a) or (b) of the [Education and Care Services National Law \(Queensland\)](#) or s.175 (2) (c) (d) or (e) of the [Education and Care Services National Regulations](#) – see section 3.7 for further guidance
- consult with the Principal or Chair/EO, Child Safety and Wellbeing Advocate and ECS support staff from the ASC to plan the response, including investigation of the matter and support of relevant persons. Continue to consult as required during the process;
- if the matter does not involve a report to the police, inform relevant parents of the alleged inappropriate behaviour and the actions being taken in response. Keep parents informed as relevant to the safety, wellbeing and care of their child. If the matter does involve a report to the police, seek police guidance prior to informing the parents of the matter;
- complete an investigation, as per the [Diocesan Policy, Procedures and Guide for Managing Unsatisfactory Work Performance / Behaviour](#) or the ECS's policy and procedural equivalent;
- provide a report, including proposed outcomes and actions, to the Principal or Chair/EO;
- if concerns or allegations are substantiated and relate to a teacher registered with the QCT, notify the Queensland College of Teachers (QCT), using the complaints form on the QCT website at <http://qct.edu.au/standards-and-conduct/complaints-against-teachers> (note another person, such as a parent can lodge a complaint at any time)
- ensure all strategies recommended in the written report are actioned within specified timeframes; and
- store records on the staff member/volunteer's file as per records management policy and procedures.



- note the information provided in the *ECS Form 3*;
- as required, provide guidance and support to the ECS;
- where the matter is sexual in nature, report the matter to the Director of Professional Standards, as per the [Protocol for Dealing with Sexual Misconduct](#); and
- store the form in a secure location.



- note the information in the *ECS Form 5 - C01 Template or ECS Form 6 - I01 Template*;
- to comply within specified timeframes, complete and immediately submit the C01 or I01 Notification to the Regulatory Authority, as per s.176 of the [Education and Care Services National Regulations](#);
- as required, provide guidance/support to the Nominated Supervisor and store all documents securely.



3.6.4 When to report inappropriate behaviour towards a child by a Nominated Supervisor

All ECS staff, volunteers and visitors must, as soon as practicable, report all allegations of inappropriate behaviour by a Nominated Supervisor towards a child attending the ECS to the Principal or Chair/EO.

3.6.5 Responsibilities when reporting inappropriate behaviour by a Nominated Supervisor

All staff,
volunteers
& visitors

- immediately discuss any concerns with the Principal or Chair/EO;
- provide information to the Principal or Chair/EO about the alleged inappropriate behaviour; and
- provide any records associated with the matter to the Principal or Chair/EO.

Principal or
Chair/EO

- consider whether other policies, procedures and processes should also be applied, e.g. if the matter requires complaints management or additional human resource/performance management;
 - if the concern or allegation relates to alleged harm or risk of harm to a child complete the *ECS Form 3*, including all relevant information known by the ECS;
 - immediately email the *ECS Form 3* to the Approved Provider and the Child Safety and Wellbeing Advocate (ASC);
 - complete the *ECS Form 5 - C01 Template/ECS Form 6 - I01 Template* and immediately forward to the Approved Provider to notify of concerns that require notification under s.174 (2)(a)or(b) of the [Education and Care Services National Law \(Queensland\)](#) or s.175 (2) (c) (d) or (e) of the [Education and Care Services National Regulations](#) – see section 3.7 for further guidance
 - consult with the Approved Provider and Child Safety and Wellbeing Advocate to plan the response, including investigation of the matter and support of relevant persons. Continue to consult as required during the process;
 - if the matter does not involve a report to the police, inform relevant parents of the alleged inappropriate behaviour and the actions being taken in response. Keep parents informed as relevant to the safety, wellbeing and care of their child. If the matter does involve a report to the police, seek police guidance prior to informing the parents of the matter;
 - complete an investigation, as per the [Diocesan Policy, Procedures and Guide for Managing Unsatisfactory Work Performance / Behaviour](#) or the ECS's policy and procedural equivalent;
 - provide a report, including proposed outcomes and actions, to the Approved Provider;
 - if concerns or allegations are substantiated and relate to a teacher registered with the QCT, notify the Queensland College of Teachers (QCT), using the complaints form on the QCT website at <http://qct.edu.au/standards-and-conduct/complaints-against-teachers> (note another person, such as a parent can lodge a complaint at any time)
 - ensure all strategies recommended in the written report are actioned within specified timeframes; and
 - store records on the staff member/volunteer's file as per records management policy and procedures.
- provide a written report, including proposed outcomes and actions, to the Approved Provider;
 - ensure all strategies recommended in the written report are actioned within specified timeframes; and
 - store all records on the Nominated Supervisor's file.

Child
Safety and
Wellbeing
Advocate

- note the information provided in the *ECS Form 3*;
- as required, provide guidance and support to the Principal or Chair/EO; and
- store the form in a secure location.

Approved
Provider

- note the information in the *ECS Form 5 - C01 Template or ECS Form 6 - I01 Template*;
- to ensure compliance within specified timeframes, complete and immediately submit the C01 or I01 Notification to the Regulatory Authority, as per s.176 of the [Education and Care Services National Regulations](#);
- as required, provide guidance and support to the Principal or Chair/EO; and
- store all documents in a secure location.



3.6.6 Recording concerns in relation to staff or volunteer behaviour

When information is received about the behaviour of a staff member or volunteer which is of concern but is not deemed to be inappropriate (refer to Section 4.5 of the policy), the Nominated Supervisor will make a record of the concerning behaviours and continue to monitor and support the relevant staff member or volunteer

Nominated Supervisor

- as required, consult with the Principal or Chair/EO and/or Child Safety and Wellbeing Advocate (ASC);
- complete the *ECS Form 4* including all relevant information known by the ECS;
- if required, inform the parent of the any incident and the actions being taken in response;
- respond to the behaviours in accordance with ECS Performance Management policy and procedures or, in their absence, the [Diocesan Policy, Procedures and Guide for Managing Unsatisfactory Work Performance and Behaviour](#);
- ensure any actions and decisions are documented; and
- store all records on the staff member or volunteer's file.

3.7 Reporting forms and resources

All reporting forms and resources are available on the ASC ERM website at <https://secure.netols.com/schools/html/>. *ECS Resource Sheet 15 – Reporting and referral forms* provides more detailed information about each of the reporting forms/templates and their use.

Child Protection Topic	Form completed by ECS	Timeframe for Approved Provider to notify Regulatory Authority
Allegation or incident of physical or sexual abuse of a child while being educated and care for by an ECS, that is not otherwise defined as a Serious Incident (refer to appendix 1 for definition from Reg 12)	ECS Form 6 (IO1 Template, Notification of Incident)	Within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information. (Reg 176 (2) (c))
Any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child attending the service (Reg 175(2)(c))	ECS Form 6 (IO1 Template, Notification of Incident)	Within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information. (Reg 176 (2) (c))
Any incident that requires the approved provider to close, or reduce the number of children attending, the education and care service for a period (Reg 175(2)(b))	ECS Form 6 (IO1 Template, Notification of Incident)	Within 24 hours of the incident (Reg. 176 (2) (b))
The death of a child while being educated and cared for by an ECS or following an incident while being educated and cared for by an ECS (one type of Serious Incident) (Reg 12)	ECS Form 6 (IO1 Template, Notification of Incident)	As soon as practicable but within 24 hours of the death, or the time that the person becomes aware of the death. (Reg 176 (2) (a) (i))
Any other incident defined as a Serious Incident (refer to appendix 1 for definition from Reg. 12).	ECS Form 6 (IO1 Template, Notification of Incident)	Within 24 hours of the incident or the time that the person becomes aware of the incident (Reg 176 (2) (a) (ii))
Complaint of any Serious Incident (refer to appendix 1 for definition from Reg. 12)	ECS Form 5 (CO1 Template, Notification of Complaints)	Within 24 hours of the complaint or incident (Reg. 176 (2) (b))
Note: Form 5 and 6 are also used to report other matters to the Regulatory Authority not necessarily related to child protection,		



3.8 Responding to other forms of harm to a child and to child sexualised behaviours

Further information about how to respond to other forms of harm to a child and to child sexualised behaviours can be found in *ECS Resource Sheet 12 – Responding to other forms of harm to a child* and *ECS Resource Sheet 13 – Responding to child sexualised behaviours*, which are available on the ASC ERM website at <https://secure.netols.com/schools/html/>.

4 Providing Support

4.1 Referring children and families for support

When the concerns for a child or unborn child do not meet the threshold for a report to Child Safety, the Responsible Person can help the family by speaking with the parent/s or pregnant woman about a referral, with their consent, to local support services. By referring families for support, the ECS can intervene early to help meet the families' needs and try to divert them from involvement with the statutory child protection system.

4.1.1 Responsibilities when referring families for support

Responsible
Person

- discuss the concerns with the parent or pregnant woman;
- identify services within the local community that may be able to help the family including the school Counsellor or Chaplain (school based ECS), support services offered by the local parish and/or government or non-government services;
- if required, obtain information about local services from Family and Child Connect on 13 32 64 or at <http://familychildconnect.org.au/> or from the Queensland Family and Child Commission's OnePlace website at <https://www.oneplace.org.au>;
- share information with the parent or pregnant woman about services they can access themselves or make a referral to the service/s with the parent's or pregnant woman's written consent;
 - prior to making a referral on behalf of a family, ensure a *Consent to Share Information/Referral Form* is completed and filed securely
 - if necessary, initially obtain verbal consent for the referral and then, as soon as practicable after the referral, ensure the *Consent to Share Information/Referral Form* is completed and filed.

4.2 Supporting individuals affected by child protection matters

Every child or adult affected by child protection concerns will react to the situation differently. It is very important that, appropriate support is offered to all individuals affected by the concerns.

4.2.1 Supporting children

Each child will react to trauma differently. Providing the child with stability and security will be critical to their coping. To achieve this:

- provide regular routines and prepare the child for changes;
- set clear and consistent rules, boundaries and expectations when there are behavioural concerns;
- ensure the child knows who they can talk to when they need support;
- monitor the child's relationships with other children, their participation in activities and general behaviour;
- when there are significant changes in their behaviour or functioning, offer additional support; and
- look for opportunities for the child to feel good about themselves and to build their self-esteem and resilience.



4.2.2 Responsibilities when providing support

Nominated
Supervisor,
Director /
Coordinator

- as required, ensure any child, staff member, volunteer or visitor involved in a child protection matter is offered and provided appropriate support and/or debriefing, including referral to:
 - a local counselling service;
 - the school Counsellor or Chaplain (school based services);
 - the Employee Assistance Service (staff and volunteers only);
- prior to making a referral on behalf of a child, staff member, volunteer or visitor, ensure a *Consent to Share Information/Referral Form* is completed and filed securely;
 - if necessary, initially obtain verbal consent for the referral and then, as soon as practicable after the referral, ensure the *Consent to Share Information/Referral Form* is completed and filed;
- in circumstances where other children have been involved or exposed to a child protection matter, seek guidance from the Approved Provider or Child Safety and Wellbeing Advocate (ASC) about the most appropriate response.

4.3 Referral forms and resources

All resources are available on the ASC ERM website at <https://secure.netols.com/schools/html/>. *ECS Resource Sheet 19 – Reporting and referral forms* provides more detailed information about each referral form and its use.



5 Information Sharing and Confidentiality

5.1 Information sharing

The Act⁶ allows the sharing of relevant information between prescribed entities and service providers who deliver services to children and families. The purpose of these provisions is to remove barriers to information sharing and help services promote children's wellbeing, address their safety needs and better coordinate services to families.

5.1.1 Who are prescribed entities and service providers

The following individuals are prescribed entities⁷ under the Act:

- Child Safety staff;
- authorised staff in: Community Services and Disability Services in the Department of Community Services, Child Safety and Disability Services; the Departments of Corrective Services, Education and Training and Housing;
- Queensland Health, the Hospital and Health Services and the chief executive officer of the Mater Hospital Brisbane;
- police officers; and
- Principals of a non-state schools.

The Act⁸ defines a service provider as a prescribed entity, another person providing a service to children or families or a recognised entity participating in decision making about an Aboriginal or Torres Strait Islander child.

5.1.2 Is an ECS a prescribed entity or a service provider?

According to these definitions in the Act, an ECS is not a prescribed entity but would be considered a service provider (s.159D). The Principal of a non-state school is a prescribed entity (ss.159D and 159M).

5.1.3 What is relevant information

Examples of relevant information that may be shared by the Responsible Person, when permitted by legislation or with the parent or pregnant woman's consent, include information about:

- the child's name, date of birth, aliases, family and contact details;
- patterns of attendance at the ECS or attendance at another school or ECS;
- the child's behaviour and functioning including relationships with staff, volunteers and peers;
- the child's social and emotional development;
- the parent's involvement with the child, the ECS or ECS staff;
- physical, emotional and behavioural indicators of abuse or neglect and any disclosures by the child;
- any previous concerns about the family's functioning or the child's safety, including suspected harm; and
- actions implemented by the ECS to monitor or support the child.

Any information shared by the Responsible Person must always be factual, based on observations or information provided to ECS staff, volunteers or visitors and relevant to the investigation, assessment or provision of services.

5.1.4 Sharing information with Child Safety

When the ECS receives a request for information from Child Safety, and the request does not relate to a report made by the ECS, before sharing the information the Responsible Person must believe it will help Child Safety⁹:

- investigate an allegation of harm or risk of harm to a child;
- assess a child's need for protection and take action, if required;

⁶ Chapter 5A [Child Protection Act 1999](#)

⁷ s.159M [Child Protection Act 1999](#)

⁸ s.159(D) [Child Protection Act 1999](#)

⁹ s.159C(a) [Child Protection Act 1999](#)



- investigate, before the birth of a child, the likelihood the child will need protection after birth;
- offer help and support to a pregnant woman;
- develop and review a child's case plan and assess or respond to a child's health, educational or care needs; or
- make plans or decisions about, or provide services to, a child or a child's family.

The Responsible Person should ensure all requests for information are made using the *ECS Request for Information – Child Protection Form*, including the name of the officer and legislative authority for the request. If necessary, a verbal request can be made initially and then, as soon as practicable after the request, the Responsible Person should ensure the *ECS Request for Information – Child Protection Form* is completed and filed in a secure location.

When the request for information relates to a report made by the ECS, the *ECS Request for Information – Child Protection Form* is not required.

5.1.5 Sharing information with prescribed entities

The Act¹⁰ allows the ECS, as a service provider, to share relevant information with prescribed entities and for those entities to share relevant information with the ECS to help the ECS or the prescribed entity:

- decide if information about suspected harm or risk of harm to a child or unborn child should be given to Child Safety;
- decide if information about an unborn child should be given to Child Safety;
- help Child Safety offer support to a pregnant woman;
- assess or respond to the health, educational or care needs of a child in need of protection;
- make plans or decisions about, or provide services to, a child in need of protection or their family; or
- offer help and support to a child or family to stop the child becoming a child in need of protection.

Again, the Responsible Person should ensure that all requests for information are made in writing using the *ECS Request for Information – Child Protection Form*, including the name of the professional and the legislative authority for making the request. A verbal request can be made initially and then, as soon as practicable, the Responsible Person should ensure the *ECS Request for Information – Child Protection Form* is completed and filed in a secure location.

5.1.6 Sharing relevant information with FaCC, IFS or other agencies

Before sharing information with an agency that is not a prescribed entity, including Family and Child Connect (FaCC) or Intensive Family Support (IFS) service, the ECS must have the parent or pregnant woman's written consent.

Prior to sharing information about a child and family, ensure a *Consent to Share Information/Referral Form* is completed. The Responsible Person can initially obtain verbal consent and then ensure the *Consent to Share Information/Referral Form* is completed and filed as soon as practicable after the referral.

Consent is not required from the parent or pregnant woman when the information request is made by Child Safety or police or is authorised by law or subpoena.

5.1.7 Conferrals with colleagues and related information sharing

Staff and volunteers may give identifying information to a colleague, and a colleague may give identifying information to a staff member or volunteer, for any of the following purposes—

- for the staff member or volunteer to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;
- for a mandatory reporter (including all staff 18 years and older who work in an ECS as detailed in section 13E of the *Child Protection Act 1999*) to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in (a);

¹⁰ s.159M (2) and (3) [Child Protection Act 1999](#)



- (c) for the staff member or volunteer to give a report to Child Safety or keep a record about giving a report;
- (d) for the staff member or volunteer to take appropriate action to deal with suspected harm or risk of harm to a child.

A colleague of a staff member or volunteer in an ECS, means a person working in or for the same entity as the staff member or volunteer.

For ECS where:

- the Approved Provider for which the Brisbane Diocese is the Approved Provider, or
 - the Approved Provider is a body corporate, organisation or association that is controlled by the Brisbane Diocese
- the entity is taken to mean Brisbane Diocese and conferrals can occur and related identifying information shared with colleagues within the Diocese, including staff of the Anglican Schools Commission and members of a school where the ECS is co-located.

5.2 Confidentiality of notifier details

The Act¹¹ provides confidentiality for all individuals who report suspected harm or risk of harm to a child or unborn child to Child Safety. The identity of the person who made the child protection report will not be disclosed to any other person unless the person who made the report has given their consent or disclosing the reporter's information to particular individuals is permitted or required by law.

5.3 Protection from liability

The Act¹² also provides protection for any person who, when acting honestly and reasonably: provides information to Child Safety in accordance with mandatory reporting obligations; reports suspected harm or risk of harm to a child or risk of harm to an unborn child; or confers or consults with a colleague. In such cases, the person will:

- be protected from liability in any civil, criminal, administrative or defamation proceedings;
- not have breached any code of ethics or standards of professional conduct;
- not have contravened any other Act, oath or rule of law; and
- will not be liable to disciplinary action.

6 Responding to Other Forms of Harm to Children

A child may suffer, or be at risk of suffering, other forms of harm that do not require a report to Child Safety or police. For example, a child may harm themselves or may be harmed by another child or by a person not associated with the ECS or family.

Guidance on how to respond in a supportive way to other forms of harm can be found in *ECS Resource Sheet 12 – Responding to other forms of harm*. When harm to a child is related to another child's sexualised behaviours, refer to *ECS Resource Sheet 13 – Responding to child sexualised behaviours*.

7 Other Child Protection Responsibilities

7.1 Providing a child safe environment

To ensure they provide a safe and supportive living and learning environment, and to comply with the [Working with Children \(Risk Management and Screening\) Act 2000](#), [Working with Children \(Risk Management and Screening\) Regulation 2011](#) and [Blue Card System in Anglican Schools Policy and Procedures](#), the ECS will:

¹¹ s.186 [Child Protection Act 1999](#)

¹² s.197A [Child Protection Act 1999](#)



- develop, implement and annually review an ECS specific *Child and Youth Risk Management Strategy*;
- comply with requirements in relation to Blue Card Screening; and
- complete all tasks required for ongoing compliance and monitoring.

In addition, the Approved Provider must, in accordance with the Education and Care Services legislation¹³, also ensure the ECS has policies and procedures in relation to providing a child safe environment.

It is also a requirement of the Approved Provider, that the Nominated Supervisor or Director/Coordinators checks preferred applicants (employees), including teachers, against the Anglican Church's National Professional Standards Register. This occurs through liaison with the Director of Professional Standards (DPS). Requests for checks must include the applicant's full name and date of birth, and are to be sent to the National Register Check Mailbox, managed by DPS: nationalregistercheck@anglicanchurchsq.org.au. The Nominated Supervisor must consider the outcome of this check prior to making a formal offer of employment.

7.2 Building knowledge and understanding

The Approved Provider and the Nominated Supervisor or Director/Coordinator have responsibilities, under legislation and policy, to ensure individuals associated with the ECS understand current child protection legislation and policy, ECS staff, volunteer and visitor's obligations and how the ECS will respond to concerns.

The Approved Provider and Nominated Supervisor or Director/Coordinator's responsibilities in relation to building knowledge and understanding are outlined below. More information about knowledge building activities is also outlined in *ECS Resource Sheet 16 – Knowledge building activities*.

7.2.1 Responsibilities when building knowledge and understanding

Approved Provider

- understand current child protection laws, ECS child protection policy and procedures and the Approved Provider's roles and responsibilities;
- ensure ECS staff, volunteers and visitors are advised of, and understand, current child protection laws and their obligations under these laws and ECS child protection policy and procedures; and
- ensure the Nominated Supervisor and Director/Coordinator, at a minimum, complete annual child protection training and/or information sessions provided by the ASC.

Nominated Supervisor, Director / Coordinator

- complete annual child protection training and/or information sessions provided by the ASC;
- ensure a record is kept of all training provided at the ECS, including a list of participants;
- as part of the *Child and Youth Risk Management Strategy*, develop a communication strategy for sharing child protection information with staff, volunteers, visitors, parents and children; and
- ensure the following training and/or information is provided by the ECS.

All staff

- are trained in child protection policies and procedures and provided information resources;
- complete annual child protection training/information sessions provided by the ASC;
- attend training as required by the Approved Provider, Nominated Supervisor or Director/Coordinator.

Children

- are provided age appropriate, relevant information about safety and wellbeing;

Parents

- have access to information about ECS responses to child protection concerns including who to speak with at the ECS when they have concerns for a child;

Volunteers

- before commencing in their role or having contact with the ECS, are made aware of ECS child protection policy and procedures, including their obligations and responsibilities;

¹³ s.168(2)(h) of the [Education and Care Services National Regulations 2016](#)



Visitors	<ul style="list-style-type: none"> • prior to their initial contact with the ECS, are made aware of ECS child protection policy and procedures, including their responsibilities.
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8 Records management

8.1 Why child protection records are important

The notes, records and reports made about child protection concerns are important documents containing significant information about a child and family. ECS staff and volunteers may be interviewed as part of an investigation or be required to attend court if they have relevant information about a child protection matter.

Notes made by ECS staff and volunteers in relation to child protection concerns, including any actions or decisions in response to these concerns, could help ECS staff and volunteers recall critical information during an interview or court proceeding and may be subpoenaed as part of a child protection court proceeding.

8.2 Managing child protection records

When recording information about child protection concerns and resulting actions or decisions, ECS staff and volunteers are encouraged to keep in mind the following Do's and Don'ts.

Do	<ul style="list-style-type: none"> • be objective and only record factual information; • make notes as soon as possible – the information will be fresh in your mind; • write down exactly what you saw or heard, noting the date and time; • include notes on any changes to the child's behavior including how the child's behaviour has changed and when the changes were noticed by staff; • wherever possible, record verbatim statements made by the child, parent or other person in quotation (" ") marks; • record the full name of the person recording the information and any other people mentioned in the report; and • always sign and date the record.
Don't	<ul style="list-style-type: none"> • express personal opinions about what has been seen or heard; • record judgements about the parent, child or any other person who may be involved; • interpret or provide explanations for what was seen or heard; and • use emotive or suggestive language.

When the ECS has additional information to support a report, such as a child's letter or drawing, a scanned copy of the document can be included in the email containing the report or a note included on the form that the ECS has further information to support the report which can be provided at interview or via email.

8.3 Using reporting and referral forms

When completing the reporting or referral forms, ensure you record all the relevant information known by the ECS and present the information in a coherent and professional way. The information provided by the ECS will contribute to the agency's assessment of the concerns and will support their decision about what action to take, including whether an investigation is required or a referral will be accepted.

Forms should be e-mailed to the relevant agency or submitted via the link for an *E-Report* or *E-Referral form*.

TIP – When completing an *E-Report* or *E-Referral form*, record the ID token number provided on the form. You will need this token number to re-enter the form prior to submission.

IMPORTANT - under no circumstances are reporting or referral forms to be faxed.

8.4 Storing child protection records

The Nominated Supervisor or Director/Coordinator must ensure all information about reports to Child Safety and police or referrals to support services are stored in a secure, confidential location.



8.5 Requests to access or have copies of child protection records

Before acting on any request or subpoena in relation to child protection records held by the ECS, the Nominated Supervisor or Director/Coordinator must consult with the Approved Provider.



APPENDIX 1 Abbreviations, definitions and key terms

Abbreviations

ACSQ	Anglican Church Southern Queensland
ASC	Anglican Schools Commission
Child Safety	Department of Communities, Child Safety and Disability Services
The Act	Child Protection Act 1999
CPG	Child Protection Guide
CPIU	Child Protection Investigation Unit
CSWA	Child Safety and Wellbeing Advocate, ASC
ECS	Education and Care Service/s
FaCC	Family and Child Connect
OSHC	Outside School Hours Care
QCT	Queensland College of Teachers
Police	Queensland Police Service

Definitions and key terms

Approved Provider [Qld] (Schedule 1 Education and Care Services Act 2013)

An approved provider means a person who holds a Queensland provider approval and, in relation to a service approval, means the approved provider holding the service approval.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducCareServA13.pdf>

Child (s.8 the Act)

An individual under 18 years of age. <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Child in need of protection (s.10 the Act)

A child in need of protection is a child who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; AND does not have a parent able and willing to protect the child from the harm.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Child Protection Guide (Qld)

An online tool, provided by Child Safety, to support professionals' decision making about whether to refer children and families for support or report their concerns to Child Safety.

<http://www.communities.qld.gov.au/childsafety/partners/our-government-partners/queensland-child-protection-guide>

Colleague (s.13H (2) the Act)

A person working in or for the same entity as the 'relevant person' (as defined in the Act).

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Education and Care Service (s.5 Education and Care Services National Law [Queensland])

An Education and Care Service means any service providing or intended to provide education and care on a regular basis to children under 13 years of age other than:

- a school providing full-time education to children, including children attending in the year before grade 1 but not including a preschool program delivered in a school or a preschool that is registered as a school; or
- preschool program delivered in a school if the program is delivered in a class, or classes, where a full-time education program is also being delivered to school children and it is delivered to fewer than 6 children in the school; or
- a personal arrangement; or
- a service principally conducted to provide instruction in a particular activity; or
- a service providing education and care to patients in a hospital or patients of a medical or therapeutic care service; or
- care provided under a child protection law of a participating jurisdiction; or
- a prescribed class of disability service; or



- a service of a prescribed class.
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EduCareServNLawQ.pdf>

Emotional abuse

Emotional abuse occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. It can include emotional deprivation due to persistent: rejection; hostility; teasing/bullying; yelling; criticism; and exposure to domestic and family violence. Refer to *ECS Resource Sheet 9 – Emotional and psychological abuse* for further information.

Executive Officer (Schedule 1 Education and Care Services Act 2013)

An Executive Officer is a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a Director or the person's position is given the name of the Executive Officer.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EduCareServA13.pdf>

Harm (s.9 the Act)

Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological or emotional abuse or neglect or sexual abuse or exploitation. Harm can be caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances. <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Inappropriate behaviour

Inappropriate behaviour, as relevant to the ECS, is behaviour of a sexual, physical or psychological/emotional nature which exploits the special position of trust and authority between the staff member or volunteer and a child, and is unacceptable. Behaviour that harms and child or places a child at risk of harm is always inappropriate.

Mandatory reporter (relevant person) (s.13E the Act)

A relevant person (mandatory reporter) includes a:

- doctor;
- registered nurse;
- teacher;
- police officer;
- person fulfilling a child advocate role in the Office of the Public Guardian;
- an early childhood education and care professional including any individual, who is not a volunteer or a person under 18 years of age, and who, under the *Education and Care Services Act 2013* or the *Education and Care Services National Law*, is an Approved Provider, Nominated Supervisor or Educator for an approved service.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Neglect

Neglect occurs when a child's health and development are affected because the basic necessities of life are not met. Basic needs include: food and adequate clothing; housing and hygienic living conditions; health care and timely provision of medical treatment; personal hygiene; and adequate supervision. See *ECS Resource Sheet 8 – Physical abuse and neglect* for further information.

Nominated Supervisor (s.5 Education and Care Services National Law [Queensland])

A Nominated Supervisor means a person who is a certified supervisor and who is nominated by the Approved Provider of the service to be the Nominated Supervisor of that service and who has consented to that nomination.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EduCareServNLawQ.pdf>

Parent (s.11 the Act)

A parent is the child's mother, father or someone else (other than the chief executive of Child Safety) having or exercising parental responsibility for the child. A person standing in the place of a parent on a temporary basis is not a parent of the child. A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent. A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>



Parent able and willing

A parent may be able and willing to protect the child from harm when the parent has both the ability and the willingness to ensure the safety, wellbeing and best interests of the child. The parent's ability and willingness may be evident in their statements and direct or indirect actions. Other factors that may impact on a parent's ability and willingness to care for and protect their child may include the parent's: alcohol or substance misuse; mental health concerns; domestic or family violence; and physical or intellectual disability.

Physical abuse

Physical abuse occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse can include: hitting or shaking; throwing or pushing; burning or scolding with hot water; cutting or biting; and poisoning. It is also important to remember that physical abuse does not always leave visible marks or injuries and it is not how bad the mark or injury is, but rather the act itself that causes injury or trauma to the child. Refer to *ECS Resource Sheet 8 – Physical abuse and neglect* for further information.

Reasonably suspects (Sch. 3 Dictionary the Act)

Suspects on grounds that are reasonable in the circumstances.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Reasonable suspicion (s.13C the Act)

When forming a 'reasonable suspicion', you may consider the child's age and whether there are detrimental effects on the child's body or psychological/emotional state that are evident, or likely to become evident, in the future. In relation to any detrimental effects, you may consider the nature and severity of the effects and the likelihood that they will continue. Your considerations about whether a child may be in need of protection could be informed by your observations of the child, other knowledge you have about the child and any other relevant knowledge, training or experience that you have.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Relevant information (s.159C the Act)

Relevant information includes information about a child, the child's family, someone else, a pregnant woman or an unborn child which is given to the chief executive, Department of Communities, Child Safety and Disability Services, an authorised officer or a service provider, as defined in s. 159D of the Act.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Reportable suspicion (s.13E (2) the Act)

A reportable suspicion is a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse AND may not have a parent able and willing to protect the child from harm.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Responsible Person (s.162 Education and Care Service National Law Act 2010)

The Responsible Person is:

- the Approved Provider, if an individual; or
 - a person with management or control of an ECS operated by the Approved Provider;
 - the Nominated Supervisor; or
 - a certified supervisor who has been placed in day to day charge of the service in accordance with the national regulations.
- [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/B73164FE5DA2112DCA2577BA0014D9ED/\\$FILE/10-069a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/B73164FE5DA2112DCA2577BA0014D9ED/$FILE/10-069a.pdf)

Serious incidents (s. 12 Education and Care Services National Regulations)

Serious incidents include:

- the death of a child while the child is attending the ECS or following an incident that occurred while attending the ECS;
- any incident involving serious injury or trauma to, or illness of, a child while attending the ECS which a reasonable person would consider required urgent medical attention from a medical practitioner or for which the child attended, or ought reasonably to have attended, a hospital;
- any incident where the attendance of emergency services at the ECS was sought, or ought reasonably to have been sought;
- any circumstance where an ECS provides care to a child and the child appears to be missing or can not be accounted for, appears to have been taken or removed from the ECS in a way that contravenes the Act or is mistakenly locked in or locked



out of the ECS or any part of the premises.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducCareServR13.pdf>

Service provider (s.159D the Act)

Under the Act, service provider means a prescribed entity, another person providing a service to children or families; or a recognised entity. <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Sexual abuse

Sexual abuse is defined as including sexual behaviour involving a child and another person, where:

- The other person bribes, coerces, exploits, threatens or is violent toward the child; or
- The child has less power than the other person; or
- There is a significant disparity between the child and the other person in intellectual capacity of maturity.

Sexual abuse is defined by Child Safety as occurring when an adult, more powerful child or adolescent uses his or her power to involve a child in sexual activity. Sexual abuse can be physical, verbal or emotional and can include:

- kissing or holding a child in a sexual manner;
- exposing a sexual body part to a child;
- having sexual relations with a child under 16 years of age;
- talking in a sexually explicit way that is not age or developmentally appropriate;
- making obscene phone calls or remarks to a child;
- fondling a child in a sexual manner;
- persistently intruding on a child's privacy;
- penetrating the child's vagina or anus by penis, finger or any other object;
- oral sex;
- rape or incest;
- showing pornographic films, magazines or photographs to a child;
- having a child pose or perform in a sexual manner;
- forcing a child to watch a sexual act; and
- child prostitution.

Refer to *ECS Resource Sheet 10 – Sexual abuse* for further information.

Staff member (Schedule 1 Education and Care Services Act 2013 and s.5 Education and Care Services National Law [Queensland])

- A staff member of a QEC approved ECS is any individual (other than a volunteer) employed, appointed or engaged to work in or as part of an ECS, whether as an educator or otherwise
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducCareServA13.pdf>; OR
- A staff member of an ECS is any individual (other than the nominated supervisor or a volunteer) employed, appointed or engaged to work in or as part of an ECS, whether as an educator or otherwise
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EduCareServNLawQ.pdf>.

Visitor

A visitor to the ECS is any person who visits the ECS on a one off or regular basis to provide services [paid or unpaid] to the ECS. This includes contractors, consultants and presenters of one-off programs.

Volunteer

Consistent with the *Working with Children (Risk Management and Screening) Act 2000*, a person undertaking work for a ECS without receiving financial reward. 'Undertaking work' is understood to mean holding a position or performing a function with the actual or apparent authority of the ECS.

