



QUEENSLAND
OMBUDSMAN

Preventing harm to children with disability in Queensland

Report 1: Department of Education

An investigation into the effectiveness of
current public sector agency practices
and procedures – Learning from Kaleb and
Jonathon's story.

April 2025



Nathaniel Chapman

Leaving Our Mark, (2023).

Digital artwork (cover uses elements)

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Nathaniel Chapman is a Goenpul and Yuggera Man, also from the Wambia Tribe in Northern Territory and Waka Waka country in Eidsvold, Queensland.

We acknowledge the Traditional Owners of the land throughout Queensland and their continuing connection to land, culture and community. We pay our respects to Elders past, present and emerging.

Authority

The Ombudsman has given this report to the Speaker of the Queensland Parliament, the Hon. Pat Weir MP, for tabling in the Legislative Assembly under section 52 of the *Ombudsman Act 2001*.

Public

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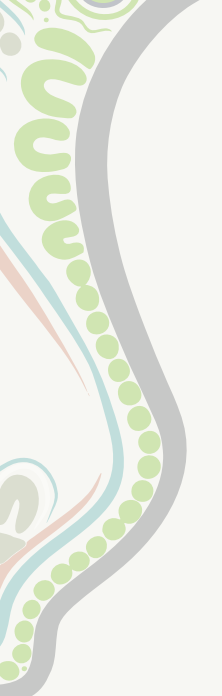
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Snapshot

In 2023, Public Hearing 33 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability considered a case study of two children living with disability. They were referred to as Kaleb and Jonathon.

In response to recommendations from the public hearing, the Ombudsman has been conducting an investigation of some public sector agencies that had interactions with Kaleb and Jonathon.

This is our first report from the investigation. The Ombudsman will report separately on the findings about other public sector agencies.

Kaleb and Jonathon – what happened?

The Department of Education (Education) engaged with Kaleb, Jonathon and their father, Paul Barrett, from 2001 to 2020. Kaleb and Jonathon attended a special school, which provided specialised educational and disability support.

At times, school staff attended to Kaleb and Jonathon's basic personal hygiene, clothing and school lunches. During Public Hearing 33, Education accepted that this level of care indicated school staff were aware the two students were experiencing neglect at home.

The Royal Commission was concerned that Education made only one student protection report to Child Safety. It also expressed concern about Education's poor recordkeeping and blurred professional boundaries.

Education also identified these issues in the reviews it conducted after Paul Barrett's death in May 2020.

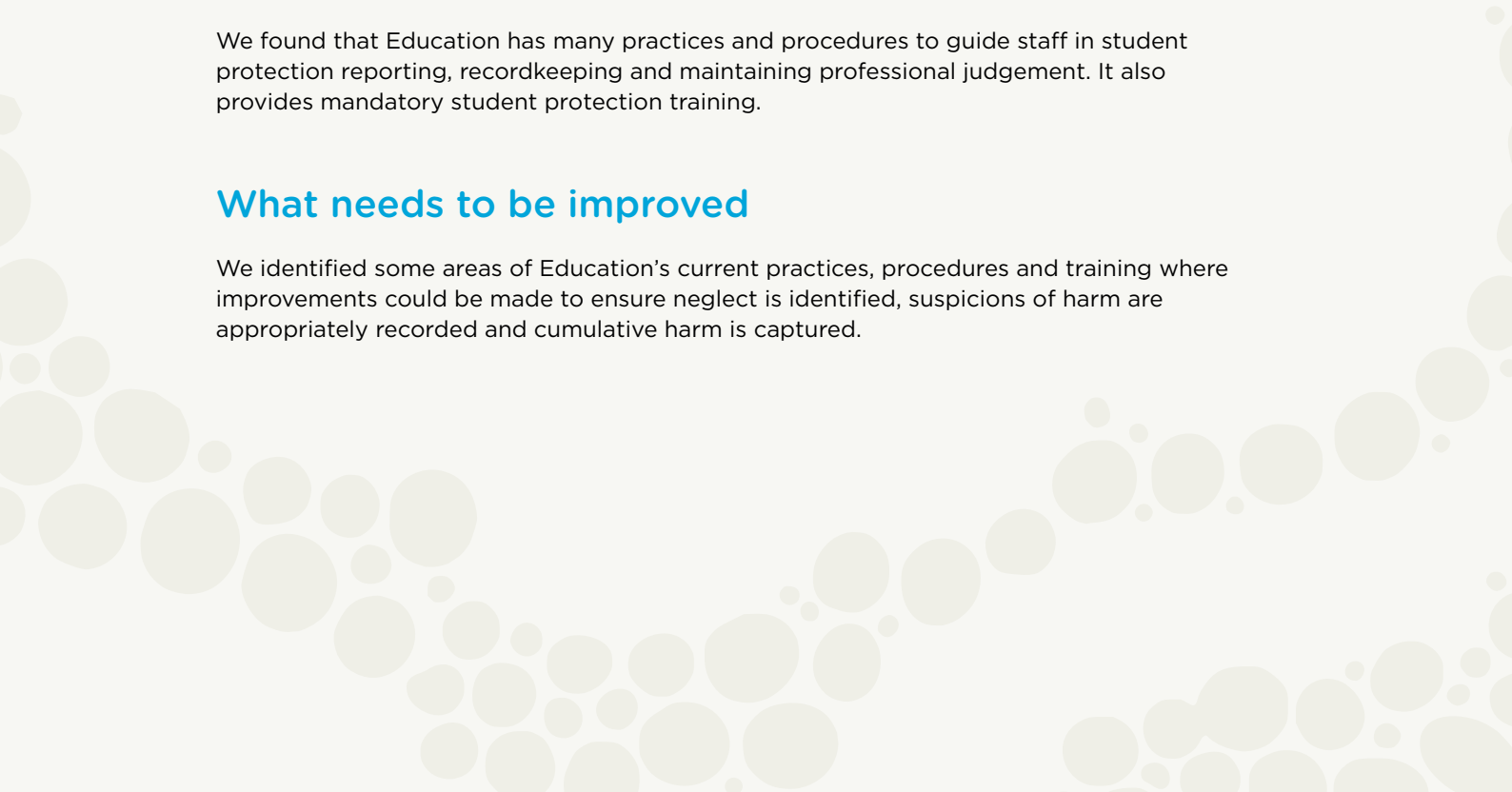
What we investigated

This investigation examined Education's current practices and procedures to consider whether they would prevent the nature and extent of the harm Kaleb and Jonathon experienced from occurring to other children with disability in Queensland.

We found that Education has many practices and procedures to guide staff in student protection reporting, recordkeeping and maintaining professional judgement. It also provides mandatory student protection training.

What needs to be improved

We identified some areas of Education's current practices, procedures and training where improvements could be made to ensure neglect is identified, suspicions of harm are appropriately recorded and cumulative harm is captured.



Recommendations

Recommendation 1

Education reviews its current practices and procedures to ensure they include information about what should occur when the outcome of a student protection report is 'monitor at school'.

Recommendation 2

Education develops a mechanism to alert staff when multiple 'monitor at school' reports for a student have been submitted in a set timeframe (to be determined by Education). This will help to identify potential cumulative harm.

Recommendation 3

Education reviews its current practices, procedures and online training course to ensure they consistently state that suspicions of harm that may not constitute 'significant harm' or sexual abuse of a child must be recorded as student protection reports in OneSchool.

Recommendation 4

Education amends its current practices, procedures and online training course so they all consistently state that repeated incidents of harm, or concerns that recur, must be recorded as student protection reports *on every occasion*. This includes those that do not constitute 'significant harm' or sexual abuse of a child.

Recommendation 5

Education reviews its current practices, procedures and online training course to ensure they include information about Education's obligation to consider human rights throughout the student protection reporting process.

Recommendation 6

Education conducts audits of student protection reports across schools and regions to confirm compliance with the process, evaluate the quality of the reports and assess the adequacy of recordkeeping in OneSchool.

Recommendation 7

Education liaises with Child Safety to establish mechanisms so it routinely receives feedback about the student protection reports it submits to Child Safety. This should include information about any outcomes or actions taken by Child Safety and should maintain confidentiality.

Recommendation 8

Education amends its student protection report form so it records whether a student lives with disability (including any relevant details).

Recommendation 9

Education includes, in its current practices and procedures on maintaining professional judgement and boundaries, example situations and information on how to address them. These could include Kaleb and Jonathon's case.

1. Introduction

This report is the first from the Ombudsman's investigation related to recommendation 5.2 of *Public hearing 33 – Violence, abuse, neglect and deprivation of human rights: Kaleb and Jonathon (a case study)*. The hearing was conducted by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability in 2023.

Kaleb and Jonathon (pseudonyms), two young men with profound disabilities, were found in their home by emergency services on 27 May 2020. The report on Public Hearing 33 stated that they were 'locked in a room, naked and [with] no bedroom furnishings'. Their father and primary carer, Paul Barrett, was found deceased at the property.

The Royal Commission examined the experiences of Kaleb and Jonathon across 20 years to determine how and why they experienced violence, abuse, neglect and a deprivation of human rights in their childhood and early adolescence.

The Royal Commission recommended that the State of Queensland apologise for the omissions in preventing the harm they experienced. On 12 September 2023, this apology was delivered.

Why we investigated

On his own initiative (see section 18(1)(b) of the *Ombudsman Act 2001*), the Ombudsman commenced an investigation in response to recommendation 5.2 of Public Hearing 33, which stated:

The State of Queensland should conduct an independent review into the powers and responsibilities of all the departments and agencies that engaged with Kaleb, Jonathon and Paul Barrett to examine:

- a. the response to the violence, abuse, neglect and deprivation of Kaleb and Jonathon's human rights
- b. what each department or agency could and/or should have done to prevent the violence, abuse, neglect and deprivation of human rights Kaleb and Jonathon experienced
- c. whether the current policies and practices are sufficient to prevent the nature and extent of the violence, abuse, neglect and deprivation of human rights occurring to children with disability.

In keeping with this recommendation, the focus of our investigation is on the relevant agencies' current practices and procedures. These agencies include Education, the Department of Housing and Public Works, Queensland Health and the Department of Families, Seniors, Disability Services and Child Safety (Child Safety). We want to know whether they will adequately prevent the nature and extent of the violence, abuse, neglect and deprivation of human rights that Kaleb and Jonathon experienced from occurring in future to children with disability.

Our first report focuses on Education. The Ombudsman will report separately about the investigation's findings in relation to the practices and procedures of other public sector agencies that engaged with Kaleb, Jonathon and Paul Barrett.

On 11 October 2023, the Ombudsman gave a notice under section 27(2) of the Ombudsman Act to the then Director-General of Education, informing him of the decision to conduct an investigation in accordance with section 18(1)(b) of the Ombudsman Act.

Scope of the investigation

We considered key periods during Kaleb and Jonathon's schooling and used this information to:

- identify and assess current practices and procedures of Education that are relevant to ensuring children are safe and protected
- determine whether these practices and procedures are sufficient to prevent the harm that Kaleb and Jonathon experienced
- identify improvements Education could make to these practices and procedures.

We focused on Education's current practices and procedures relating to:

- student protection reporting
- recordkeeping
- maintaining professional judgement.

We acknowledge the work already done to review the circumstances of Kaleb and Jonathon's interactions with Queensland public sector agencies, including by the Queensland Family and Child Commission.

What we did not investigate

We have not examined the actions or decisions of the National Disability Insurance Agency (the agency that administers the National Disability Insurance Scheme – NDIS) or its engagement with Kaleb and Jonathon. It is a federal agency and therefore outside the Ombudsman's jurisdiction. A review of the NDIS in 2023 determined that fundamental changes were needed to ensure it was operating as intended.

In addition, we have not investigated the actions of the Queensland Police Service during its various interactions with the family. Operational actions of police officers are outside the Ombudsman's jurisdiction by virtue of section 7(2) of the Ombudsman Act.

Changes in recent years

There have been several significant changes to the supports and services that were provided to children with disability during Kaleb and Jonathon's interactions with agencies, including at Education.

In July 2024, the Queensland Government released the *Queensland Disability Reform Framework*, in response to recommendations made by both the Royal Commission (in its *Final Report*) and the NDIS Review.

The Queensland Government's implementation of the recommendations of both the Royal Commission and NDIS Review will understandably take some time. It is yet to be seen what these changes will mean for children with disability in Queensland and their pathways for accessing supports.

Investigation methodology

The investigation was conducted formally under section 24(1)(b) of the Ombudsman Act. We reviewed material from Public Hearing 33 and accepted the evidence presented to the Royal Commission. It has informed the opinions and recommendations set out in this report.

We also:

- considered relevant legislation, including the *Education (General Provisions) Act 2006* and the *Child Protection Act 1999*
- reviewed and analysed material we obtained from Education
- met with representatives from Education
- visited Education to view a demonstration of its information system (OneSchool), with a particular focus on student protection reporting.

We acknowledge the cooperation of the staff of Education and their willingness to provide information and respond to all notices and requests during the investigation.

In the early stages of the Investigation, we met with Kaleb and Jonathon. This gave us the opportunity to engage with them directly; observe their current living environment; and learn about their daily routines, likes and dislikes. We also had the chance to see how they communicate and how support staff are working with them to increase their independence.

Ombudsman's jurisdiction

The Ombudsman is an officer of the Parliament empowered by the Ombudsman Act to:

- investigate administrative actions of agencies on reference from the Assembly or a statutory committee of the Assembly; or on complaint; or on the Ombudsman's own initiative
- consider the administrative practices and procedures of an agency whose actions are being investigated
- make recommendations to the agency to improve their practices and procedures
- provide information or other help to the agency about ways of improving the quality of administrative practices and procedures.

Under section 18(1)(b) of the Ombudsman Act, the Ombudsman can investigate administrative actions of agencies if the Ombudsman considers they should be investigated. Education is an 'agency' for the purposes of section 8 of the Ombudsman Act.

Section 49(2) of the Ombudsman Act outlines the matters about which the Ombudsman may form an opinion before making a recommendation to the principal officer of an agency. These include whether the administrative actions investigated are contrary to law, unreasonable, unjust or otherwise wrong.

Under section 25(2) of the Ombudsman Act, the Ombudsman is not bound by the rules of evidence used in Australian court proceedings.

Instead, the Ombudsman is guided by (although not required to use) the standard of proof used in civil proceedings – the 'balance of probabilities'. A matter will be proven to be true on the balance of probabilities if its existence is more probable than not.

If the Ombudsman investigates administrative actions on an own-initiative basis, section 52 of the Ombudsman Act allows a report on the investigation to be given to the Speaker for tabling in the Assembly, if the Ombudsman considers it appropriate.

Procedural fairness

The rules of procedural fairness have been developed to ensure that decision-making is both fair and reasonable.

Under section 25(2) of the Ombudsman Act, investigators must comply with these rules when conducting an investigation. If at any time during the course of an investigation it appears that there may be grounds for making a report that may affect or concern an agency, the principal officer of that agency must be given an opportunity to comment on the subject matter of the investigation before the final report is made (section 26(3)).

To satisfy these obligations, we provided the proposed report (which we completed in February 2025) to Ms Sharon Schimming, Acting Director-General of Education. The Acting Director-General responded to the proposed report on 12 March 2025, and we have included the response in its entirety in Appendix B.

We will monitor implementation of the recommendations.

The investigation was not undertaken with a view to making findings about any individual; therefore, the Ombudsman has not formed opinions about any individual's decisions or actions. Doing so would not allow proper procedural fairness to be extended to the various individuals who may have interacted with Kaleb, Jonathon and Paul Barrett between 2000 and 2020.

This report should not be taken as reflecting adversely on the reputation, competency or integrity of any individual who interacted with Kaleb, Jonathon or Paul Barrett over that period. The focus of the report is on Education's *current* practices and procedures relating to student protection reporting, recordkeeping and maintaining professional judgement.

Opinions

In this investigation, we focused on whether Education has practices and procedures that are adequate to prevent the nature and extent of the violence, abuse, neglect and deprivation of human rights that Kaleb and Johnathon experienced from occurring in the future to children with disability.

The policies, practices, procedures and guidelines that we investigated relate to student protection reporting, recordkeeping and maintaining professional judgement. We refer to these resources collectively as 'practices and procedures'.

The investigation found that Education has implemented a range of practices and procedures to prevent harm to children with disability, and that those practices and procedures have many good features. However, the investigation also identified some problems, such as:

- Education's current practices and procedures do not include information about what should occur when the outcome of a student protection report is 'monitor at school'.
- The student reporting process lacks a mechanism to alert staff when multiple reports on a student are being monitored at school.
- Education's guidance on recordkeeping when suspicions of harm do not meet the reporting threshold is not uniformly consistent across its practices, procedures and training.
- Education's guidance on recording suspicions of harm that do not meet its reporting threshold means that they are captured only as Records of Contact (notes in Education's information system) rather than student protection reports, increasing the risk that the information may be overlooked.

- There is insufficiently clear instruction to staff to ensure that repeated incidents of harm, or concerns that recur, are recorded as student protection reports on every occasion.
- The obligation to consider human rights is not included in practices, procedures and training relating to student protection.
- Student protection reports are not audited.
- Education does not currently require information about a disability to be included in a student protection report, despite this being a factor that increases a child's vulnerability.
- There is a lack of a mechanism in place for schools to consistently receive feedback from Child Safety on the outcomes of student protection reports submitted by Education.

These issues are explored further in the report.

Administrative actions are defined in the Ombudsman Act to include a decision and act, and also a failure to make a decision or do an act. I consider that the above problems in Education's practices and procedures are administrative actions that are unreasonable for the purposes of section 49(2)(b) of the Ombudsman Act.

I consider Education should take action to rectify these problems, and some of Education's current practices should be changed, as set out in this report.

2. Education's role, structure and obligations

In this chapter, we report on how Education meets its responsibilities to Queensland students with disability. As background, in Table 1 (Appendix A), we include an outline of Education's dealings with Kaleb and Jonathon from 2001 to 2020.

Education provides publicly funded education services to Queenslanders. It employs approximately 76,000 full-time-equivalent staff, 94% of whom are based in schools. This investigation has focused on school education and the practices and procedures that underpin it.

The school education service area is divided into 8 education regions and 1,264 state schools, which include 46 special schools. As at July 2024, there were 6,705 students enrolled in special schools.

Each region is managed by a regional office, which supports schools by implementing statewide policies and programs, and tailoring education services to those in the region. School supervisors within regions work with principals and ensure governance practices are implemented.

There are two School Supervisor – Special Schools positions, which supervise and support special schools across the state.

Education's central office operates at a whole-of-state level, providing strategic and operational guidance in the form of frameworks, policies, procedures and systems.

It is responsible for the administrative oversight of schools, including the policies and procedures that apply to them. These are accessible through Education's central online Policy and Procedure Register.

Part of Education's role is to collect data so it can effectively monitor and report on performance against key performance indicators. Regions and individual schools also have a role in monitoring data. Governance committees within Education provide higher level strategic management, and the Internal Audit Branch conducts statewide audits to ensure compliance with some policies and procedures.

While each division within Education bears responsibility for supporting students with disability, there is also a Disability, Inclusion and Student Services branch. This branch develops policy on student protection, wellbeing, engagement and inclusion. It focuses on delivering student services to promote learning and equitable access to education.

Mandatory reporting and obligations

The Department of Families, Seniors, Disability Services and Child Safety is the lead child protection agency in Queensland, with statutory responsibility for:

- protecting children from harm
- promoting children's safety and wellbeing by making decisions in their best interests
- supporting families caring for children.

Child Safety is also responsible for responding to allegations that a child is at risk of significant harm and may be in need of protection.

Some professionals, such as teachers, have an obligation to report child protection concerns to Child Safety. They are known as 'mandatory reporters'.

Prior to 2015, these obligations were set out across various statutes and policies, and the threshold for reporting varied. Following a recommendation by the Queensland Child Protection Commission of Inquiry (the Carmody Inquiry), amendments were made to the Child Protection Act to ensure that reporting obligations for certain professionals were consistent and clear.

Obligations under the Child Protection Act – mandatory reporting

Section 13E of the Child Protection Act states that certain occupations, including teachers, registered nurses and early childhood education and care professionals, must give a written report to Child Safety when, in the course of their employment, they form a 'reportable suspicion' about a child.

This is defined in section 13E(2) of the Child Protection Act as a reasonable suspicion that a 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 [them] from harm.

It is worth noting, as the Royal Commission did, that section 13E of the Child Protection Act only relates to suspected *physical and sexual abuse*. This means mandatory reporting obligations do not extend to suspicions of neglect.

However, this does not prevent a person from reporting any concerns about neglect to Child Safety. As we discuss in Chapter 3, Education's practices and procedures expect staff to report harm caused by neglect.

The Child Protection Act provides guidance in forming a reasonable suspicion about whether a child has suffered, is suffering, or is at risk of suffering from significant harm. Sections 13C(1) and 13C(2) state that a person may consider:

- whether there are detrimental effects on the child's body or the child's psychological or emotional state that are evident to the person, or that the person considers are likely to become evident in the future
- the nature and severity of the detrimental effects
- the likelihood that the detrimental effects will continue
- the child's age.

A person may also be informed by their observations of the child, other knowledge about the child, or any other relevant knowledge, training or experience that the person has (section 13C(3) of the Child Protection Act).

Under section 13H of the Child Protection Act, a mandatory reporter is permitted to confer with a colleague and share information in certain circumstances.

We also note the relevance of the main principle for administering the Child Protection Act, which is captured in section 5A of that Act:

... the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount.

Other legislated obligations

School staff also have specific obligations about the reporting of sexual abuse.

Education has its own specific obligation for school staff members, under sections 365 and 365A of the *Education (General Provisions) Act 2006*.

These sections state that school staff members must immediately give a written report to the school principal or principal's supervisor if they become aware of or reasonably suspect, in the course of their employment, the sexual abuse or likely sexual abuse of a student under 18 years. The principal or the supervisor must immediately give a copy of the report to the Queensland Police Service.

There is a third legislative obligation in section 229BC of the *Criminal Code Act 1899*, which applies to all adults, including Education staff. It states:

229BC Failure to report belief of child sexual offence committed in relation to child

- (1) This section applies to an adult if—
 - (a) the adult gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult; 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.
- (2) If, without reasonable excuse, the adult fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed, the adult commits a misdemeanour.
Maximum penalty—3 years imprisonment.

This obligation is subject to some exceptions, including if the matter has already been reported (for example, via the process in the Education Act). We discuss the first two of the mandatory reporting obligations that apply to teachers in more detail in Chapter 3.

Education's interactions with Kaleb and Jonathon

Education's interactions with Kaleb and Jonathon are described throughout the Royal Commission's report on Public Hearing 33 and summarised chronologically in Appendix A (the Agreed Facts) of that report. This investigation accepts that material.

For the purposes of this investigative report, we have summarised the key interactions or points in time across the 20-year history in Table 1 (see Appendix A). We need to be clear about what happened with Kaleb and Jonathon in order to assess how Education would deal with a similar situation today.

3. Student protection reporting

Kaleb and Jonathon

Kaleb and Jonathon's disabilities made it impossible for them to advocate for themselves.

They and their father, Paul Barrett, engaged with Education from 2001 to 2020. Kaleb and Jonathon had almost daily contact with the staff at their special school. The staff provided specialised educational and disability support.

Staff observed that Kaleb and Jonathon:

- did not always have adequate clothing or food
- sometimes needed bathing because they smelled of urine and dog odour
- digested foam rubber, a fur-like substance and rocks/pebbles on some occasions.

Paul Barrett behaved abusively and aggressively towards school staff when discussing his children's hygiene or supports for them. Staff also noted that Paul Barrett was not coping and seemed to be in need of respite.

It does not appear that records of all of these observations were considered together, as a whole. Staff entered some notes (known as Records of Contact) in Education's information system (OneSchool), but only one student protection report was submitted.

The Royal Commission expressed concern that Education made only one student protection report to Child Safety. It concluded that the evidence presented at Public Hearing 33 revealed 'ingrained and habitual behaviour that resulted in cumulative harm' to Kaleb and Jonathon.

During Public Hearing 33, Education accepted that the level of care school staff were providing should have meant they were aware Kaleb and Jonathon were experiencing neglect at home.

It identified several instances when staff should have submitted student protection reports. It subsequently delivered various training sessions to the school Kaleb and Jonathon attended.

Education told us it expects staff to:

- recognise that having to continually shower and wash a student's hair because it smells of urine is an indicator of neglect
- complete a student protection report on OneSchool in this situation
- refer the report to Child Safety.

It also expects staff to consider:

- a parent's presentation at school and their history of accepting or engaging in support
- other factors that may impact a parent's ability or willingness to care for and protect their children, including any disability, substance misuse or mental health concerns.

As part of this investigation, we have examined Education's student protection reporting process to determine whether current practices and procedures would prevent what occurred with Kaleb and Jonathon from happening now.

In this chapter, we discuss:

- how staff identify harm
- what happens when a student protection report is submitted
- what happens when a concern does not meet the threshold for a report
- important concepts such as ‘parent able and willing’, ‘cumulative harm’ and ‘monitoring at school’.

We also look at how Education monitors compliance regarding:

- student protection reports
- attendance at mandatory training.

The term ‘student protection’ is used across Education’s practices and procedures. It is an umbrella term for matters relating to the protection of children who are students at state educational institutions (which provide primary, secondary or special education) or state-delivered kindergartens.

In this report, we focus only on state educational institutions, which we refer to as ‘schools’. One of these schools was where most of Kaleb and Jonathon’s dealings with Education occurred.

Practices, procedures and training

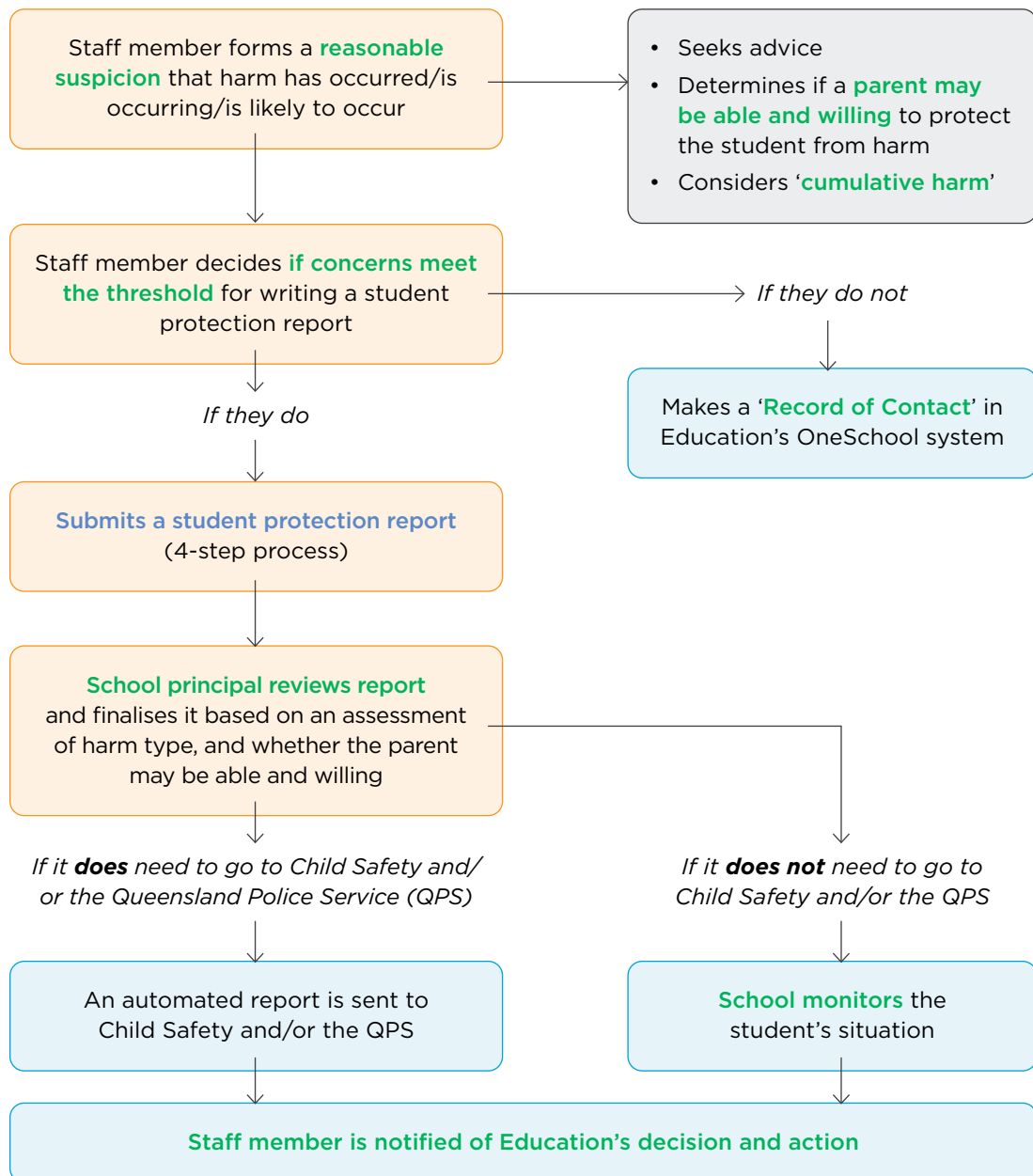
Education has a suite of policies, procedures, guidelines and other resources that guide staff in responding to concerns about a child who has suffered harm or is at risk of suffering harm.

These practices and procedures help staff determine whether:

- a concern or observation meets the relevant threshold to take further action
- they need to escalate their concerns within Education or to other authorities, such as Child Safety and the Queensland Police Service.

We note the importance of clear practices and procedures, given that staff at schools see vulnerable children each day for extended periods of time. This places them in a unique and important position with respect to child protection matters.

Figure 1 shows Education’s current student protection reporting process.

Figure 1: Education's current student protection reporting process**Legend**

- Stages in **green text** are covered in this chapter.
- Stages in **blue text** are covered in Chapter 4.

Source: Office of the Queensland Ombudsman, adapted from Education's current practices and procedures.

The procedure and guidelines

The *Student protection procedure* (the procedure) and *Student protection guidelines* (the guidelines) are the key documents that guide staff on the student protection reporting framework.

They set out the responsibilities of different categories of staff, including school staff, school visitors and certain departmental and non-departmental staff. The responsibilities align with the staff categories. For example, principals have a range of high-level responsibilities, reflecting their positions.

The procedure and guidelines also explain the process that must be followed when staff form a suspicion that a student has been harmed or is at risk of harm. This aligns with Education's mandatory reporting obligations, as summarised in Chapter 2.

In this part of the investigation, we have focused on the responsibilities of school staff, which includes teachers, teacher aides, guidance officers, administration staff and others, as defined in the procedure. We use the term 'school staff' for all of these people.

Table 2 gives an overview of what happens to student protection reports – and why.

Table 2: Overview of what happens to student protection reports

Situation	Action
Suspicion a student or child has been sexually abused or is likely to be sexually abused.	Report to the QPS
Suspicion a student or child has been significantly harmed or is at risk of significant harm AND may not have a parent able and willing to protect them.	Report to Child Safety
Suspicion a student or child has been sexually abused or is likely to be sexually abused AND may not have a parent able and willing to protect them.	Report to the QPS and Child Safety
Concerns for a student or child that do not involve significant harm, or where there is a parent able and willing to protect them.	Monitor at the school

Source: Office of the Queensland Ombudsman, adapted from Education's *Student protection guidelines*.

The information covered in the procedure and guidelines is reiterated in Education's mandatory student protection training course, which all school-based staff must undertake by 30 April each year (or within one week of starting employment).

This course and the annual update session are both currently conducted online. Education has delivered versions of this training to school-based staff across Queensland since 2004.

Identifying harm

If a school staff member forms a reasonable suspicion a student has been/is at risk of being harmed, they have to decide whether to make a student protection report.

According to Education's procedure, the staff member may form this suspicion based on their own observations, on their contact with the student's parents or siblings, or on information from others.

Once school staff have a reasonable suspicion of harm or of risk of harm, they need to determine whether their suspicion meets what is known as the 'reporting threshold' – the point at which school staff members are required to submit a student protection report in OneSchool.

According to the procedure and guidelines, the threshold is reached when they have a reasonable suspicion that:

- a student or child has been sexually abused or is likely to be sexually abused; or
- a student or child has suffered, is suffering or is at risk of suffering significant harm **and** may not have a parent able and willing to protect the child from harm.

For the latter, 'reporting threshold' does not necessarily mean a report will go to Child Safety or the QPS. Instead, it may result in the school monitoring the situation.

The online training course offers guidance on how to:

- respond to a student's disclosure of harm
- seek clarifying information from the student, including through the use of open-ended and non-leading questions
- document suspicions of harm by making detailed written notes.

The procedure, guidelines and online training course also outline the kinds of assistance that school staff have access to in determining whether their concerns meet the reporting threshold. These include:

- consulting with a Principal Advisor, Student Protection (located in each region)
- considering the guidelines
- using Child Safety's online Child Protection Guide
- consulting with relevant colleagues, the Child Safety Regional Intake Service or a support service such as Family and Child Connect.

In its submission to our investigation, Education told us it expects school staff to make critical assessments when deciding on the next steps in the student reporting process.

We consider that Education's current practices, procedures and training provide enough information about forming reasonable suspicions and determining if they meet the reporting threshold. Importantly, Education:

- recognises that identifying harm involves the exercise of professional judgement
- provides links to legislation
- offers school staff pathways to seek assistance.

When reasonable suspicions meet the reporting threshold

If school staff form a reasonable suspicion of harm that meets the reporting threshold, the procedure and guidelines state that they ‘must provide a written report via the OneSchool Student Protection Reporting module without unreasonable delay’.

Once a staff member has submitted a student protection report, it is assessed and finalised by the principal. The principal’s responses to three mandatory questions at the end of the report automatically determine the outcome. They are:

- Is this report in relation to suspected sexual abuse or likely sexual abuse?
- Does the information indicate that the student has been significantly harmed or is at risk of significant harm?
- Based on the available information, do you suspect a parent may be able and willing to protect the child from harm?

As illustrated previously in Figure 1, the student protection report may be sent to Child Safety and/or the QPS.

Once a student protection report is complete, the staff member receives an email notifying them of the outcome. This is an important step in the process. It ensures the person who formed the reasonable suspicion of harm is aware of the outcome of their report and any future actions that will, or will be likely to, occur.

When reports are monitored at school

If the principal’s answers to the last three questions mean the matter does not meet the threshold for a report to Child Safety and/or the QPS, it is recorded as ‘monitor at school’.

The system automatically alerts the principal that the student protection report will not be sent to Child Safety and/or the QPS, and informs them that if they believe such a report should be sent to Child Safety and/or the QPS, they should review and modify their responses to the three questions.

If the principal is satisfied with the ‘monitor at school’ outcome, the system prompts them to record reasons justifying this outcome, as well as details about follow-up actions. These could include contact with parents, referral to internal or external support services, and monitoring by the student’s class teacher. We discuss referrals to external support services in Chapter 6.

The current practices and procedures do not include information about what should occur when the outcome of a student protection report is ‘monitor at school’. They do not explain:

- whether it is the report or the student’s situation that is being monitored
- what activities constitute ‘monitoring’
- how long monitoring occurs
- whether there is a point at which a matter being monitored would be escalated further.

Without this, there is a risk that student protection reports monitored at the school level may be buried among records and remain unseen. This is problematic, as these reports are potentially about individual incidents that, together, amount to cumulative harm.

Recommendation 1

Education reviews its current practices and procedures to ensure they include information about what should occur when the outcome of a student protection report is ‘monitor at school’.

We asked Education whether there is a mechanism in OneSchool to prompt staff when multiple 'monitor at school' reports have been recorded in a student's OneSchool record. Education informed us that there is not.

It submitted that previous student protection reports recorded for a student (whether reported to Child Safety or the QPS, or monitored at school) would be considered by a principal in the context of any new student protection report.

We consider that a prompting mechanism to alert staff that there have been a certain number of 'monitor at school' reports within a particular timeframe would be helpful. This would ensure staff review a child's student protection records holistically, giving careful consideration to the concept of cumulative harm, which we discuss later in this chapter.

Recommendation 2

Education develops a mechanism to alert staff when multiple 'monitor at school' reports for a student have been submitted in a set timeframe (to be determined by Education). This will help to identify potential cumulative harm.

When concerns do not meet the reporting threshold

There may be instances when a school staff member forms a suspicion of harm about a student which, on the face of it, does not meet the threshold of significant harm or relate to alleged sexual abuse. In these circumstances, the procedure, guidelines and online training course provide advice, but the advice is not always consistent.

In addition to this guidance, Education's submission to the investigation stated that school staff should record concerns that do not meet the reporting threshold as a Record of Contact on the student's file. This sort of record can be used for a range of interactions.

The risk in taking this approach is that suspicions of harm may be recorded in a more generalised way rather than as a student protection issue. This would make it more difficult to detect a pattern of cumulative harm. Kaleb and Jonathon's case exemplifies this.

Education's desktop audit (which was conducted in June 2020) and its submission to the investigation noted that some of the Records of Contact in Kaleb and Jonathon's OneSchool profiles should have been student protection reports and should have been submitted to Child Safety.

Education's guidance is inconsistent in two main ways.

Firstly, depending on the guidance material consulted, the steps to be taken range from being recommended as a consideration ('they should consider' in the procedure and 'you could' in the online training course), through to being required, in the sense of a mandatory action, ('they should' in the guidelines, and 'you should' in the online training course).

Secondly, the materials are inconsistent in the guidance they provide about where to record suspicions of harm. The guidelines and the online training course tell staff to use the Record of Contact tab in OneSchool, whereas the procedure is less specific, advising staff to consider recording their concerns 'in a secure location in OneSchool'. This is unhelpful to staff.

We consider that any concern about a student's wellbeing (whether it meets the reporting threshold or not), should be recorded as a student protection report in OneSchool. This includes a suspicion of harm that may not amount to significant harm, but nevertheless has prompted a staff member to consider the student's safety and wellbeing.

We consider this is a prudent and appropriate practice, as it makes potential patterns of harm visible. These patterns may be significantly detrimental to the student and require referral to Child Safety.

In order to avoid what occurred in Kaleb and Jonathon's case from happening again, where suspicions of harm may be 'buried' in Records of Contact and not identified as student protection concerns, Education should ensure its practice is to record these concerns or suspicions in a student protection report.

Education should communicate these practices to school staff through clear and consistent guidance in the procedure, guidelines and online training course.

Recommendation 3

Education reviews its current practices, procedures and online training course to ensure they consistently state that suspicions of harm that may not constitute 'significant harm' or sexual abuse of a child must be recorded as student protection reports in OneSchool.

Parent able and willing

The concept of a parent being able and willing to protect a child from harm comes from section 10 of the Child Protection Act, which defines who is 'a child in need of protection'. The concept is also referred to in section 5B of the same Act as a general principle, where it states:

The following general principles are relevant to making decisions relating to the safety, wellbeing and best interests of a child—

...

d. if a child does not have a parent who is able and willing to protect the child, the State is responsible for protecting the child;

...

g. if a child does not have a parent able and willing to give the child ongoing protection in the foreseeable future, the child should have long-term alternative care ...

In Chapter 2, we referred to the mandatory obligation for teachers to report reasonable suspicions of significant harm to a child (caused by physical or sexual abuse) where the child may not have a parent able and willing to protect them.

It is important to note that this obligation from section 13E of the Child Protection Act makes it clear that teachers and other mandatory reporters are not expected or required to establish whether a parent is or is not able and willing to protect a child from harm. That role belongs to Child Safety. The assessment a teacher needs to make is whether a parent *may not* be able and willing to provide the protection.

Assessing whether a student's parent may be able and willing to protect them is not always simple, and can involve many factors and variables.

The 'parent able and willing' topic is examined in the guidelines and online training course. The examples given in the guidelines are also captured in a fact sheet. They comprise real-life examples of parental behaviour, including some that demonstrate ability and willingness and others that do not.

Since 2018, the topic has been included in Education's online training course. A separate PowerPoint presentation on this topic, developed in 2023, contains additional information such as:

- the difference between 'able' and 'willing'
- how to determine if a parent is able and willing
- factors for school staff to consider
- the level of detail that should be included in a student protection report
- scenarios for staff to work through.

In response to our enquiry about whether the parent able and willing presentation is mandatory, Education advised that it is available to the Principal Advisors, Student Protection, who may offer training to schools or deliver it on request.

We note that the online training course includes a section on whether a parent is able and willing, but it is less detailed than the information in the separate PowerPoint presentation.

We consider that Education should improve its online training course by including this additional detail to assist staff to assess the ability and willingness of a parent.

Identifying cumulative harm

Education's guidelines define cumulative harm and discuss its causes and developmental effects. They state:

Cumulative harm is when a child experiences multiple harmful incidents over a prolonged period. While individually these incidents may not meet the threshold for a student protection report, the overall cumulative effect can create a significant level of harm.

Cumulative harm may be caused by:

- an accumulation of a single recurring adverse circumstance or event (e.g. ongoing neglect)
- multiple different circumstances and events (e.g. persistent verbal, emotional and physical abuse)
- witnessing repeated domestic and family violence incidents.

The impact of cumulative harm on students and children can be profound, and is often associated with complex trauma.

The developmental effects of cumulative harm can include:

- disruptions to early brain development, with permanent impacts on behavioural and emotional responses
- post-traumatic stress disorder
- disturbed patterns of attachment
- behavioural regression
- aggressive behaviour against self and others
- lack of awareness of danger or self-endangering behaviours
- self-hatred and self-blame
- chronic feelings of ineffectiveness.

Education's online training course contains similar information about cumulative harm.

Much like the PowerPoint presentation about whether a parent is able and willing, Education's cumulative harm PowerPoint presentation contains a greater level of detail than the information in the online training course or guidelines. This includes information that:

- guides staff to think about cumulative harm as a concept and to recognise the signs of it and its impact
- explains the tension between considering isolated incidents (which may not meet the threshold for reporting to Child Safety) and recurring incidents (which may illustrate a pattern of cumulative harm)
- refers to research into the impact on a child when they are exposed to adverse or traumatic experiences
- gives staff examples of indicators of cumulative harm, such as:
 - persistent concerns about a student not having enough food
 - possible patterns of abuse and neglect, or other indicators of harm, over time
 - multiple student protection reports with the outcome 'monitor at school'
 - student protection reports for siblings
- mentions other factors to look out for, including:
 - whether basic needs are being met
 - whether a parent is engaged with support services, when they have been referred
 - whether there are risk factors that make a child more vulnerable
 - whether previous concerns about a student have been resolved
- advises staff how much detail to include in a student protection report
- reminds staff about the importance of good recordkeeping
- uses a case study to illustrate cumulative harm (through the example of possible neglect).

The identification and assessment of cumulative harm is a key issue that Education identified in its response to the investigation about how it would respond to Kaleb and Jonathon's situation today. It noted the challenges involved in identifying cumulative harm and stated:

In recognition of the challenges faced by school staff in identifying and assessing cumulative harm, and assessing a parent's ability and willingness to protect, the Department has developed specific training packages for Principal Advisors, Student Protection to add to their suite of training materials for schools.

... key challenges in identifying cumulative harm may include limited access to available records, and/or a lack of holistic critical assessment of available records that demonstrate a pattern of behaviour or experience of harm.

The Department notes some individual OneSchool records made in relation to Kaleb and Jonathon suggest an awareness of a pattern of behavior, which the Department would expect to be recorded as a student protection report on OneSchool.

Education acknowledged that it needs good recordkeeping if it is to identify cumulative harm.

The challenge will be for Education to ensure its guidelines contain enough information to assist school staff in:

- critically assessing information and observations
- identifying patterns of behaviour (sometimes from a combination of individual incidents)
- knowing when to consider all of the records on a student's OneSchool profile as a whole.

We consider that Education should improve its online training course and guidelines by including additional detail about cumulative harm from the PowerPoint presentation.

Reporting on cumulative harm

The excerpt about cumulative harm from the guidelines (included at the start of the previous sub-section) makes it clear at a conceptual level that a collection of individual incidents could amount to significant harm.

However, the guidelines do not provide specific instructions on the reporting process for staff to follow for harm that may not (on its own) meet the reporting threshold but could indicate a pattern of ongoing harm.

Similarly, the online training course does not provide clear advice to school staff about reporting individual and potentially repeated instances of harm that may not meet the reporting threshold.

In response to this investigation, Education reviewed the key Records of Contact for Kaleb and Jonathon. It identified:

- numerous concerns over a two-week period indicating neglect
- evidence that the parent may not have been able and willing to act protectively
- that information of this kind should be considered as a whole.

Based on Education's response to the investigation and our assessment of the guidance material, we consider that the current practices, procedures and training material could be enhanced. They need to provide clearer guidance to school staff about the importance of recording individual incidents of harm that recur or are ongoing. (The hygiene issues that Kaleb and Jonathon repeatedly experienced are an example.)

As noted before, these kinds of suspicions of harm should be recorded in a student protection report in OneSchool. Even if a number of these reports only result in 'monitor at school' outcomes, Education will have a clearer picture of the harm that school staff observe in a student. This will place it in a better position to detect cumulative harm as it emerges.

Recommendation 4

Education amends its current practices, procedures and online training course so they all consistently state that repeated incidents of harm, or concerns that recur, must be recorded as student protection reports *on every occasion*. This includes those that do not constitute 'significant harm' or sexual abuse of a child.

Human rights obligations

The *Human Rights Act 2019* commenced in its entirety in January 2020, so it was not in effect during most of Kaleb and Jonathon's engagement with Education. However, it is now relevant to Education's decision-making.

As a public sector agency, Education is required to act and make decisions in a way that is compatible with human rights, and to properly consider human rights when making decisions.

One of these rights relates to the protection of families and children. Section 26(2) of the Human Rights Act states:

Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.

Other human rights may also be affected by student protection decisions, depending on the factual circumstances.

As part of the investigation, we examined Education's practices and procedures, particularly those relating to student protection, in light of the obligation to properly consider human rights relevant to a decision.

We note Education has a *Human Rights Framework*, which applies across the department and sets out Queensland's protected human rights. Several documents provided to the investigation also mention the application of human rights:

- Education's *Aware. Protective. Safe. Strategy*, which relates to keeping children safe from sexual abuse in schools and early childhood education and care services, notes that staff must consider and uphold the Human Rights Act in decision-making processes.
- The *Child Safe Environment map* states: 'Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.'

In addition, Education's *Mandatory All-Staff Training program: Key messages guide 2024* refers to the need to consider human rights in all decisions.

We note the topic of human rights is largely absent from those of Education's practices and procedures that relate specifically to student protection.

To ensure compliance with the obligations of the Human Rights Act, Education should consider including more information about human rights in its student protection practices, procedures and training.

This information should include scenarios to assist school staff in identifying human rights that are relevant to their student protection actions and decisions, considering those rights alongside their decisions, and documenting their assessments.

Recommendation 5

Education reviews its current practices, procedures and online training course to ensure they include information about Education's obligation to consider human rights throughout the student protection reporting process.

Quality assurance

It is not enough to have practices and procedures in place that outline how to identify and respond to suspicions of harm and how to submit student protection reports. They have to be implemented as required.

An agency needs to have mechanisms in place to monitor how staff comply. This allows it to analyse its performance, ensure consistency across decision-making and make improvements where needed.

Auditing student protection reports

Education has a Student Protection and Safety Committee that oversees student protection and safety activities and continuously reviews them, as outlined in its *Child and student protection policy*. The committee meets quarterly.

However, Education does not conduct regular audits of student protection reports that have been submitted. Education identified student protection reporting and recordkeeping as some of the most significant administrative issues in Kaleb and Jonathon's case.

We consider that regular audits are important to ensure students are protected. They could:

- confirm compliance with the process
- evaluate the quality of reports
- assess the adequacy of recordkeeping in OneSchool.

Recommendation 6

Education conducts audits of student protection reports across schools and regions to confirm compliance with the process, evaluate the quality of the reports and assess the adequacy of recordkeeping in OneSchool.

Receiving feedback on student protection reports

Education informed us that it sometimes receives feedback from Child Safety about student protection reports. It has also received positive feedback on a review of cases by Child Safety, which indicated reports are generally appropriate.

Child Safety may also request further information from Education about details in a report. If it appears that information is missing, Education arranges for a Principal Advisor, Student Protection to give feedback to the relevant school principal.

Education told us there is:

... currently no mechanism in place for schools and regions to consistently receive feedback from local Child Safety Regional Intake Services on the outcome of every student protection report submitted.

We consider this would be useful. School staff are in the unique position of seeing students regularly and over extended periods of time, which means they can observe changes in a student.

Feedback from Child Safety would be particularly helpful in cases of neglect, where individual incidents of harm may not meet the threshold for Child Safety's intervention, but can collectively become more detrimental to the student over time.

We note that Child Safety's *Child Safety Practice Manual* states that *it* is the agency responsible for providing 'professional notifiers from government and non-government agencies' with feedback about its intake response. The manual acknowledges the importance of feedback, stating that it 'may assist the agency to identify and implement plans for the support or safety of the child'.

It also recognises that a notifier can request feedback about a child protection report.

A more regular feedback process between Child Safety and Education (that maintains confidentiality) would assist schools in understanding whether the information submitted in student protection reports is sufficient. Without regular feedback from Child Safety, schools may not necessarily know the outcome their observations may have on the protection of a student.

If a student's situation does not appear to change, school staff may believe there is little use in submitting further reports of the same nature. This would be regrettable.

Recommendation 7

Education liaises with Child Safety to establish mechanisms so it routinely receives feedback about the student protection reports it submits to Child Safety. This should include information about any outcomes or actions taken by Child Safety and should maintain confidentiality.

Monitoring student protection training

Staff completion of the online training course is recorded automatically in Education's Learning and Development Reporting site, which is updated weekly and is accessible to school and corporate leaders.

Each quarter, the Student Protection and Safety Committee receives reports about completion rates. Non-compliance can be escalated to the school supervisor, principal, and Integrity and Employee Relations unit. When the unit receives information about alleged non-compliance, it considers whether any further action is warranted.

The March 2023 minutes of the Student Protection and Safety Committee noted that student protection reporting rates were the 'highest on record', but that:

... this is not an indicator of high or low performance. SP [student protection] reports have been increasing since 2016 in part due to diligent reporting by DoE [Education] staff.

This work of the Student Protection and Safety Committee demonstrates that Education has made concerted efforts to monitor online training completion rates and considers this area a high priority.

Education is clearly willing to critically evaluate and review its practices and search for improvements (for example, ensuring there are multiple checks to make sure the most serious of student protection reports are sent to the relevant agency).

These activities highlight Education's commitment to making sure school staff understand and can apply current practices and procedures associated with student protection reporting.

We consider that Education has sufficient mechanisms to monitor completion of its online training course and to take any necessary action in cases of non-compliance.

4. Recordkeeping

Kaleb and Jonathon

School staff interacted with Kaleb and Jonathon on a daily basis. Despite this, there were limited OneSchool records for the students.

In a review in June 2020, Education summarised the adverse consequence of the school's poor recordkeeping, stating:

It has been difficult to ascertain if there were reasonable suspicions of harm due to limited record keeping at the school. There are limited contact records that are required to assist in forming a picture of the concerns for the children. There are sporadic reports and concerns noted in different locations, that cumulatively portray concerns over a period of time.

To address these issues, Education undertook a range of activities, including training.

During Public Hearing 33, Education acknowledged that there were some gaps in recordkeeping.

In response to our investigation, it stated:

[L]imited record keeping can restrict visibility of child protection concerns from staff who are not involved in the day-to-day interactions with the children. This lack of visibility can impact identification of escalating needs and assessment of cumulative harm.

The combined effect of this, and the school being focused on the immediate care needs, impacted the school's response to child protection concerns ...

While the lack of records in Kaleb and Jonathon's case is concerning, our investigation has focused on reviewing Education's current practices and procedures.

In this chapter, we discuss Education's:

- information systems
- recordkeeping guidance
- steps for compiling a student protection report
- training.

Information systems

Education's primary information system for student protection reporting and records is OneSchool. Education's website states:

OneSchool is the department's comprehensive software suite that schools use to run safe, secure, sustainable and consistent reporting and administrative processes.

...

Each Queensland state school student has a secure profile within OneSchool. Individual student information is used by the school to meet its duty of care to all students and to administer and plan for providing appropriate education and support services.

Student protection reports are submitted through OneSchool.

Access to guidance

The guidance that school staff rely on to compile and submit student protection reports is stored online in practices and procedures on Education's intranet (OnePortal) and on its publicly available Policy and Procedure Register.

The central publication of practices and procedures ensures staff in schools and departmental offices across all regions can access the same information. This enhances the consistency of collective knowledge and the application of it to all students, including those with disability, no matter where they attend school.

OneSchool Help instructions on OnePortal contain step-by-step instructions for using OneSchool, including for submitting student protection reports.

As part of the investigation, we have reviewed a selection of OneSchool Help instructions and viewed the student protection reporting module (as it is known) in OneSchool.

Practices, procedures and training

General recordkeeping guidance

Records should meet the required standards in the Queensland State Archives' *Records governance policy*. One of the requirements in this policy is that agencies create complete and reliable records so they are able to 'provide evidence of actions or decisions, support accountability and transparency, [and] mitigate risk ...'

Education's *Information asset and recordkeeping procedure* is a broad procedure with general application and does not specifically refer to recordkeeping for student protection matters. It acknowledges the requirement to keep and maintain records in accordance with the *Public Records Act 2002* (which is now the *Public Records Act 2023*), *Financial Accountability Act 2009* and *Financial and Performance Management Standard 2019*.

As with other senior staff in Education, principals are responsible for information management and recordkeeping processes – within their schools.

Student protection recordkeeping guidance

OneSchool Help instructions, the *Student protection procedure* (the procedure) and the *Student protection guidelines* (the guidelines) all include requirements for recordkeeping associated with the student protection reporting process. The guidelines describe student protection records as:

... records created by employees and visitors in relation to a student protection matter, such as documents, notes and emails, as well as records created by students or children in relation to the matter, such as drawings or diary entries.

The guidelines also confirm that OneSchool is the most appropriate place to store such records, by attaching them to the student protection report in question. Hard copy records must be given to the principal, who 'will store them securely and in accordance with departmental recordkeeping policy and procedures'.

The guidelines note that hard copy records 'may also be scanned and attached to a student protection report or Record of Contact with access restricted to the principal, deputy principal and guidance officer'.

Files held by guidance officers or specialist support staff at schools may contain case notes with references to a student protection report being submitted. The guidelines clarify that these references should be stored in a OneSchool student protection report (where the reporting threshold is met) or a Record of Contact, with access restricted to the principal, deputy principal and guidance officer.

We consider that if hard copy records or case notes relate to a student protection report, it would be best practice to scan them to the student protection report, rather than any other location. We encourage Education to investigate this, in the context of our recommendations.

Education also makes allowance for occasions when a student protection report cannot be progressed through OneSchool (for example, for technical reasons). The procedure states:

If for any reason a report is not able to be progressed via the OneSchool Student Protection Reporting module, the principal or Student Protection Record Approver must:

- report all suspicions that meet the reporting threshold directly to Child Safety using the online report form without unreasonable delay; and/or
- report all suspicions that meet the reporting threshold directly to the QPS by calling Policelink on 131 444 without unreasonable delay and, when possible, emailing the report details (as outlined in Appendix 4 of the Student protection guidelines (DoE [Education] employees only)) to oneschoolprogram@police.qld.gov.au; and
- where possible, finalise a student protection report through the OneSchool Student Protection Reporting module as soon as possible.

Compiling a student protection report

We examined the student protection reporting module in OneSchool. School staff use this to create a student protection report, and there are four steps.

Step 1 of the report ('student details') contains the student's address details as well as a section titled 'Other relevant information about the student'. The following check boxes are set out in this section:

- Mental health issues
- Alcohol/Substance misuse
- Is a parent [of a child themselves]
- Youth Justice order
- Homeless
- Domestic violence – student's partner
- Financial stress
- Other.

The check boxes draw attention to any vulnerability the staff member, principal or other officer should consider when making decisions about the student.

Recording disability

There is no specific check box for disability in the student protection report. This is a missed opportunity, because knowing that a student is living with disability could help:

- to determine whether the student has care and support needs that are not being met
- external agencies (such as Child Safety or the QPS) to understand that the student may need specific communication or adjustments.

Child Safety considers this information to be relevant to its reporting process, having regard to its online *Report of suspected child in need of protection form*, which includes a check box for 'disability'. When that check box is selected, the person making the report is required to provide more information.

The *Queensland Child Protection Guide 2.1* (March 2019) notes, to some extent, the relevance of disability to a child protection assessment relating to:

- physical injury
- suspected sexual abuse
- circumstances where a parent refuses medical care for their child.

This Child Safety resource places importance on the proper collection of this information; and we consider Education should adopt a similar practice.

In fact, Education's own online training course refers to the need to be aware of vulnerabilities students may have – including disability.

Capturing a student's disability details in student protection reports will make sure principals who are finalising the reports also see this information. In addition, it will ensure the QPS and Child Safety are aware of a student's disability where it is considered relevant to the report of harm.

Recommendation 8

Education amends its student protection report form so it records whether a student lives with disability (including any relevant details).

Step 2 of the student protection report in OneSchool is about the report details. School staff need to respond to a series of yes/no questions and free text fields about the type and details of the harm. Staff are also instructed to report other relevant information, which may include details about:

- the student's physical presentation that is relevant to the student protection report, for example details of injuries or significant reports about the state of the student's clothing or personal hygiene
- any incidents which individually may not meet the threshold of significant harm, but when considered together lead you to form a suspicion of cumulative, significant harm to the child.

The OneSchool Help instructions, coupled with the questions and prompts in Step 2 of the report, give school staff the tools and guidance needed to include relevant information. For example, in the case of Kaleb and Jonathon, relevant information could have included their physical presentation – the fact that their hair smelled of urine or dog odour – and their lack of appropriate food or clothing.

As noted previously, some of these observations may, on their own, appear not to meet the reporting threshold. However, if they are recorded on multiple occasions, they could lead to a suspicion of significant harm of a cumulative nature.

Step 3 of the student protection report allows school staff to provide other relevant details, such as:

- a parent's circumstances
- whether the parent may be able and willing to protect the child from harm
- the child's home environment
- known contact with or support from other agencies.

The OneSchool Help instructions provide detailed guidance on determining whether there may be a parent able and willing to protect the child.

Under 'Details of parent's circumstances' school staff can tick a range of check boxes about issues that may be impacting negatively on the family's functioning or the parent's ability/willingness to protect the student. These check boxes include: domestic violence, alcohol/substance misuse, disability, financial stress, mental health issues and others.

Based on what we know about Paul Barrett through the report on Public Hearing 33 and Education's OneSchool records for Kaleb and Jonathon, it is likely that some of those check boxes would have been relevant. They would also be relevant if the same set of circumstances arose now.

The OneSchool Help instructions also contain the following guidance about information to include regarding a student's home environment:

- If you know about the family home, include:
- what you know about the home environment
 - how you know this information
 - what impacts the issue is having on the student.

For example, the Occupational Therapist (OT) informed you they visited the home the previous week and advised the house was in an extremely unhygienic condition and the power had been disconnected. The OT also informed you the house is in quite an isolated location 30 minutes outside town. You are reporting as such an environment may be a significant risk as the student has complex physical and healthcare needs.

Some information in this example is similar to descriptions of Kaleb and Jonathon's circumstances, illustrating that school staff are appropriately and adequately guided to include this information in a student protection report.

Step 4 of the student protection report is a summary section in which school staff review their report, check its accuracy, make any necessary revisions and submit it.

The *Student protection guidelines* note that other records relating to student protection reports, such as notes and emails, or even drawings and diary entries created by students, should be attached to the relevant student protection report in OneSchool. This ensures that all relevant information is easily accessible and stored in one location.

Finalising a student protection report – checks and reminders

If a student protection report has been commenced in OneSchool but not submitted, OneSchool will generate emails to be sent to the report's creator to notify them of the unfinished report. OneSchool continues to send these emails each day until a report is submitted.

Similar processes in OneSchool alert principals that student protection reports await their review. These are positive system checks that assist school staff to submit and finalise student protection reports in a timely way.

Reports that are sent to the QPS and Child Safety are done so through a secure web service.

This means that the QPS and Child Safety reference numbers are automatically uploaded into OneSchool, signifying acknowledgement of receipt of the student protection report. This is a good example of agencies working together to make this important reporting process more seamless.

Student protection report training

Education's online training course also takes school staff through the four steps in OneSchool's student protection report, providing prompts to assist with completing the report.

We note that information in the training course aligns with the guidelines and the OneSchool Help instructions. This is encouraging, as it means school staff are presented with a consistent message about compiling a student protection report.

The topics in the training course contain questions and activities for staff to work through. There is an assessment at the end of the course to evaluate their knowledge of concepts covered, such as types of abuse, whether a parent is able and willing, and how to consult staff or access practices and procedures for additional guidance.

There are also two fictitious case studies that present information to staff through short videos, transcripts, activities, guidance and advice. The case studies delve into ways to respond to disclosures of harm, find out more information, ask questions and identify appropriate responses (including who to contact). They also examine the process of submitting student protection reports, including the detail to put into them.

We consider that Education provides school staff with the necessary information to ensure they understand how to adequately complete a student protection report.

Report writing

Education's online training course also provides guidance about report writing, in the context of compiling student protection reports.

A short video advises school staff to be factual and clear, and to avoid speculating. It also warns against assuming that Child Safety or the QPS will have the same knowledge about the student or understand why a staff member is concerned.

This is a helpful reminder to school staff of their unique position and ability to observe students on a daily basis. It also serves to highlight the importance of writing accurate and detailed reports.

An example in the training video illustrates how critical it is to be factual and to include information about a student, such as a disability, where it demonstrates the student's vulnerability:

John is a student with severe autism, epilepsy and verified intellectual disability which would make him more vulnerable to harm. During the past 9 months I have previously submitted 2 student protection reports on John, one in relation to suspected neglect and one due to suspected physical abuse.

In regard to reporting harm on multiple occasions, the video about report writing also advises:

If you've previously reported concerns on 5 occasions in the past 6 months, state this in the report.

Recording information about a student with disability

Education's desktop audit after Kaleb and Jonathon's situation came to light found that there were no records in OneSchool relating to the students' medical needs and no disability support summaries for either of them. This is a recordkeeping issue, and it is perplexing, considering the high care and support needs both students had.

We asked Education how information about a student's disability should be recorded. Education advised that schools can record information about a student's disability in OneSchool in several ways. Staff can record the information in a *Disability Discrimination Act 1992 Personalised Learning Record* (DDA PL) or a *Personalised Learning record* (PL). The DDA PL has a specific disability tab, which is:

... automatically populated if a student has an Adjustment Information Management System (AIMS) Education Adjustment Program (EAP) record for autism, hearing impairment, physical impairment, vision impairment, or intellectual disability. A record can also be created manually for a student with an appropriate medical/specialist report or letter who is not EAP verified.

The PL record is used to record information about a student's personalised learning needs, which may include data about key characteristics, impacts and adjustments. The Student Plan section in OneSchool can also be used to document ways in which students are supported at school, such as through individual curriculum plans or health management plans.

It appears that there are several locations in OneSchool where school staff can record information about a student's disability and their needs. We have no issue with having multiple locations, as long as the fact that the student has disability is obvious on their record.

We have reviewed Education's guidance about recording this information, which is mainly contained in OneSchool Help instructions. These instructions are detailed, and set out the difference between the PL record and DDA PL record.

Education's practices and procedures provide school staff with enough guidance about where to record information about a student's medical and/or disability needs and support.

5. Professional judgement

Kaleb and Jonathon

Education's desktop audit and the review it conducted after Kaleb and Jonathon's situation came to light identified that:

- staff conducted unofficial home visits
- staff communication with Paul Barrett was challenging.

Education told us:

... the school provided a high level of support to meet the immediate care needs of Kaleb and Jonathon, particularly their hygiene and personal health needs. The school staff demonstrated significant commitment to supporting the daily care needs of Kaleb and Jonathon, however, by focusing on their immediate personal care needs, school staff were not able to make appropriate assessments of the long-term safety and wellbeing of the boys, to determine if mandatory referrals to the Department of Child Safety, Seniors and Disability Services (Child Safety) were warranted as required by the CP Act and the Department's Student Protection procedure.

Education recommended the school address this through:

- clarifying the roles of staff
- supporting the school to 'better understand local services and [Family and Child Connect] for matters of student safety'
- providing refresher training on the code of conduct.

We have considered Education's observations as an issue relating to professional judgement.

In this chapter, we discuss:

- current practices and procedures relating to professional judgement
- challenges associated with exercising professional judgement
- how Education could improve its practices and procedures.

Practices, procedures and training

All staff employed by Education are expected to adhere to the Queensland Government's *Code of conduct for the Queensland public service*. There are also other practices and procedures that guide school staff in exercising professional judgement and maintaining professional boundaries.

Many of Education's practices and procedures relating to professional judgement and maintaining professional boundaries focus on maintaining appropriate and professional staff-student relationships. While this is important, it is not the focus of this investigation.

We found limited guidance about situations like Kaleb and Jonathon's, where school staff were, at times, toileting, bathing and clothing them. We also consider the practices and procedures lack adequate guidance about staff-parent relationships.

Professional judgement and boundaries

We obtained practices and procedures from Education about how it guides school staff in maintaining professional boundaries in their dealings with the families of students. We considered all of these documents.

They indicate that Education expects school staff to give a student's protection and safety the greatest priority. Education also requires school staff to act professionally in their dealings with students.

For example, the guidance suggests that, if Education were responding to Kaleb and Jonathon's circumstances today, school staff would need to follow a set procedure for conducting a home visit, should they consider such a visit necessary.

Education also provided us with other practices and procedures including:

- *Professional Boundaries: A Guideline for Queensland Teachers* (the Professional Boundaries Guideline)
- *Code of Ethics for Teachers*
- other resources from the Australian Institute for Teaching and School Leadership.

The Professional Boundaries Guideline, published by the Queensland College of Teachers, states that 'teachers must act professionally at all times in their relationship with students'. It recognises the power imbalance inherent in these relationships.

The Professional Boundaries Guideline also notes that there 'may be some "grey areas" around professional boundaries' and states that it is not possible to address 'all possible circumstances teachers might find themselves in'. Circumstances such as Kaleb and Jonathon's may have been considered 'grey areas', given the high care and support provided to these students.

Challenges with professional judgement

OneSchool records examined in Education's desktop audit and reviewed in this investigation demonstrate that Paul Barrett was known to react sensitively, defensively and, on one occasion (in the records), in an abusive manner to questions from the school about his children's health and wellbeing. This, along with the connection staff felt to Kaleb and Jonathon, may have affected their judgement in their dealings with (and decisions about) the family.

The issue of staff dealings with parents also arose in a different matter – the inquest into the death of Mason Jet Lee, a 22-month-old child who died of abdominal injuries inflicted by the partner of his mother.

The Deputy State Coroner's report on this matter referred to information from Dr Andrew Whittaker, Associate Professor and Head of the Risk, Resilience and Expert Decision-making research group at London South Bank University.

Although Dr Whittaker's information related to the actions and decisions of Child Safety officers involved in Mason Jet Lee's life, some of his commentary may also be relevant to the nature of relationships between school staff and parents. The Deputy State Coroner said:

Dr Whittaker stated that workers can experience genuine empathy for such parents but this can become problematic when it leads to them being hesitant to challenge parents sufficiently.

...

Dr Whittaker recognised that building up relationships with parents is necessary but it is a delicate balancing act to also remain focussed on the risks posed to the children.

...

... workers find it difficult and stressful to challenge parents particularly when they respond with aggression or defensiveness.

We acknowledge that it is not possible to prevent all future harm to children from occurring. However, agencies must have in place adequate practices and procedures, training courses and monitoring mechanisms that aim to prevent as much harm as possible.

Professional judgement is one part of the equation in student protection reporting and it is possibly the most difficult to regulate, given that it is so individual.

Education's practices and procedures about maintaining professional boundaries are helpful in a general sense. However, they do not address circumstances such as Kaleb and Jonathon's case, which differed from the examples of intimate or romantic staff-student relationships documented in the current practices and procedures.

We consider that Education's practices and procedures should be improved by including information and examples (such as this case), where professional judgement can be challenged and boundaries can blur when high needs or added vulnerabilities exist, whether with students or their parents.

Recommendation 9

Education includes, in its current practices and procedures on maintaining professional judgement and boundaries, example situations and information on how to address them. These could include Kaleb and Jonathon's case.

6. Referral to support services

While reporting to Child Safety may be the necessary response to a child protection concern in some cases, concerns about a child's care can often be addressed by offering support to the family.

The general principles of Queensland's current Child Protection Act include that:

- a child's family has the primary responsibility for the child's upbringing, protection and development
- the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family.

The Child Protection Act provides several mechanisms for agencies (including Education) to refer a child/their family to a support service, such as Family and Child Connect, Intensive Family Services, or Family Wellbeing Services.

The report on the Royal Commission's Public Hearing 33 did not directly cover referral to support services. However, it is clear that, in situations like Kaleb and Jonathon's, school staff need to know how and when to refer a family to specialist support services.

For that reason, as part of our investigation, we have considered what Education's practices and procedures are with regards to this.

Practices and procedures

The *Student protection procedure* (the procedure) states that principals, deputy principals, guidance officers and senior guidance officers may refer children and their families to support services when they consider they may benefit from additional support. The procedure notes that information must be shared with Child Safety in accordance with the *Information sharing under the Child Protection Act 1999 (Qld) procedure*.

The *Student protection guidelines* (the guidelines) note that school staff can consult with a support service such as Family and Child Connect when they are assessing whether or not their suspicions of harm meet the reporting threshold. School staff can also obtain guidance about support services from Child Safety's online *Child Protection Guide*.

If a staff member believes a child or their family might benefit from referral to a support service, they are advised to talk to the principal or other delegated officers to make those referrals.

The guidelines provide more detailed information about the three main support services for vulnerable children and families in Queensland, including their key functions and how to access them. They set out ways in which support services can help families, for example, those with a variety of parenting challenges.

The guidelines also discuss consent to refer a child or family to a support service, and it is clear that the best interests of the child must remain paramount:

Whenever safe, possible and practical, consent should be obtained from a child's family before sharing information about a child or family.

However, the safety, wellbeing and best interests of the child are prioritised over privacy, and delegated officers may share information about a child or family without consent to help a support service provide services to a child or their family.

The guidelines note that principals and other delegated officers should speak with their regional Principal Advisor, Student Protection, if there are no (or only limited) support services available. As noted in earlier chapters, there is a principal advisor in each of Education's regional offices. It is their role to act as a point of contact for principals, school leaders and regional staff on all matters relating to student protection.

The guidelines also briefly note that records about referrals to support services must be kept, in accordance with the *Information asset and recordkeeping procedure*. The section of the guidelines on managing records (which applies to records generally, not solely to referrals to support services) outlines what is required.

In general, OneSchool is the most appropriate place to store records relating to student protection matters, which includes referrals to support services.

Training

Education's training resources reiterate the information in its practices and procedures about support services and the circumstances in which referrals may be beneficial.

It appears that referral to a support service may be considered by school staff at any time, but certainly when the outcome of a student protection report is 'monitor at school'.

The online training course mentions support services when providing guidance about what to do if suspicions do not meet the reporting threshold. It states: 'Even if a student protection report isn't submitted, the principal may decide it would be appropriate to provide support to the student or their family.'

The course provides the following commentary on referring a student or child to a support service:

In most circumstances, children are best cared for by their own families. However, sometimes families need support. In Queensland, vulnerable families and children can access a range of high-quality services to help them to stay safe and stay together.

While serious child protection concerns must be reported to Child Safety and/or QPS [Queensland Police Service], families at risk of entering or re-entering the child protection system can be referred to support services such as Family and Child Connect.

In schools, only the principal, deputy principal and guidance officer can make referrals to support services. If you feel a child and their family would benefit from additional support, talk to your principal, deputy principal or guidance officer.

Completing the Queensland Child Protection Guide may help you and your colleagues decide whether referral to a support service is appropriate.

The training course clearly outlines the options for principals as regards support services and their responsibilities:

Providing support to students

It's your responsibility to determine the most appropriate support for the student identified in the student protection report. Supporting the student may involve:

- referring them to one or more school-based student health and wellbeing services including the guidance officer, chaplain, school-based youth health nurse or state schools registered nurse
- referring them and their family to an appropriate external support service (refer to the 'Sharing student information' page)
- [completing] a Domestic and family violence student safety plan with the protective parent (if a student or family is experiencing DFV)
- consulting with your SCAN team representative about referring them to a Suspected Child Abuse and Neglect (SCAN) team meeting
- nominating a staff member to monitor and support the student and be a point of contact for them.

You can use OneSchool's Export Student Protection Report function to generate a list of finalised student protection reports. Use this list as a prompt to:

- review the support put in place for each student
- identify additional supports as needed.

Referring vulnerable children and families

Ideally, we should keep children with their families and put those families in touch with support services before issues escalate and statutory child protection intervention is needed. When a family has complex or multiple needs, support services can assess those needs and help the family get support as soon as possible.

You may consider a referral to a support service when:

- you have concerns for a student or child's wellbeing that don't meet the threshold for reporting them to Child Safety or the QPS
- Child Safety and/or the QPS say they won't be taking action, and you think the student or child and their family would benefit from additional support.

Full information about how to share information about families with support services is outlined on the page 'Sharing student information'.

We consider that Education's training resources provide school staff with adequate guidance on understanding the role of support services, the circumstances in which they may be beneficial, and how to make referrals.

Quality assurance

Education's training highlights the need for school staff to look out for a pattern of referrals to support services. This can be an indicator of cumulative harm and a consideration about whether a parent is able and willing to protect a child.

We understand that, while referrals may be recorded on a student's OneSchool profile, Education does not capture data in a reportable way. It is unclear how school staff can identify a pattern without this, and this is problematic.

We note that Child Safety is responsible for collecting data on the number of referrals received by support services. However, we consider that Education should capture this as well, because much can be learnt from it. This includes patterns of repeat referrals and information on which families use support services the most.

We encourage Education to consider how this data can be made reportable.

7. Systemic improvements

Education has a range of detailed policies, procedures, guidelines, factsheets and training courses to guide staff in making decisions about student protection reporting and recordkeeping.

System-level reforms

Education informed us that a number of system-level reforms have been introduced in recent years to improve service delivery to vulnerable students. These reforms will also help in identifying indicators of harm. They include:

- strengthening individual case management to support students with complex and significant support needs, including students with disability
- creating new regional positions (Directors, Student, Child and Family Connect; and Principal Education Officers – Students in Care) to assist vulnerable students and families to access multi-agency support
- monitoring and analysing the student protection reporting process (conducted by principal advisors)
- developing training about cumulative harm and assessing a parent's ability and willingness to protect a child.

We acknowledge Education's ongoing focus on reviewing its systems and identifying areas for continuous improvement. It is important that Education continues to oversee and periodically review its student protection reporting process.

Unconscious bias

Public Hearing 33 recommended that the State of Queensland, which includes Education, provides training and resources about unconscious bias to those of its employees who have responsibilities relevant to children.

The Royal Commission commented on attitudes and assumptions about disability generally, and noted that unconscious biases can result in low expectations of people with disability and an acceptance of explanations, such as those made by Paul Barrett.

Education advised us that it is in the process of updating existing student protection practices and procedures, as well as its online training course, to include information about managing conscious and unconscious bias and preventing discrimination.

It also noted that it is working collaboratively with Child Safety and other relevant agencies on this matter. This should stand Education in good stead in ensuring it can appropriately identify child protection concerns and follow its student protection reporting process.

Awareness, culture and leadership

An agency's workplace culture and leadership inform the practices of its employees. Repeated messaging from the top sets the tone for all staff.

It was evident when we examined Education's practices and procedures that student protection is given a high priority. It is referred to in many documented policies, procedures and guidelines, as well as in Education's online training course.

Education advised us that in Term 1 of each school year, all staff receive communication reminding them of their obligations to complete the mandatory online training course.

In addition to this, updates are posted to the Student Protection OnePortal webpage throughout the year promoting the training and resources that provide student protection guidance.

These are positive steps in ensuring staff are aware of their obligations as mandatory reporters. They also broadcast the importance of student protection reporting across Education's regions and schools.

Appendix A: History of interactions with Kaleb and Jonathon

Table 1: History of interactions with Kaleb and Jonathon

Year	Key interactions
2001	Kaleb attends a Special Education Development Unit
2004	Kaleb attends an Early Childhood Development Program at a departmental school (school 1)
2006	- Kaleb starts primary school at a special school (school 2) - Jonathon attends school 1
2005, 2006 and 2008	- Staff at both schools have concerns about: - Kaleb and Jonathon's diet, presentation, toileting and hygiene - Paul Barrett's aggressive behaviour when responding to the concerns of school staff
2009	Jonathon starts at school 2
March 2010	- The school principal issues a student protection report to the Queensland Police Service (QPS) and notifies Child Safety of suspected harm/risk of harm to Kaleb and Jonathon - The concerns of harm relate to their: - hygiene - diet (digesting foam rubber regularly) - care at home (including the condition of the house) - access to support services - Child Safety decides not to investigate and notes that teachers can monitor both children and refer additional concerns to Child Safety
May 2010	- The QPS visits Kaleb and Jonathon's home and observes both children to be at risk - Child Safety removes them given the 'unliveable' condition of the home and their 'serious neglect'
June 2010	- Child Safety assesses the information and returns them to their father after six days - Child Safety opens an investigation and works with the family for six months
August 2010	- The school principal informs Child Safety: - Paul Barrett behaves aggressively, particularly when challenged about supports for Kaleb and Jonathon - The children are not eating enough at home - Attempts to meet with Paul Barrett have been abandoned

August – December 2010	• Child Safety contacts school staff on several occasions • School staff explain they used to bathe both children every day before Child Safety’s investigation
Early 2018	• School staff observe: – Jonathon smells of dog odour – His hair smells of urine – He passes rocks and pebbles in bowel movements – He attends school in unsuitable clothing – Kaleb and Jonathon do not always have enough lunch • School staff do not report these observations internally or to Child Safety
Late 2018	• Staff notice a lump on Kaleb’s head, but do not submit a student protection report to Child Safety • Child Safety liaises with school staff and gathers information about both children’s hygiene, appearance and school lunches • School staff tell Child Safety Paul Barrett is ‘coping well given the significant disabilities’ of his children • During a meeting with Child Safety, Queensland Health and the QPS, Education raises concerns that Paul Barrett may be minimising Jonathon’s seizures • Kaleb finishes school
Early 2019	• Child Safety determines that Jonathon is not in need of protection
February 2020	• School staff become aware that: – Jonathon does not have access to the National Disability Insurance Scheme (NDIS) – Paul Barrett has not regularly provided incontinence products for Jonathon to use at school for six months
March 2020	• Jonathon begins learning from home due to state restrictions during the COVID-19 pandemic
Early May 2020	• School staff deliver education packs to Paul Barrett and offer to help Jonathon with schoolwork • Staff do not see Jonathon, but discuss his access to the NDIS with Paul Barrett, who is worried about losing his pension if Jonathon has NDIS support
Late May 2020	• A teacher aide texts a teacher with concerns about Kaleb and Jonathon because: – Paul Barrett is unwell – Jonathon has lost weight and is not at school (on that day) • Seven days later, school staff try to telephone Paul Barrett to check on Jonathon • The following day, authorities find Paul Barrett, deceased, at the house • They also find Kaleb and Jonathon naked and severely malnourished, locked in a room with faeces on the floor

Source: Office of the Queensland Ombudsman, adapted from the Royal Commission’s report on Public Hearing 33.

Appendix B: Response from the Department of Education



Office of the
Director-General

Department of
Education

12 MAR 2025

Mr Anthony Reilly
Queensland Ombudsman
Email: investigations@ombudsman.qld.gov.au

Dear Mr Reilly

Thank you for your letter dated 10 February 2025 regarding the Office of the Queensland Ombudsman's own-initiative investigation into the Department of Education's current practices and procedures in line with the recommendations from Public Hearing 33 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Thank you for providing the proposed report and recommendations for the department's review and comment prior to being finalised. I note your advice that the final report will be tabled in the Legislative Assembly and made publicly available on the Queensland Ombudsman website.

The department has no further comments on the proposed report and recommendations.

I was pleased to note the report acknowledged the department's willingness to critically evaluate and review its practices and search for improvements – noting that *these activities highlight Education's commitment to making sure school staff understand and can apply current practices and procedures associated with student protection reporting*.

The department remains committed to ensuring our student protection practices, procedures and training are of the highest standard and welcomes recommendations from the report that can strengthen our approach.

Should you wish to discuss this matter further, I invite you to contact [REDACTED] or on [REDACTED], by email at [REDACTED].

Thank you for the collaborative nature of the investigation and the opportunity to review the proposed report and recommendations.

Yours sincerely

SHARON SCHIMMING
Acting Director-General

Ref: 25/177089

Your ref: 2023/08004

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