



Implications for Non-State Schools - changes to the *Education (Accreditation of Non-State Schools) Regulation 2001*

On 10 October 2017, the Queensland Parliament passed the [Education \(Accreditation of Non-State Schools\) Regulation 2017](#) which includes new training requirements that will take effect from 1 January 2018.

The changes look minimal however the compliant implementation and reporting of the requirements can be more complicated than is obvious at first glance.

The table below allows easy comparison of the 2001 requirements and the 2017 changes. The key differences are highlighted in blue.

Education (Accreditation of Non-State Schools) Regulation 2001	Education (Accreditation of Non-State Schools) Regulation 2017
Division 3 Educational program, and student welfare processes, criteria	Division 5 Student welfare processes
<p>10 Health, safety and conduct of staff and students (1) A school must have written processes about the health and safety of its staff and students, that accord with relevant workplace health and safety legislation.</p>	<p>15 Health and safety A school must comply with the requirements of the following legislation that apply to the school— (a) the <i>Work Health and Safety Act 2011</i>; (b) the <i>Working with Children (Risk Management and Screening) Act 2000</i>.</p>
<p>(2) Also, the school must have written processes about— (a) how the school will respond to harm, or allegations of harm, to students under 18 years old; and (b) the appropriate conduct of the school’s staff and students. (3) Without limiting subsection (2), the processes must include— (a) a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate; and (b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member. (4) For the process mentioned in subsection (3)(a), there must be stated at least 2 staff members to whom a student may report the behaviour. (5) Also, without limiting subsection (2), the processes must include the following— (a) a process for reporting—</p>	<p>16 Conduct of staff and students and response to harm (1) A school must have 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. (2) Without limiting subsection (1), the processes must include the following— (a) a process for the reporting by a student to a stated staff member of conduct of another staff member that the student considers is inappropriate; (b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member; (c) a process for reporting— (i) sexual abuse or suspected sexual abuse in compliance with the <i>Education (General Provisions) Act 2006</i>, section 366; and (ii) a suspicion of likely sexual abuse in compliance with the <i>Education (General Provisions) Act 2006</i>, section 366A; d) a process for reporting a reportable suspicion under the <i>Child Protection Act 1999</i>, section 13E.</p>

<p>(i) sexual abuse or suspected sexual abuse in compliance with the <i>Education (General Provisions) Act 2006</i>, section 366; and</p> <p>(ii) a suspicion of likely sexual abuse in compliance with the <i>Education (General Provisions) Act 2006</i>, section 366A;</p> <p>(b) a process for reporting a reportable suspicion under the <i>Child Protection Act 1999</i>, section 13E.</p> <p>(6) The school’s governing body must ensure that—</p> <p>(a) staff, students and parents are made aware of the processes; and</p> <p>(b) staff are trained in implementing the processes; and</p> <p>(c) the school is implementing the processes; and</p> <p>(d) the processes are readily accessible by staff, students and parents.</p> <p>(7) The school must have a written complaints procedure to address allegations of non-compliance with the processes.</p> <p>(7A) The complaints procedure may form part of any other written procedure of the school for dealing with complaints.</p> <p>(8) In this section—</p> <p><i>harm</i> see the <i>Child Protection Act 1999</i>, section 9.</p>	<p>(3) For the process mentioned in subsection (2)(a), there must be stated at least 2 staff members to whom a student may report the conduct.</p> <p>(4) The school’s governing body must ensure—</p> <p>(a) the school’s staff and students, and students’ parents and guardians, are made aware of the processes; and</p> <p>(b) the processes are readily accessible by staff, students, parents and guardians; and</p> <p>(c) staff are trained annually in implementing the processes; and</p> <p>(d) the school is implementing the processes.</p> <p>(5) The school must have a written complaints procedure to address allegations of non-compliance with the processes.</p> <p>(6) The complaints procedure may form part of any other written procedure of the school for dealing with complaints.</p> <p>(7) In this section—</p> <p><i>harm</i> see the <i>Child Protection Act 1999</i>, section 9.</p>
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(See Appendix 1 for legislation cited in the table)

Implications for Non-State Schools

There are two major differences between the 2001 and 2017 legislative requirements. The section below will outline the key areas our auditors analyse to identify compliant implementation. Schools with these tools in place are more likely to have compliant data and systems.

More importantly, schools with these processes indicate more supportive, protective and confident behaviours during audit interviews. Page | 3

1 - *Working with Children (Risk Management and Screening) Act 2000*

The WWC Regulation must also be applied.

Use this checklist to identify the documents and processes your school currently uses;

- Governance documents to support compliant implementation of the WWC legislation (policy, procedures and work instructions for the key personnel)
- Screening
 - Human resource management processes including a current Employee List
 - Council/board member recruitment processes
 - Volunteer management strategy and processes that include a current whole of school Volunteer Register and individual department registers such as Junior School, sport, co-curricular, music and in some cases P&F
 - Student accommodation services policy and processes (such as homestay, international exchange and all forms of billeting) and a current and comprehensive Student Accommodation Services Register to monitor frequency of use and a Homestay Register
- Maintenance of a compliant Employee Register, also known as the Blue Card Register
 - A register that identifies all employees and volunteers in regulated employment at the school

‘Regulated Employment’ includes unpaid volunteers regardless of whether the legislation requires the individual to apply for a Blue Card or Exemption Card. Parent volunteers must also appear in the Employee Register.
 - Internal audit and reporting requirements
 - Alerts and processes to monitor currency and renewals
- A Child and Youth Risk Management Strategy - renewed annually

Schools that operate Education and Care Services (Early Learning Centres and Outside School Hours Care) require a separate Blue Card Register and implement the WWC requirement somewhat differently from Schools.

Safeguarding our Children Supports Non-State Schools through;

- WWC workshops
- WWC strategies and tools
- independent audits
- on-call mentoring for the WWC team

2 - Training

All staff must be trained in student protection process every year.

The checklist below forms a useful evidence list to support implementation;

- The requirement for annual student protection training is enshrined in policy and procedures, including;
 - assigning roles with the responsibility to create, organise, deliver, record and report each training event
 - that continued employment is reliant on compliance with the training requirements
- Diligently recording attendance and ensure back capture of those who have not yet attended
- Ensuring that supply/relief staff are also trained
- Report compliance to the leadership team

Training is a key element of the Child and Youth Risk Management Strategy which is also a requirement of the WWC legislation.

We know that training is more memorable and transferable when it is scenario based, relevant, collaborative and active. Student protection training should not be delegated to an untrained staff member such as a risk and compliance officer.

Section 16 (3) indicates that each school should have two allocated staff whom students can report to when they are concerned. We advocate allocating more than two people in most schools. These internal champions are chosen for approachability and diversity (for example, sport, music, boarding, junior school, middle school, senior school, male and female). Additional training can be provided to these people to provide them the skills and knowledge to support and train the rest of the school community.

The training can be developed for a system of schools to create efficiencies. The school champions attend a central workshop then go back to their own schools with the training material to teach.

We also advocate a rigorous, relevant scenario based student protection induction and annual renewal training for volunteers such as sport, co-curricular, homestay and junior school to provide volunteers the confidence to recognise and report concerns.

Safeguarding our Children Supports Non-State Schools through;

- Student protection training
- Train the trainer model training and resources to take back to your School
- Online webinars to Safeguarding our Children Support online members

At Safeguarding Our Children Support, our team is here to support Non-State Schools to create a resolute protective culture. The audit findings support the need for these recent changes. Students will benefit from schools that can demonstrate compliant implementation of the WWC legislation and 100% attendance at annual quality training sessions.

9 What is *harm*

- (1) **Harm**, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
 - (a) physical, psychological or emotional abuse or neglect; or
 - (b) sexual abuse or exploitation.
- (4) Harm can be caused by—
 - (a) a single act, omission or circumstance; or
 - (b) a series or combination of acts, omissions or circumstances.

13E Mandatory reporting by persons engaged in particular work

- (1) This section applies to a person (a **relevant person**) who is any of the following —
 - (a) a doctor;
 - (b) a registered nurse;
 - (c) a teacher;
 - (d) a police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section;
 - (e) a person engaged to perform a child advocate function under the *Public Guardian Act 2014*.
- (2) For this section, 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.
- (3) If a relevant person forms a reportable suspicion about a child in the course of the person's engagement as a relevant person, the person must give a written report to the chief executive under section 13G.

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

- (1) Subsection (2) applies if a staff member of a non-State school (the **first person**) becomes aware, or reasonably suspects, in the course of the staff member's employment at the school, that any of the following has been sexually abused by another person—
 - (a) a student under 18 years attending the school;
 - (b) a pre-preparatory age child registered in a pre-preparatory learning program at the school;
 - (c) a person with a disability who—
 - (i) under [section 420](#) (2), is being provided with special education at the school; and
 - (ii) is not enrolled in the preparatory year at the school.
- (2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body—
 - (a) immediately; and
 - (b) if a regulation is in force under subsection (3), as provided under the regulation.
Maximum penalty—20 penalty units.
- (2A) However, if the first person is the school's principal, the principal must give a written report about the abuse, or suspected abuse, to a police officer—
 - (a) immediately; and
 - (b) if a regulation is in force under subsection (3), as provided under the regulation.
Maximum penalty—20 penalty units.
- (2B) If subsection (2A) applies, the principal must also immediately give a copy of the report to a director of the school's governing body.
Maximum penalty—20 penalty units.
- (3) A regulation may prescribe the particulars the report must include.

(4) A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.

Maximum penalty—20 penalty units.

(5) A person who makes a report under subsection (2) or (2A), or gives a copy of a report under subsection (2B) or (4), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(6) Without limiting subsection (5)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

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

(1) Subsection (2) applies if a staff member of a non-State school (the *first person*) reasonably suspects, in the course of the staff member's 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 pre-preparatory age child registered in a pre-preparatory learning program at the school;

(c) a person with a disability who—

(i) under [section 420](#) (2), is being provided with special education at the school; and

(ii) is not enrolled in the preparatory year at the school.

(2) The first person must give a written report about the first person's suspicion to the school's principal or a director of the school's governing body—

(a) immediately; and

(b) if a regulation is in force under subsection (5), as provided under the regulation.

(3) However, if the first person is the school's principal, the principal must give a written report about the suspicion to a police officer—

(a) immediately; and

(b) if a regulation is in force under subsection (5), as provided under the regulation.

(4) If subsection (3) applies, the principal must also immediately give a copy of the report to a director of the school's governing body.

(5) A regulation may prescribe the particulars the report must include.

(6) A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.

(7) A person who makes a report under subsection (2) or (3), or gives a copy of a report under subsection (4) or (6), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(8) Without limiting subsection (7)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

(9) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under this section.