

Circular No. 05/2011
18/03/2011
File No. DOC11/19131

CHILD PROTECTION

As a result of a review by the Child Safety Coordination Unit, a number of amendments have been made to [Chapter 7](#): 'Child Protection' of the Operational Procedures Manual (OPM).

The changes to the following sections are set out in this Circular in the format that will be used when incorporated into the OPM in due course.

7.5 Suspected Child Abuse and Neglect (SCAN) Team System

- 7.5 [Suspected Child Abuse and Neglect \(SCAN\) Team System](#)
- 7.5.1 [SCAN teams](#)
- 7.5.2 [SCAN team referral criteria](#)
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- 7.5.4 [Responsibilities of the OPS representative on a SCAN team](#)
- 7.5.5 [Escalation process for SCAN teams](#)
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7.6 Complaints of suspected child harm

- 7.6.3 [Initial inquiries by officer investigating the complaint](#)
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- 7.6.5 [Checks of the Integrated Client Management System \(ICMS\)](#)
- 7.6.8 [Finalisation of a complaint of harm to a child - OPRIME occurrence to be concluded](#)
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7.8 Children in need of protection

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7.9 Interview with a child

- 7.9 [Interview with a child or person with an impairment of the mind](#)
- 7.9.1 [Persons to be present for an interview with a child who is a victim or witness](#)
- 7.9.2 [Preparation for an interview with a child](#)
- 7.9.3 [Procedures for interviewing a child](#)
- 7.9.5 [Interviews at state or private schools or places where child care is provided](#)
- 7.9.6 [Recording of evidence of a child witness](#)
[Testing of equipment used to obtain statements s. 93A of the Evidence Act](#)
[Recording of statements of persons who do not fall under s. 93A of the Evidence Act](#)

7.10 Investigating allegations of physical/sexual harm of students by employees of the Department of Education and Training

- 7.10.1 [Responsibility for investigating complaints of physical/sexual harm involving employees of the Department of Education and Training](#)

7.13 Preparation of child witnesses for court

- 7.13 [Preparation of child witnesses for court](#)
[Child witnesses under the age of eight years](#)
- 7.13.1 [Use of organisations to assist child witnesses](#)

7.17 Information Exchange

- 7.17.2 [Relevant information exchange](#)
- 7.17.4 [Information from Chief Executive, Department of Communities to police officer helping the coroner to investigate a death](#)

Appendix 7.4 [Deleted](#)

Appendix 7.6 [Sample wording for QPRIME occurrence](#)

Appendix 7.9 [ICM and SCAN Team Process Flowchart](#)

Administration

POLICY

The contents of this circular will be incorporated into [Chapter 7](#): 'Child Protection' of the Operational Procedures Manual in due course.

The following sections of [Chapter 7](#): 'Child Protection' of the Operational Procedures Manual are hereby cancelled:

- 7.5 ['Suspected Child Abuse and Neglect \(SCAN\) Team System'](#)
- 7.5.1 ['SCAN teams'](#)
- 7.5.2 ['SCAN AM team referral criteria'](#)
- 7.5.3 ['SCAN AM team referral'](#)
- 7.5.4 ['Responsibilities of the QPS representative on a SCAN AM team'](#)
- 7.5.5 ['Dissension reporting'](#)
- 7.5.6 ['Exception reporting'](#)
- 7.6.3 ['Initial inquiries by officer investigating the complaint'](#)
- 7.6.5 ['Checks of the Integrated Client Management System \(ICMS\)'](#)
- 7.6.8 ['Finalisation of a complaint of harm to a child - QPRIME occurrence to be concluded'](#)
- 7.6.10 ['Domestic Violence involving children'](#)
- 7.8.9 ['Protection of unborn children'](#)
- 7.8.10 ['Concerns with Child Safety Services, Department of Communities response'](#)
- 7.9 ['Interview with a child'](#)
- 7.9.1 ['Persons to be present for an interview with a child who is a victim or witness'](#)
- 7.9.2 ['Preparation for an interview with a child'](#)
- 7.9.3 ['Procedures for interviewing a child'](#)
- 7.9.5 ['Interviews at state or private schools or places where child care is provided'](#)
- 7.9.6 ['Recording of evidence of a child witness'](#)
- 7.10.1 ['Responsibility for investigating complaints of physical/sexual harm involving employees of the Department of Education and Training'](#)
- 7.13 ['Preparation of child witnesses for court'](#)
- 7.13.1 ['Use of organisations to assist child witnesses'](#)
- 7.17.2 ['Relevant information exchange'](#)
- 7.17.4 ['Information from Chief Executive, Department of Communities to police officer helping the coroner to investigate a death'](#)
- Appendix 7.4 ['SCAN model'](#)
- Appendix 7.6 ['Sample wording for QPRIME occurrence'](#)
- Appendix ['SCAN AM team referral Criteria Flowchart'](#)

7.9

ORDER

Officers in charge are to note the contents of this circular and bring them to the notice of all members under their control.

**ROSS BARNETT
DEPUTY COMMISSIONER
(SPECIALIST OPERATIONS)**

7.5 Suspected Child Abuse and Neglect (SCAN) Team System

Chapter 5A, Part 3, [ss. 159I](#) to [159L](#) of the *Child Protection Act* (the Act), establishes the Suspected Abuse and Neglect (SCAN) System, states its purpose, establishes its membership and core members, and outlines the responsibilities of its core members. The Commissioner is a core member of the SCAN System. The SCAN system established consists of SCAN teams whose purpose is to formulate recommendations regarding the welfare and protection needs of children.

The system is overseen by the SCAN Team Sub-Committee, comprising senior officers from QPS, Child Safety Services, Department of Education and Training, and Queensland Health. The sub-committee's purpose is to monitor the operation of the SCAN team system and to provide advice to the Child Safety Directors Network on the leadership, coordination, communication and strategic planning initiatives to improve the operation of the SCAN team system.

Information regarding SCAN team processes and practices is contained in the Information Coordination Meetings (ICM) and Suspected Child Abuse and Neglect ([SCAN\) Team System Manual](#) available on the [Safety and Sexual Crime Group](#) webpage on the QPS Intranet (Bulletin Board).

Information Coordination Meetings (ICM)

An ICM provides a forum for discussion of a matter where a SCAN team core member representative provides further information regarding the rationale for a child safety intake decision and requires multi-agency discussion.

Referral to an ICM

An ICM referral must meet all the following criteria:

- (i) the matter has been assessed by Child Safety as a child concern report (CCR);
- (ii) the SCAN team core member representative has contacted the Child Safety regional intake team leader for further discussion regarding the decision and rationale; and
- (iii) the matter remains a CCR and the SCAN team core member representative requires the opportunity for multi-agency discussion.

Providing these criteria have been met, an ICM referral may be progressed by the SCAN team core member representative. For administrative efficiency, an ICM referral is submitted via the Request for Multi-Meeting form, which is utilised for both ICM and SCAN team referrals.

7.5.1 SCAN teams

SCAN teams

SCAN teams are the foundation of the SCAN system. The Service is a core member of the SCAN system as provided by [s. 159K](#): 'Members' of the *Child Protection Act* (the Act), and is to provide a representative at every SCAN team meeting held. Along with the QPS, SCAN team core membership includes:

- (i) Child Safety Services, Department of Communities;
- (ii) the Department of Education and Training;
- (iii) Queensland Health; and
- (iv) in the case of a child being an Aboriginal or Torres Strait Islander, a recognised Aboriginal or Torres Strait Islander entity.

In addition, other professionals may be invited to attend as 'invited stakeholders'.

Where a matter meets the threshold for a notification and the mandatory criteria for a SCAN team referral, an officer from any of the SCAN team core member agencies intending to refer a matter to SCAN must progress the referral through their agency's SCAN team core member representative. Matters which have not been through the Child Safety intake process and a notification recorded, cannot be referred to the SCAN team, unless the child is subject to ongoing intervention through a support service case, intervention with parental agreement or a child protection order.

The frequency of SCAN team meetings is determined by the representatives of each SCAN team and is agreed upon in response to operational needs. If a referral requires urgent attention by a SCAN team, an emergency meeting may be called.

PROCEDURE

A designated QPS SCAN team representative is to attend each meeting held for that team. If the designated representative is not available, a suitably qualified proxy must be nominated. (See [s. 7.5.4](#): 'Responsibilities of the QPS representative of a SCAN teams' of this Circular.)

7.5.2 SCAN team referral criteria

POLICY

The criteria for a SCAN team referral is based on [s. 10](#): 'Who is a child in need of protection' of the *Child Protection Act* and requires that there is:

- (i) a suspicion that the child has suffered harm, is suffering harm or is at unacceptable risk of suffering harm. See [s. 9](#): 'What is harm' of the *Child Protection Act*; and
- (ii) concern that the child does not have a parent able and willing to protect the child from the harm; and
- (iii) the SCAN team core member believes coordination of multi-agency actions is required to effectively assess and respond to the protection needs of the child.

Refer to [Appendix 7.9](#): 'ICM and SCAN team process flow chart.'

In deciding whether the complexity of a case requires discussion by a SCAN team, the QPS SCAN team representative and the referring officer may consider all relevant factors including:

- (i) the child's vulnerability due to age or stage of development;

- (ii) whether the child has a severe/chronic medical condition and the parent(s) is/are not meeting the child's health needs;
- (iii) the child is self-harming or suicidal;
- (iv) the child is homeless;
- (v) any chronic history of multiple allegations of harm or risk of harm;
- (vi) the child has any current youth justice or child protection orders;
- (vii) the child is displaying inappropriate sexual behaviour;
- (viii) any contentious guardianship/residency issues;
- (ix) substance abuse concerns, child and/or parents;
- (x) mental health concerns, child and/or parents;
- (xi) any concerns due to disability, child and/or parents;
- (xii) family isolation increases child's vulnerability;
- (xiii) any chronic history of family and domestic violence;
- (xiv) child protection concerns relate to an unborn child; and
- (xv) a sibling or unborn sibling of a child whose cause of death was sudden and unexplained.

7.5.3 SCAN team referral

POLICY

The identity of the person who provided the initial information to the police (the 'notifier') is not to be disclosed on the Form 1: 'Request for Multi-Agency Meeting' or to any person outside of the SCAN team. (See [s. 7.17.5](#): 'Confidentiality and liability - information disclosure' of the Operational Procedures Manual and [ss. 22](#): 'Protection from liability for notification of, or information given about, alleged harm or risk of harm' and [186](#): 'Confidentiality of notifiers of harm or risk of harm' of the *Child Protection Act*.)

When an officer is investigating a complaint of alleged harm to a child, and the complaint meets the SCAN team referral criteria (see [s. 7.5.2](#): 'SCAN team referral criteria' of this Circular):

- (i) in cases where the Service is conducting a joint investigation with officers from Child Safety Services, Department of Communities, it is the responsible of Child Safety Services, Department of Communities for the submission of the Form 1. Officers are to provide any further information on a Form 2: 'SCAN Team Additional Information';
- (ii) in cases where the Service is conducting a joint investigation with any other agency, officers are to consult with the other agency to determine who will submit the Form 1;
- (iii) officers are not to rely on other agencies for the submission of QPS information to a SCAN team. During joint investigations, officers are to provide QPS information on a separate Form 1 or Form 2;

(iv) officers are to include all relevant information on the Form 1, including details of any relevant offender or domestic violence history, any relevant risk factors, details of the impact on the child of the alleged harm and any actions taken by a parent to protect the child from harm;

(v) officers are to record only factual information on the Form 1, except in the section titled 'Rationale for SCAN team referral'. In this section opinions may be given. However, pursuant to the *Right to Information Act* and the *Information Privacy Act*, members of the public may be subsequently granted access to that document. If an opinion is given, then the officer should provide supporting argument which was considered in reaching the opinion; and

(vi) within 3 days of determining that the referral criteria has been met, officers are to complete a Form 1 or the Form 2 (see [QPRIME User Guide](#)).

An officer is to continue investigations into the alleged harm to the child without waiting for the case to be considered by a SCAN team. Officers are to consult with officers from Child Safety Services, Department of Communities, for the purposes of planning the most appropriate way of conducting the investigation in accordance with the provisions of [s. 248B](#): 'Consultation about investigations and prosecutions' of the *Child Protection Act*.

Following referrals to the SCAN team, officers should carry out all investigations required by the SCAN team, and all subsequent information is to be forwarded to the QPS SCAN team representative on a Form 4: 'SCAN Team Review' .

All SCAN team review forms are to be forwarded to the QPS SCAN team representative no later than three working days prior to the next scheduled SCAN team meeting (see [QPRIME User Guide](#)).

7.5.4 Responsibilities of the QPS representative on a SCAN team

POLICY

The Service should be represented at a SCAN team meeting by a nominated SCAN team representative. When the nominated representative is not available they should be replaced by a suitable proxy who has the knowledge and experience to appropriately represent the QPS in SCAN team discussions, and sufficient authority to commit Service resources to agreed SCAN team recommendations.

A police representative on a SCAN team is responsible for:

- (i) providing advice, support and consultancy to members to facilitate the effective functioning of the SCAN system;
- (ii) assessing the quality of SCAN team referrals received from officers, to ensure that all elements of the referral criteria have been met. Prior to forwarding the Form 1: 'Request for Multi-Agency Meeting' to the local SCAN team Coordinator, be satisfied that the case will benefit from multi-agency consideration.
- (iii) forwarding the referral form to the local SCAN team coordinator within five working days of receipt;
- (iv) representing the QPS at SCAN team meetings;
- (v) providing relevant advice and assistance to SCAN team members in relation to Service policy and procedures;
- (vi) actively participating in initial case assessment and development of case management recommendations for implementation within the SCAN system;

- (vii) providing relevant knowledge and advice in relation to child protection investigations;
- (viii) where necessary, making recommendations to commence a proceedings;
- (ix) updating the relevant QPRIME occurrence following each SCAN team meeting with at least the following information:
 - (a) the name of the SCAN team;
 - (b) the date of the SCAN team meeting;
 - (c) any recommendations made; and
 - (d) any outcomes of the meeting.
- (x) providing feedback to investigating officers with regard to outcomes, as soon as practicable after the close of a SCAN team meeting;
- (xi) requesting Service resources to support SCAN team recommendations as required;
- (xii) ensuring that any recommendations relevant to the Service made by a SCAN team are implemented where such recommendations are consistent with legislative provisions, SCAN inter-agency agreements and Service policy;
- (xiii) participating in the implementation and monitoring of SCAN team recommendations; and
- (xiv) participating in inter-departmental development and delivery of training and information relating to the SCAN system.

7.5.5 Escalation process for SCAN teams

POLICY

When, after full and open discussion by a SCAN team, the SCAN team core member representatives are unable to reach consensus on a recommendation, issues of disagreement must be recorded in the SCAN team minutes. Where necessary, an escalation process is initiated to ensure timely outcomes for the child and the accountability and transparency of the SCAN team.

The escalation process can only proceed when there is clear disagreement by SCAN team core member representatives in relation to recommendations regarding the coordination of multi-agency actions to assess and respond to the protection needs of the child.

This does not include disagreement in relation to an action that is the core business of another SCAN team core member agency. Issues in relation to these areas will be addressed outside the SCAN team forum in accordance with the relevant agency's complaint protocols.

If the SCAN team cannot reach agreement the SCAN team coordinator will provide a copy of a Form 6: 'SCAN team escalation report' containing details of the meeting and escalation to all SCAN team core member representatives with a request to provide a summary of each agency's assessment of the protection needs of the child and proposed actions to respond to these, and any other relevant information, within five business days.

On receiving the Form 6, the QPS SCAN team representative is to:

- (i) consult with their Officer in Charge regarding their assessment of the protection needs for the child and actions required to respond to these;
- (ii) if supported by their Officer in Charge, enter the details of the assessment in the relevant section of the Form 6;
- (iii) forward the Form 6 to the SCAN team coordinator within five business days; and
- (iv) update the relevant QPRIME occurrence.

The SCAN team coordinator will collate the responses from each agency and enter these into one Form 6. A copy of the Form 6 will then be forwarded to each SCAN team representative for ratification.

On receipt of the Form 6, the QPS SCAN team representative is to provide the Form 6 to their Officer in Charge for consideration and review of the SCAN team recommendations.

The Officer in Charge is to:

- (i) determine the multi-agency actions required based on the information provided in the Form 6;
- (ii) uphold, amend or withdraw the original recommendation(s) made by the SCAN team as necessary; and
- (iii) ensure the Form 6 is updated and returned to the QPS SCAN team representative.

The QPS SCAN team representative is then to provide the amended or approved Form 6 to the SCAN team coordinator for tabling at the next SCAN team meeting for review and appropriate action by the SCAN team.

While the matter is being resolved, investigating officers are to, in consultation with their Officer in Charge, continue to carry out their statutory responsibilities to ensure the ongoing protection of the child.

7.5.6 Departing from SCAN team recommendations

POLICY

Where a SCAN team has made a recommendation and the officer tasked with the implementation of the recommendation has departed from, or is considering departing from the recommendation for any reason, that officer is to notify their officer in charge of the departure or considered departure and:

- (i) in cases where departure is considered, consult with and obtain approval from, their officer in charge. If the departure is not approved, implement the original SCAN team recommendation; or
- (ii) in cases where departure is approved, or departure has already occurred from a SCAN team recommendation, immediately provide information, including the rationale for the decision to depart, actions taken or not taken, and any possible impacts of the departure, to the relevant QPS SCAN team representative by completing a Form 4: 'SCAN Team Review' and updating the relevant QPRIME occurrence.

The SCAN team representative is to forward all information relating to departures to the SCAN team co-ordinator for discussion at the next SCAN team meeting. Consideration should be given

to requesting an emergency SCAN team meeting in these circumstances.

If the SCAN team agree to the departure or considered departure, the agreement, together with the new recommendation, will be recorded in the meeting minutes. However if the SCAN team do not approve the departure (or proposed departure) an escalation process will commence (refer to [s. 7.5.5](#): 'Escalation process for SCAN teams' of this Circular).

While the matter is being resolved, investigating officers will, in consultation with their Officer in Charge, continue to carry out their statutory responsibilities to ensure the ongoing protection of the child.

7.6.3 Initial inquiries by officer investigating the complaint

PROCEDURE

An officer who has been detailed to investigate a complaint of suspected harm to a child should:

- (i) check the police computer for any criminal history or domestic violence entries where sufficient particulars of individuals are provided;
- (ii) liaise with the nearest CPIU, CIB or the CSSCG where appropriate;
- (iii) conduct a check of the 'Integrated Client Management System' to obtain particulars of any previous notifications; (see [s. 7.6.5](#): 'Checks of the Integrated Client Management System (ICMS)' of this Circular)
- (iv) in cases where the investigating officer knows or suspects that the child is a child 'in need of protection', notify the manager of the nearest Child Safety Service Centre of the Department of Communities, or an officer nominated by the manager of the area office, for the purpose of planning the most appropriate way of conducting the investigation. In emergency situations, Child Safety After Hours Service Centre, Brisbane, may be contacted (see [Contact Directory](#));
- (v) where the case meets the SCAN team referral criteria, enter a QPRIME occurrence and prepare a SCAN team referral (see [s. 7.5.3](#): 'SCAN team referral' of this Circular); and
- (vi) determine the urgency attached to the investigation of the complaint. Urgency may be determined by considering such matters as the:
 - (a) welfare and protective needs of the child;
 - (b) application of the provisions of [s. 93A](#): 'Statement made before proceeding by child or person with an impairment of the mind' of the *Evidence Act* or the potential loss of evidence;
 - (c) likelihood of the harm re-occurring without intervention, which may include the failure to protect by the non-abusing parent;
 - (d) relationship of the child to the offender;
 - (e) age and developmental level of the child;
 - (f) seriousness of the harm; or
 - (g) in cases where the injury to the child is suspected to be Infant Abusive Head Trauma, officers should conduct inquiries in accordance with [s. 7.14](#): 'Infant Abusive Head Trauma' of the Operational

Procedures Manual.

See [Chapter 2](#): 'Investigative Process' of the Operational Procedures Manual for process applicable to conducting investigation.

Telling parents about allegations and outcome of investigation

ORDER

In accordance with [s. 15](#): 'Child's parents to be told about allegation of harm and outcome of investigation' of the *Child Protection Act*, police officers investigating an allegation of harm, or risk of harm, to a child, or assessing the child's need of protection because of the allegation are to give details of the alleged harm or risk of harm to at least one of the child's parents.

Additionally, as soon as practicable after completing the investigation, the officer is to:

- (i) tell at least one of the child's parents about the outcome of the investigation; and
- (ii) if asked by the parent, give the information in writing to the parent.

However, if the officer reasonably believes:

- (i) someone may be charged with a criminal offence for the harm to the child and the officer's compliance with this order may jeopardise an investigation into the offence; or
- (ii) compliance with this order may expose the child to harm;

the police officer need only comply with this order to the extent the officer considers is reasonable and appropriate in the particular circumstances.

7.6.5 Checks of the Integrated Client Management System (ICMS)

POLICY

Where there are current child protection concerns for the safety, welfare or wellbeing of a child, an inquiry can be conducted on the Integrated Client Management System (ICMS), maintained by Child Safety Services, Department of Communities, to determine if there has been any prior involvement with the child by Child Safety Services.

PROCEDURE

Officers are authorised to request a search of information stored on the ICMS by:

- (i) completing a 'ICMS Request Form' form within the relevant QPRIME occurrence. Ensure that urgent requests are marked accordingly; and
- (ii) faxing or e-mailing (preferred method) the completed request:
 - (a) during business hours to Child Safety Services, Department of Communities, Data Management Services section (see [Contact Directory](#)); or
 - (b) after hours to Child Safety After Hours Service Centre by telephone on the police only line (see [Contact Directory](#)).

For ICMS checks relating to the deaths of children see [s. 8.5.8](#): 'Deaths of children' of the Operational Procedures Manual.

7.6.8 Finalisation of a complaint of harm to a child - QPRIME occurrence to be concluded

POLICY

In all cases where an investigation into an allegation of harm to a child has been completed, the investigating officer is responsible for the finalisation of the associated QPRIME occurrence, or submission of a QPRIME occurrence if not already done.

Where a case has been discussed at SCAN this information should be included in the general report section of the QPRIME occurrence report. (See 'SCAN Interactions' of the [Appendix 7.6](#): 'Sample wording for QPRIME occurrence').

7.6.10 Domestic violence involving children

For the purpose of this section:

- (i) a child '**normally resides**' with a respondent or an aggrieved if they regularly spend some time living with either person, irrespective of whether this living arrangement is permanent or temporary; and
- (ii) a '**complaint of domestic violence**' refers to any investigation of a complaint of domestic violence where the officer reasonably believes there is an aggrieved.

POLICY

Where an officer is investigating a complaint of domestic violence and ascertains that one or more children (including any unborn children) normally reside with either the respondent or aggrieved, and the child/children do not appear to be the victim of a criminal offence involving harm to a child, the officer is to contact Policelink and ensure a Policelink client service officer completes a domestic violence occurrence that has been multi-classed with a Child Protection - Emotional Abuse (DV related) [0522] occurrence in accordance with [s. 9.13.4](#) in Commissioner's Circular [03/2011](#): 'Domestic and Family Violence.'

Where an officer in charge of a Child Protection and Investigation Unit (CPIU) or a Criminal Investigation Branch (CIB) receives a domestic violence occurrence that has been multi-classed with a Child Protection - Emotional Abuse (DV related) [0522] occurrence, the officer in charge is to select an officer, of at least the rank of detective sergeant or where a detective sergeant is not available, a senior or experienced officer with sufficient child protection investigation experience, to:

- (i) review the Child Protection - Emotional Abuse (DV related) [0522] information multi-classed within the occurrence;
- (ii) update the Domestic Violence occurrence that has been multi-classed with a Child Protection - Emotional Abuse (DV related) [0522] occurrence with any additional information known to the officer that the officer believes may assist any officer from Child Safety Services, Department of Communities who may subsequently review the QPRIME occurrence;
- (iii) where the officer has been detailed to investigate the complaint, commence an investigation in accordance with [s. 7.6.3](#): 'Initial inquiries by officer investigating the complaint' of this Circular;
- (iv) where the officer has not been detailed to investigate the complaint, but the officer believes that an investigation is necessary, ensure that the matter is referred back to the relevant officer in charge of the CPIU or the CIB who received the Domestic Violence occurrence that has been multi-classed with a Child Protection -

Emotional Abuse (DV related) [0522] occurrence, for detailing of the investigation;

(v) refer the matter directly to Child Safety Services, Department of Communities via the Regional Intake Service;

(vi) where it is appropriate to complete a Form 1: 'Request for Multi-Agency Meeting', arrange for the completion and forwarding of a SCAN Team Referral to the local QPS SCAN team representative (see 'Child Protection Occurrence: 'Add SCAN Form' of the [QPRIME User Guide](#)); and

(vii) update the Domestic Violence occurrence that has been multi-classed with a Child Protection - Emotional Abuse (DV related) [0522] occurrence with information about any additional action taken, including for example, the forwarding of a SCAN Team Referral.

Referral of children involved in domestic violence

POLICY

The selected officer may refer the child to a non-government agency (provided the agency has capacity to respond to the referral). The purpose of referring a child to a non-government agency is to allow the child to receive counselling or some other form of follow-up, early intervention or support service. If a child is referred to a non-government agency, the referring officer is to update the Domestic Violence occurrence that has been multi-classed with a Child Protection - Emotional Abuse (DV related) [0522] occurrence with details of the referral. See [s. 9.6.4](#): 'Referral agencies' of the Operational Procedures Manual.

A domestic violence occurrence that has been multi-classed with a Child Protection - Emotional Abuse (DV related) [0522] occurrence must always be referred to Child Safety Services, Department of Communities (in accordance with [s. 9.6.4](#): 'Referral agencies' of the Operational Procedures Manual), regardless of whether consent for the referral has been obtained. The legislative authority for sharing the multi-classed occurrence with Child Safety Services, Department of Communities is found in [s. 159M](#): 'Particular prescribed entities giving and receiving relevant information' of the *Child Protection Act*. This section also enables an officer to refer a child to a non-government agency without the consent of a parent or the child. However, officers should consider whether referring a child without such consent is in the best interests of the child, and be aware that some non-government agencies may not accept a referral without consent.

A copy of the Domestic Violence occurrence containing the Child Protection - Emotional Abuse (DV related) [0522] occurrence is not to be forwarded to a non-government agency unless the Officer in Charge of the CPIU or CIB is satisfied that the regional Assistant Commissioner has entered into an agreement regarding confidentiality of information with the chief executive of the agency that is consistent with the sample agreement set out in [Appendix 7.3](#): 'Confidentiality Agreement for Non-Government Agencies' of the Operational Procedures Manual.

The officer in charge of the CPIU or CIB is to also ensure that any domestic violence occurrence containing the Child Protection - Emotional Abuse (DV related) [0522] occurrence, that is forwarded to Child Safety Services, Department of Communities or to any non-government agency, does not contain inappropriate or irrelevant information.

Regional Standing Operating Procedures should identify which non-government agencies have agreed to accept referrals of children under this Circular.

These agencies could include:

- (i) a domestic violence service;
- (ii) a family support service; or

(iii) a recognised Aboriginal or Torres Strait Islander entity included on the list kept by the Chief Executive of the Department of Communities under [s. 246I](#): 'Recognised entities' of the *Child Protection Act*.

(See [s. 9.6.4](#): 'Referral agencies' of the Operational Procedures Manual.)

7.8.9 Protection of unborn children

[Section 21A](#): 'Unborn children' of the *Child Protection Act* requires that if before the birth of a child, the Chief Executive, Department of Communities, reasonably suspects the child may be in need of protection after the child is born, the Chief Executive must take the action the Chief Executive considers appropriate, including for example, having an authorised officer investigate the circumstances and assess the likelihood that the child will need protection after the child is born, or offering help and support to the pregnant woman.

The purpose of [s. 21A](#) of the *Child Protection Act* is to reduce the likelihood that the child will need protection after the child is born (as opposed to interfering with the pregnant woman's rights or liberties).

POLICY

When an officer reasonably suspects that an unborn child may be in need of protection after the child is born, the officer is to:

- (i) complete a Child Protection QPRIME Occurrence. The report should include:
 - (a) the names, addresses, dates of birth and telephone numbers of the unborn child's parents and any siblings, if known;
 - (b) the due date, or an estimate of the due date, of the child's birth;
 - (c) the grounds for, and the circumstances which lead to, the officer reasonably suspecting the unborn child may be in need of protection after the child is born;
 - (d) the results of any criminal history checks or domestic violence entries; and
 - (e) any background information including any other occupants in the household/place;
- (ii) notify the Chief Executive, Department of Communities, by contacting an authorised officer at the Child Safety Service Centre nearest to where the pregnant woman lives;
- (iii) complete a Form 1: 'Request for Multi-Agency Meeting' if it meets the criteria for referral to SCAN (see [s. 7.5.2](#): 'SCAN team referral criteria' of this Circular); and
- (iv) amend the QPRIME Occurrence to indicate the date and details of the person notified at Child Safety Services, Department of Communities, and the referral to the SCAN team, see [s. 1.12.3](#): 'Amendments/updates of Policelink entered occurrences (supplementary reports)' of the Operational Procedures Manual.

7.8.10 Concerns with Child Safety Services, Department of Communities response

POLICY

Child Safety Services, Department of Communities, procedure requires departmental staff to provide the QPS SCAN team representative with details of the outcome (and rationale) for matters referred to regional intake services by the QPS. Where the QPS SCAN team representative or CPIU officer require further information regarding the outcome or has concerns about the quality of the decision by regional intake, they may raise the concerns with the team leader of the regional intake service where the decision was made. If after speaking with the team leader the QPS SCAN team representative or CPIU officer believe a multi-agency response is required, a request for an information coordination meeting is to be made by the QPS SCAN team representative in accordance with [s. 7.5](#): 'Suspected Child Abuse and Neglect (SCAN) system' of this Circular and the Information Coordination Meetings (ICM) and Suspected Child Abuse and Neglect (SCAN) Team System Manual.

In relation to general concerns regarding decision making by Child Safety Services or the actions of individual child safety officers, all attempts should be made to resolve the issue at the local level. Investigating officers should first raise any issues or concerns with their officer in charge, and if supported by the officer in charge, contact :

- (i) the team leader of the relevant Regional Intake Service or Child Safety Service Centre; or
- (ii) if not satisfied with the responses from the team leader of the relevant Regional Intake Service or Child Safety Service Centre, the manager of that Regional Intake Service or Child Safety Service Centre; or
- (iii) if not satisfied with the response of the manager of the Regional Intake Service or Child Safety Service Centre, the Client Complaints officer in the relevant Department of Communities regional office.

Matters may also be referred through the Child Safety Director to a senior officer within the Department of Communities, in accordance with the Information Coordination Meetings (ICM) and Suspected Child Abuse and Neglect ([SCAN\) Team System Manual](#) available on the [Child Safety and Sexual Crime Group](#) webpage on the QPS Intranet (Bulletin Board).

7.9 Interview with a child or person with an impairment of the mind

POLICY

Prior to commencing an investigation into an alleged offence, officers intending to use information obtained under one of the circumstances outlined in [s. 187\(1\)\(a\)](#): 'Confidentiality of information obtained by persons involved in administration of Act' of the *Child Protection Act*, should only use the information for the investigation or for a proceeding for the offence after consulting with:

- (i) Child Safety Services, Department of Communities; or
- (ii) the SCAN team member (if the information was obtained from a SCAN team member); or
- (iii) the prescribed entity (if the information was obtained from a prescribed entity),

for the purpose of considering if the proposed use of the information would be in the best interests of the child involved. (See [s. 188A](#): 'Police use of confidential information' of the *Child Protection Act*). However, [s. 188A](#) of the *Child Protection Act* does not apply to an alleged offence committed against a child, or where an officer must use the information immediately in the performance of a function. For consultation requirements regarding an offence committed against a child, see [s. 7.6.3](#): 'Initial inquiries by officer investigating the complaint' of this Circular.

7.9.1 Persons to be present for an interview with a person with an impairment

of the mind or a child who is a victim or witness

For the purpose of this section:

(i) '**affected child**' is defined in [s. 21AC](#): 'Definitions for div 4A' of the *Evidence Act* as:

(a) a child who is a witness in a relevant proceeding and who is not a defendant in a proceeding;

(ii) '**special witness**' is defined in [s. 21A](#): 'Evidence of special witnesses' of the *Evidence Act* as:

(a) a child under sixteen years; or

(b) a person who, in the court's opinion:

- would, as a result of a mental, intellectual or physical impairment or a relevant matter, be likely to be disadvantaged as a witness; or
- would be likely to suffer severe emotional trauma; or
- would be likely to be so intimidated as to be disadvantaged as a witness;

if required to give evidence in accordance with the usual rules and practice of the court.

PROCEDURE

For information on evidence given by an affected child in a proceeding for a relevant offence refer to [s. 3.10.5](#): 'Special witnesses and affected child witnesses' of the Operational Procedures Manual.

POLICY

Officers are encouraged when interviewing a child or person with an impairment of the mind, who is the victim or suspected victim of an offence, or is a witness who is likely to be classed as an 'affected child' in a relevant proceeding or a special witness in a proceeding, to give consideration to conducting a joint interview with involvement from Child Safety Services, Department of Communities, where the situation necessitates the involvement of Child Safety Services.

Officers should always attempt to interview a child in the company of a corroborating officer. Wherever possible, the interviewer should avoid having a support person present in the interview room. If this is unavoidable, the interviewer should, before the commencement of the interview, ensure that the nominated support person understands that:

(i) they will be a witness in any subsequent proceeding and will be required to supply a statement;

(ii) they will have to sit behind or out of view of the child;

(iii) they will not be able to talk to, touch or prompt the child at any time either verbally or non-verbally;

(iv) they will not be able to answer questions or provide information in response to

any of the discussions, unless directly asked;

(v) where any disclosure made by the child may be of an explicit or sexual nature, they should prepare themselves for such material or exclude themselves from the interview prior to the commencement; and

(vii) if they disrupt the interview in any manner it will be suspended and they will be excluded from the interview.

People who can not act as a support person include:

(i) any person to whom the child or person with an impairment of the mind has disclosed;

(ii) a child (including older siblings);

(iii) any person who may place undue influence or pressure on the child i.e. school principal, parent, carer;

(iv) any person who may be a witness in the matter to which the interview relates.

PROCEDURE

When an officer is to interview a child who is the victim, a suspected victim of a crime or a witness who is likely to be classed as an 'affected child' in a relevant proceeding or a special witness in a proceeding, that officer should ensure that:

(i) the interview is conducted in such a manner so as to reduce the amount of trauma to the child;

(ii) there is a limited number of people present during the interview; and

(iii) when the child requests that persons other than investigators be excluded from the interview, the wishes of the child be respected where possible.

7.9.2 Preparation for an interview with a child or a person with an impairment of the mind

POLICY

Where an officer is investigating an alleged offence, the officer intending to interview a child should make every effort to notify the child's parent prior to any interview and subject to the requirements of [s. 93A](#): 'Statement made before proceeding by child or person with an impairment of the mind' of the *Evidence Act*, allow them to be present for any interview. Where the parent may be the offender, or is suspected of being party to the alleged offence or the parent is likely to compromise the gathering of the evidence of the child, an officer should refer to [ss. 7.6.3](#) 'Initial inquiries conducted by officer investigating complaint and [s. 7.9.5](#) 'Interviews at state or private schools or places where child care is provided' of this Circular. In relation to harm to a child occurring inside the child's home there may be additional requirements which are dealt with under [s. 7.6.4](#): 'Assessment of circumstances of child harm by investigating officer' of the Operational Procedures Manual and [s. 7.6.10](#): 'Domestic Violence involving children' of this Circular.

PROCEDURE

When an officer is preparing to conduct an interview with a child witness or a child victim, the following guidelines for the interview apply:

(i) arrange a venue which is appropriate to give effect to the provisions of [s. 93A](#) of the *Evidence Act*. The venue should be free from any interruption and be as non-threatening an environment as possible for the child. (For the conduct of interviews at a school, see [s. 7.9.5](#): 'Interviews at state or private schools or places where child care is provided' of this Circular);

(ii) officers interviewing a child should ensure that a minimum number of persons are present for the interview. It is difficult for a child to disclose details of an offence or harm, particularly sexual harm, in front of a group of strangers.

Persons recommended to be present are:

- (a) the investigating officer;
- (b) a corroborating officer; or
- (c) a representative from Child Safety Services, Department of Communities; and
- (d) the child;

(iii) if the child is an indigenous child, make contact with the recognised entity for that child before conducting any interview. If this is not practicable because a recognised entity is not available or urgent action is required to protect the child, the officer must make contact with the recognised entity as soon as practicable after making the decision;

(iv) obtain information relating to the purpose of the interview including the circumstances in which disclosures had been made by the child and/or the circumstances existing that caused the notifier to report their concerns about harm or risk of harm to that child i.e. unusual incidents or recent behavioural changes;

(v) obtain background information in relation to the child and the child's surroundings including but not limited to:

- (a) information about the child him or herself:
 - age and developmental levels;
 - linguistic abilities and communication skills;
 - culture or religion;
 - personality and temperament; and
 - attention span; and
- (b) the child's family and community:
 - information about family circumstances i.e. separated families, extended families and the relationship of the child to each family member;
 - information about previous child protection, criminal history or domestic violence history from both Department of Communities and QPS computer systems; and
 - how people communicate in the child's community and

protocols for discussing certain topics i.e. possible gender issues; and

(c) the educational and social network of the child:

- information about the child's performance and attendance at school as well as information on education or relationship problems;
- if possible, information about the child's social networking including involvement in clubs or community groups;
- information about the child's interactions with adults in a position of authority; and
- any significant legal or medical issues including medication and/or disabilities or conditions that may affect the child's functioning or ability to recall information; and

(d) any other specific information about the child (e.g. interests, achievements, recent innocuous events involving the child) which may assist in structuring the rapport building phase of the interview;

(vi) adequate consideration should be given to any hypothesis or alternate explanations that may account for the concerns raised or individuals involved; and

(vii) the roles of the persons present during an interview should be clearly negotiated prior to the commencement of the interview. Discussions should include, but not be limited to:

(a) clarifying the role that each person present will play during the interview i.e. who will lead the interview, corroborator, note taker;

(b) interview techniques to be employed during the interview i.e. use of silence;

(c) possible offences and elements that need to be covered during the interview; and

(d) appropriate assist signals to use to indicate a change in roles or if an area of questioning has been left out or not sufficiently explored. Please refer to the ICARE participant manual for further guidance on this subject.

In situations where a large number of interviews are to be conducted under the provisions of [s. 93A](#) of the *Evidence Act* over consecutive days by the same officers, issues of quality, compliance to the ICARE (Interviewing Children and Recording Evidence) model and officer welfare should be addressed.

In such situations, investigators should consider using a pool of ICARE trained investigators, including those from outside the District or Region, and rotate these investigators throughout the interview process, to minimise investigator fatigue and to maintain the integrity of all ICARE interviews.

7.9.3 Procedures for interviewing a child

POLICY

Where a need arises to interview a child under sixteen years or a child who is sixteen or seventeen years who is a special witness an officer who has completed the ICARE Course or any other course approved by the Officer in Charge, CSSCG, should, where practicable, conduct the interview with the child. The ICARE model of interviewing should be followed at all times.

PROCEDURE

The officer conducting an interview with a child or person with an impairment of the mind should:

- (i) introduce all persons present at the interview to the child. The introduction and explanation of roles should be neutral, simple and age appropriate. There is no necessity to provide the child or person with an impairment of the mind with surnames, stations, or registered number;
- (ii) ensure the child's 'witness contact details' (see [s. 590AP\(7\)](#) of the Criminal Code) are not disclosed during the recorded interview;
- (iii) using age appropriate and child friendly language, advise the child that the interview is being recorded;
- (iv) using age appropriate and child friendly language to explain the interview process and protocol to be adopted;
- (v) engage in the rapport building process with the child by way of introduction of a recent innocuous and unrelated event. Use the free narrative techniques to obtain information about the nominated event;
- (vi) introduce the topic of concern to the child;
- (vii) obtain an uninterrupted free narrative from the child using only minimal encouragement and paraphrasing;
- (viii) identify topic areas to be examined with the child from their free narrative and use appropriate open ended questions to obtain as much detail as possible from the child, particularising offences where possible;
- (ix) use age-appropriate language and avoid police jargon. Talk at a level that is understood by the child, and use the child's language to clarify the meaning of words where necessary;
- (x) consider the needs of the child. Be conscious of non-verbal communication. If the child appears bored or is losing concentration it may be necessary to either temporarily change the direction of the interview or temporarily suspend the interview;
- (xi) always show a caring and sympathetic attitude. Never prejudge or show bias during an investigation;
- (xii) avoid leading questions or suggestive statements. Remember, the child must volunteer all of the information obtained without any prompts;
- (xiii) obtain depth and ask clarifying questions only after the free narrative account has been exhausted;
- (xiv) accurately summarise the child's account being careful to use the child's words and not alter any of the information provided previously by the child. Prior to commencing the summary, ask the child to correct any errors or omissions during delivery of the summary;

- (xv) ask the child validating questions and use open ended questioning techniques to explore any response from the child i.e. Have you told anyone about what happened? Does anyone else know about this? Has anyone told you not to say anything?;
- (xvi) invite the child to ask questions relating to what has been spoken about during the interview. Answer any question as honestly and age appropriately as possible;
- (xvii) deliver a protective strategies session to the child that is age appropriate for that child identifying the themes 'everyone has the right to feel safe all of the time' and 'nothing is so awful that we can't tell someone about it'. If necessary assist the child to identify signs to indicate that they may be feeling unsafe and identify a network of people in the child's life they can go to for assistance in the future. The protective strategies should not be related to the abuse or harm subject of the interview;
- (xviii) prior to terminating the interview, advise the child what is expected to happen in the future;
- (xix) provide the child with names and telephone contact numbers to enable future contact with police;
- (xx) do not make any promises to the child which you may later be unable to keep;
- (xxi) never show shock or horror at anything the child says;
- (xxii) avoid initiating any touching with the child;
- (xxiii) avoid rewarding the child, either by verbal or non-verbal communication, if the child provides important information;
- (xxiv) advise the child how additional information can be obtained if the child requires such information;
- (xxv) determine if a medical examination or counselling should subsequently occur; and
- (xxvi) never terminate an interview abruptly. Ensure that the child is grounded before leaving the interview using a topic determined during pre-planning.

7.9.5 Interviews at state or private schools or places where child care is provided

POLICY

The Service recognises that the principal is in charge of a school and of its students while at school and other responsible persons are in charge of places where child care is provided. Officers have no right to enter or remain upon school premises (which term includes premises where child care is provided) unless the principal (which term includes the person in charge of premises where child care is provided) consents or action is being taken pursuant to some statutory authority. For example [s. 17](#): 'Contact with children in school, child care centre, family day care etc.' of the *Child Protection Act* allows a police officer to have contact with a child for as long as the officer considers reasonably necessary to investigate an allegation of harm or risk of harm to a child under certain circumstances.

Where possible, the interview of victims of offences or of harm to a child should not be conducted in the school environment. Every effort should be made to isolate the child from that environment for the purposes of an interview. However, some circumstances may develop (e.g.

giving effect to [s. 93A](#): 'Statement made before proceeding by child or person with an impairment of the mind' of the *Evidence Act*) where an interview has to occur in the school environment.

Where the suspected offenders are the parents, there is no requirement for an officer to notify the parents prior to the interview. The parents should be notified as soon as reasonably practicable after the interview. The officer should explain this to the school principal.

ORDER

When the provisions of [s. 17](#) of the *Child Protection Act* are used, the police officer concerned is required to:

- (i) notify the principal of the intention to exercise the power before exercising a power;
- (ii) as soon as practicable after the officer has had contact with the child tell at least one of the child's parents that the officer has had contact with the child and the reasons for the contact, unless the officer reasonably believes someone may be charged with a criminal offence for harm to the child and the telling may jeopardise an investigation into the offence or may expose the child to harm; and
- (iii) at the first reasonable opportunity, record full details about the exercise of the powers and other action taken by the officer in the relevant QPRIME occurrence.

PROCEDURE

An officer wishing to interview a child at school premises, prior to any approach to the school principal to interview the child at the school premises, should:

- (i) discuss the prospect of any joint interview with an officer from Child Safety Services, Department of Communities, prior to contacting the principal;
- (ii) only interview the child at the school premises where the officer conducting an investigation believes that any delay in conducting the interview may result in contamination or loss of evidence, the child may be at further risk, or that a family member is responsible for the offence; and
- (iii) make a request of the principal for permission to conduct an interview at the school premises. Sufficient information should be provided to the principal to allow an informed decision to be made. Explicit details of the investigation should not be provided. The amount of information to be provided will be contingent on the case. The principal of a State school cannot give consent directly, but will seek permission from the regional office of Department of Education and Training responsible for supervising that school. Some principals of private schools may be able to give consent directly.

Where consent has been obtained to conduct an interview with a child at a school premises, the officer investigating the complaint should:

- (i) provide sufficient additional information about the allegations to the principal to enable the principal to account for any possible subsequent acting out behaviour exhibited by the child. The principal should be asked to maintain confidentiality;
- (ii) ensure that an appropriate person is present during the interview (see [s. 7.9.1](#): 'Persons to be present for an interview with a child who is a victim or witness' of this Circular); and
- (iii) request the principal to provide a neutral setting for the interview. A neutral

setting often can best be described as an area where the child feels most at ease. Principals may offer their office as the venue for the interview, but as such a setting often has implications for the child and the information obtained, an alternative venue should be considered where possible.

Removal of the child from the school should only occur:

- (i) with the consent of the parent; or
- (ii) by virtue of a legislative enactment or an order made by a justice or a magistrate.

Where a request is made to the principal for an interview at school premises and that request is refused, and the officer making inquiries into the allegations of harm to a child considers that it is in the best interests of the child to conduct an interview with the child at the school premises, the officer will as a first option seek permission of the school's lawful authority by:

- (i) in respect of State schools, the officer in charge of the station or establishment should contact the regional office of Department of Education and Training where the school is located to seek permission;
- (ii) in respect of non-government schools which are Catholic schools, the officer in charge of the station or establishment should contact the relevant Catholic Education Authority for that school to seek permission. The officer in charge of the station or establishment should seek contact details for the relevant Catholic Education Authority from the principal; or
- (iii) where the school is a non-government school which is not a Catholic school, the officer in charge of the station or establishment should contact the principal of the relevant school to further discuss the circumstances of the child.

If permission is not granted or circumstances are such that the investigation of the complaint should continue, proceedings may be initiated under Chapter 2, Part 2, [ss. 23](#) to [36](#): 'Temporary assessment orders' of the *Child Protection Act* for a temporary assessment order.

For school interviews in relation to children suspected of committing an offence or who are assisting in the investigation of an offence, other than in relation to allegations of harm to a child, see [s. 2.5.10](#): 'Entering school premises to conduct interviews with children' of the Operational Procedures Manual.

POLICY

In cases where the suspected offender may be an employee of the school or regularly at the school for some other reason and the alleged offences have occurred at the school, the appropriateness of conducting interviews in the school environment should be considered.

7.9.6 Recording of evidence of a child witness

POLICY

An officer interviewing a child witness or person with an impairment of the mind under [s. 93A](#): 'Statement made before proceeding by child or person with an impairment of the mind' of the *Evidence Act* should be aware of the conditions described in that section and should, as a first preference, use video and audio facilities to record that statement where practicable.

Before commencing any interview, officers should personally check the equipment they will be using during the interview to ensure that it is in working order, including any audio equipment.

Officers should ensure that cameras used for visual recordings adequately capture all the persons involved in the interview. The child witness or person with an impairment of the mind should be able to be seen clearly in the screen. Where this is not the case, the interview should not commence or be suspended to rearrange the interview setting to ensure these essential images are captured.

Testing of equipment used to obtain statements s. 93A of the Evidence Act

Officers in charge of stations and establishments who have recording equipment under their control that is used to obtain statements under [s. 93A](#) of the *Evidence Act* are to ensure such equipment is tested monthly.

Testing may be completed by recording samples and checking the recorded sounds and images for volume and distortion.

Officers in charge of stations and establishments are to ensure, where relevant, an entry titled 'Malfunction of s. 93A recording equipment' is in the station's or establishment's Risk Management Plan. The date the equipment was tested is to be outlined under the 'Risk monitoring and review process' column.

Where recording equipment is identified to be producing substandard audio and/or visual recordings, officers in charge of stations and establishments are to ensure that a request to address the problem is made to the appropriate radio and electronic section as soon as possible.

Recording statements of persons who do not fall under s. 93A of the Evidence Act

Video and audio equipment to record statements from victims of crime, who do not fall within the provisions of [s. 93A](#) of the *Evidence Act*, should be used if the investigating officer considers recording the information in that manner would be beneficial to the investigation. Where video and audio equipment is used to record statements from victims of crime, the investigating officer should still prepare a typed statement for presentation to a court.

7.10.1 Responsibility for investigating complaints of physical/sexual harm involving employees of the Department of Education and Training

POLICY

Complaints which are received from the Department of Education and Training (DET) personnel or students, which involve allegations of child harm of a student by an employee or other school-based personnel from DET, should be investigated by an experienced officer from the:

- (i) Child Safety and Sexual Crime Group (CSSCG) where the complaint was generated from an educational institution in the metropolitan or near metropolitan area;
- (ii) local Child Protection and Investigation Unit where the complaint was generated from an educational institution outside the metropolitan or near metropolitan area;
or
- (iii) local Criminal Investigation Branch where the complaint was generated from an educational institution outside the metropolitan or near metropolitan area, and the services of a Child Protection and Investigation Unit are not available.

Where complaints by students against employees or other school-based personnel from DET which allege child harm may amount to official misconduct, if substantiated, officers should only undertake an investigation into the allegations with the consent of the Crime and Misconduct Commission.

When an officer receives a complaint of alleged child harm, the officer should notify the Crime and Misconduct Commission in accordance with this section. Having made the notification the officer should liaise with staff from the Crime and Misconduct Commission to ensure that an investigation is commenced immediately. These matters should be finalised as soon as possible.

When liaising with the Crime and Misconduct Commission, officers should consider the provisions of [s. 93A](#): 'Statement made before proceeding by child under 16 years or person with impairment of the mind' of the *Evidence Act* for obtaining a statement from a student under sixteen years of age, or a person with an impairment of the mind. Every effort should be made to immediately interview a student who is under twelve years of age, or a person with an impairment of the mind in accordance with [s. 93A](#) of the *Evidence Act*.

7.13 Preparation of child witnesses for court

Officers should refer to [s. 7.9.10](#): 'Child can not be compelled to give evidence' of the Operational Procedures Manual where proceedings are commenced for an application of an order under the *Child Protection Act*.

PROCEDURE

When children are to be witnesses in any matter before a court, the investigating officer should prepare those witnesses for court. The following matters are options available to the investigating officer taking into account the developmental level of the child and resource availability in the local area:

- (i) introduce the child to an appropriate court support person;
- (ii) keep the child conversant with the remand and subsequent hearing date. Ensure, where possible, that hearing dates do not clash with important events in the life of the child, e.g. a birthday;
- (iii) take the child to the court room which will be used as the hearing approaches;
- (iv) give the child the opportunity to sit in the witness box and talk to the child while the child is in the witness box;
- (v) provide the child with a map of the court indicating where different people will sit, their titles and the functions they perform in the court. The investigating officer should not indicate to the child where the offender will sit, as identification may become an issue during the proceeding;
- (vi) provide the child with a glossary of terms so that the child will have a better understanding of what is happening;
- (vii) introduce the child to the police prosecutor prior to the court hearing;
- (viii) inform the child that:
 - (a) the judge or the magistrate will assist the child if something is not understood;
 - (b) the child may ask for and take a drink of water in the witness box;
 - (c) the child may ask to go to the toilet; and
 - (d) if a question is not understood, the child has a right to say that the question is not understood;

- (ix) explain to the child that any orders under [s. 21A](#): 'Evidence of special witnesses' of the *Evidence Act* are at the discretion of the court, (see [s. 3.10.5](#): 'Special witnesses and affected child witnesses' of the Operational Procedures Manual);
- (x) encourage the child to respect all officers of the court; and
- (xi) explain to the child what may occur during cross examination.

Child witnesses under the age of five years

Despite the provisions of [s. 9](#): 'Presumption as to competency' of the *Evidence Act*, Guideline 7: 'Competency of child witnesses' of the Director of Public Prosecutions (State) Guideline, which is contained in [Appendix 3.1](#): 'Director of Public Prosecutions (State) Guidelines' of the Operational Procedures Manual, provides that a child witness under the age of five years should not be called to testify unless an appropriately qualified expert has confirmed the competency of the witness in a written report. A brief of evidence relying on the evidence of a child witness under the age of five years will not be considered complete until the written report of an appropriately qualified expert has been attached to the brief.

Child psychologists with the required level of experience (see [s. 3.9.9](#): 'Expert evidence' of the Operational Procedures Manual) should be considered appropriately qualified experts for the purpose of this section.

PROCEDURE

Officers who have investigated an offence and intend to commence a prosecution where the prosecution's case will rely on the evidence of a child witness under the age of five years are to submit a report to their district officer. This report should include a request for authorisation to incur the costs associated with having a child witness examined by an appropriately qualified expert. This report should also include the circumstances of the offence, a brief outline of the child witness's evidence and the investigating officer's opinion as to whether the child witness would be likely to be confirmed as competent.

Upon receipt of the report, the district officer should determine whether the cost of having the child witness examined by an appropriately qualified expert should be incurred in light of the public interest in prosecuting the matter and the likelihood of a successful prosecution.

If approval is given, the investigating officer is to arrange for the child witness to be interviewed by the appropriately qualified expert. The cost associated with obtaining the appropriately qualified expert's written report, the transport and accommodation of the appropriately qualified expert or child witness and their parent/guardian is the responsibility of the investigating officer's region or command.

7.13.1 Use of organisations to assist child witnesses

POLICY

Where voluntary organisations, e.g. Protect All Children Today (PACT) are available for witnesses to receive assistance in preparation for court, officers should arrange for those witnesses to obtain assistance from those organisations.

All PACT referrals are to be assigned to the QPS PACT liaison via the relevant QPRIME occurrence. These referrals should be sent no later than when the matter is first listed for a committal mention or committal hearing.

The use of such organisations does not in any way excuse officers from the duty of properly preparing their witnesses before court. Where such organisations are used, this may be done in conjunction with those organisations.

7.17.2 Relevant information exchange

The Commissioner of the Queensland Police Service, a prescribed entity mentioned in subsection (1) of [s. 159M](#): 'Particular prescribed entities giving and receiving relevant information' of the *Child Protection Act* may give to and receive from any other service provider relevant information.

The power of the Commissioner has been delegated to all police officers. See Delegation No. [D 33.3](#).

The Chief Executive, Department of Communities, or an authorised officer may, under [s. 159N](#): 'Information requirement made by chief executive or authorised officer' of the *Child Protection Act*, ask the Commissioner of the Queensland Police Service for particular relevant information in the possession or control of the Service. If asked the Commissioner must comply with the request. The Commissioner has delegated this power to stated particular positions, see Delegation No. [D 33.4](#).

Under [s. 10.2](#): 'Authorisation of disclosure' of the *Police Service Administration Act* the Commissioner may, in writing, authorise disclosure of information that is in the possession of the Police Service. The Commissioner has delegated this power to stated particular positions. See Delegation No. D 15.12.

POLICY

Officers may give relevant information to other service providers in accordance with [s. 159M](#): 'Particular prescribed entities giving and receiving relevant information' of the *Child Protection Act*, and Delegation No. [D 33.3](#). Conversely, officers retain the right under the provisions of [s. 159M](#) of the *Child Protection Act* to obtain information from any prescribed entity, including information relating to the assessment of a case by Child Safety Services, Department of Communities.

If the Chief Executive, Department of Communities, or an authorised officer asks the Commissioner for particular relevant information in the possession or control of the Service, officers delegated under Delegation No. [D 33.4](#) are to comply with the request, unless the provisions of subsections (2) and (3) of [s. 159N](#): 'Information requirement made by chief executive or authorised officer' of the *Child Protection Act* apply.

Members who receive a written request for particular relevant information from the Chief Executive, Department of Communities, or an authorised officer under [s. 159N](#) of the *Child Protection Act* are to refer the request to a delegated officer under Delegation No. [D 33.4](#).

Officers may disclose information in the possession of the Service only after having obtained the authority in writing of a person holding a position stated in Delegation No. D 15.12 and in accordance with any written authority issued and any conditions imposed on the disclosure of the information under [s. 10.2](#) of the *Police Service Administration Act*.

Officers are to become conversant with the provisions of Chapter 6, Part 6: 'Confidentiality' [ss. 186](#) to [193](#) of the *Child Protection Act* and where appropriate comply with applicable provisions.

Also see [s. 7.6.5](#): 'Checks of the Integrated Client Management System (ICMS)' of this Circular.

7.17.4 Information from Chief Executive, Department of Communities to police officer helping the coroner to investigate a death

If a coroner is investigating the death of a child, the Chief Executive, Department of Communities, may give to a police officer helping the coroner to investigate the death, information about the matters stated in [s. 159P](#): 'Release of information for an investigation under the Coroners Act' of the *Child Protection Act*. This process is instituted at the earliest time following the death of a child. See [s. 8.5.8](#): 'Deaths of children' of the Operational Procedures

Manual.

POLICY

Officers helping a coroner to investigate the death of a child, who require information, or additional information about the matters stated in [s. 159P\(2\)\(a\)](#), (b) and (c) of the *Child Protection Act*, are to request from the Chief Executive, Department of Communities, information held by that Department on the deceased child. This information may be obtained by following the procedures contained in [s. 8.5.8](#): 'Deaths of children' and [Appendix 8.9](#): 'QPS Child Death Information Request' of Operational Procedures Manual.

Officers to whom information is given under [s. 159P](#) of the *Child Protection Act* are to comply with the provisions of subsection (3) of that section with respect to the use or disclosure of the information provided.

Appendix 7.4 Deleted

Appendix 7.6 Sample wording for [QPrime occurrence](#) ( 52.50K)

Appendix 7.9 ICM and SCAN Team [Process Flowchart](#) ( 71.00K)

Appendix 7.6
(s. 7.6.8)

Sample wording for QPRIME occurrence

Where a prosecution is not commenced the following wording on the QPRIME occurrence may be appropriate:

On the _____(date)_____ a complaint was received from the child _____(name of the child)_____ that _____(physical, sexual, emotional harm/interference)_____ had taken place. The basis of the complaint is that _____(outline the circumstances)_____. The offence has been occurring for a period of _____(mention any time frames)_____. The child has been formally interviewed and details obtained. The child was/was not medically examined at _____(name location and medical practitioner of the child)_____.

The injuries included _____(specify injuries)_____. _____(If sexual harm, penetration was/was not consistent with the alleged manner of assault)_____. The injuries were/were not photographed at _____(location)_____ by _____(identify of photographer)_____.

On _____(date)_____ the suspect was interviewed at _____(location)_____ and the allegations were/were not denied. Investigations did not reveal prima facie evidence against the suspect. On _____(date)_____ the matter was discussed at _____(name of SCAN team)_____ and due to lack of evidence a decision was made not to commence any prosecution. All relevant persons have been advised of the outcome of the investigation.

ICM and SCAN team process flowchart

