



HOW TO USE THIS RESOURCE

The following Resource and *Record of Interview Form* are offered as a support to Principals and Catholic School Authorities in managing requests for interviews between students and representatives of the Queensland Police Service or the Department of Child Safety, Youth and Women on school premises.

Further assistance in the use of these materials is available by contacting the Queensland Catholic Education Commission.

Interviews Conducted with Children on Catholic School Premises by Queensland Police Service and Department of Child Safety, Youth and Women:

Information for Catholic School Authorities

What is the purpose of conducting interviews with children at school?

Queensland Police Service (QPS) and Department of Child Safety, Youth and Women (Child Safety) officers may conduct interviews with children on school premises for the purposes of:

- obtaining a statement as part of an investigation into allegations of harm or risk of harm to the child where the alleged harm may have involved the commission of a criminal offence
- to assess the child's need of protection
- to take any necessary actions to secure the safety of the child.

What is the legislative authority for interviewing a child at school?

The Evidence Act 1977

Section 93A of the *Evidence Act 1977*, provides the legislative authority for QPS and Child Safety officers to conduct an interview and obtain a recorded statement from a child under 16 years, or a person who was 16 or 17 years when the statement was made and who, at the time of the proceeding, is a special witness, or an intellectually impaired person who has personal knowledge of the matters dealt with by the statement.

Interviews conducted in accordance with section 93A of the *Evidence Act 1977*, may also be referred to as "ICARE interviews". ICARE (Interviewing Children and Recording Evidence) is an interview technique designed to minimise further trauma to the child, collect admissible evidence which meets legislative and procedural requirements of the QPS and Child Safety, and reduce the likelihood of the need for the child to attend court and give evidence.

The Child Protection Act 1999

There may be times when it is necessary to interview a child without the parents' consent or prior knowledge of the investigation and contact with the child. Section 17 of the *Child Protection Act 1999*, provides QPS and Child Safety officers with the legislative authority to have contact with a child at a school, in certain circumstances, prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.

How is an interview with a child at school initiated?

The QPS and Child Safety recognise the Principal or delegate is in charge of a school and its students while the students are at school. Prior to interviewing a child at school premises, either a QPS or Child Safety officer will notify the Principal or delegate of the intention to exercise the power under the provisions of section 17 of the *Child Protection Act 1999* and make a request of the Principal or delegate for permission to conduct an interview at the school premises.

Sufficient information will be provided to the Principal or delegate to allow an informed decision to be made, however explicit details of the investigation will usually not be provided. The amount of information provided will be contingent upon the case. The Principal or delegate will be asked to maintain confidentiality and provide a neutral setting for the interview. It is important for the Principal or delegate to ensure they receive contact details for the QPS and Child Safety officers involved in conducting the interview.

It is generally useful for school personnel to be aware of contact details for the Child Safety Service Centre and Officer in Charge of the police station in their local area in the event that officers are required to attend school premises in response to child protection concerns identified for a child.

Who conducts the interviews?

Whenever possible, interviews will be conducted jointly by QPS and Child Safety officers. Where an interview is conducted with a child in accordance with the *Evidence Act 1977*, section 93A, the interview will, where practicable, be undertaken by an officer who is accredited in ICARE and may also be conducted by either QPS or Child Safety officers when a joint interview is not possible. Interviews may be recorded.

Who can be a support person for the child?

QPS and Child Safety officers are responsible for ensuring the child feels safe and supported during the interview process and will exercise discretion when considering whether to allow an independent support person to be present during an interview with a child.

Catholic School Authorities also have a responsibility to exercise a duty of care and regard it as desirable that a support person be present for interviews conducted with children at school premises by QPS and Child Safety. Indeed, the presence of someone else to support the rights of the child is preferable.

In assessing the needs of the child, QPS and Child Safety officers will consider the child's age, maturity and any other relevant factors. If in consultation with the Principal or delegate, it is identified that an independent support person is required, officers will select a person with whom the child feels comfortable.

What is the role of the support person?

The role of the support person is to support the child and be present during the interview. The roles and responsibilities of all persons involved, including the support person, will be clarified by the interviewing officers prior to and during the interview.

During an interview with a child, the presence of other people, especially if they hold a position of authority in relation to the child, may reduce the likelihood of a child disclosing harm or risk of harm. In order to address this issue and to assist in making the child feel safe and supported throughout the interview, the interviewing officer will:

- ask the child whether they are comfortable with the support person present
- advise the child and support person where the support person will sit (behind the child, out of the child's line of sight and out of reach of the child)
- advise the support person not to talk or make any actions that may disturb or influence the child
- advise the child they should not consult the support person during the interview.

What are the legal implications of the support person role?

In accordance with the *Evidence Act 1977*, section 93A, any person present when the child provides their statement may be called as a witness to a court proceeding. Therefore, any school personnel present as a support person during the interview may be required to provide a written and signed statement, attend court and give evidence as a result of their attendance at the interview.

What happens after the interview?

As soon as reasonably practical after the interview, QPS and Child Safety officers will be responsible for advising the Principal or delegate of future actions to be taken and any immediate support needs for the child.

Advising the parents of the contact with the child is the responsibility of interviewing officers, not the school.

Under subsection 17(4) of the *Child Protection Act 1999*, as soon as practicable after the interview has been conducted the interviewing officer must tell at least one of the child's parents (or one of the child's long term guardians if the child has long-term guardians) that the officer has had contact with the child and the reasons for the contact.

However, the officer's obligation under subsection 4 to give reasons for the contact with the child is limited in circumstances where the officer reasonably believes—

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