



This document contains information about Policy and Procedures regarding the handling and reporting of harm of children

Purpose:	The purpose of this document is to provide a policy as part of Pinnacle Academic College' written processes about how the College will respond to harm, or allegations of harm, to students under 18 years old, and the appropriate conduct of the College's staff and students, to comply with accreditation requirements.	
Scope:	Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at Pinnacle Academic College and covers information about the reporting of harm and abuse.	
Status:	Approved	Supersedes: V2.2
Authorised by:	Akademeia Ltd Board Chairperson	Date of Authorisation: 10/01/2024
References:	<ul style="list-style-type: none">Child Protection Act 1999 (Qld)Child Protection Amendment Act 2000The Alice Springs (Mparntwe) Education Declaration 2019Child Protection Reform Amendment Act 2017Criminal Code Act 1899<i>Education (General Provisions) Act 2006 (Qld)</i><i>Education (General Provisions) Regulation 2017 (Qld)</i><i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i><i>Education (Accreditation of Non-State Schools) Regulation 2017.</i><i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i><i>Working With Children (Risk Management and Screening) Regulations 2020 (QLD)</i>Pinnacle Academic College Complaints Handling PolicyPinnacle Academic College Complaints Handling ProcedurePinnacle Academic College Child and Youth Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)Pinnacle Academic College Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)	
Review Date:	Annually	Next Review Date: 10/01/2025

Policy Owner:	Akademcia Ltd
Note:	This Policy may be reviewed at any time at the discretion of the Akademcia Ltd Board

VERSION HISTORY

VERSION	DATE	NOTES
Draft	01/12/18	Initial Draft Document
1.0	29/01/19	Approved
1.1	27/04/19	Approved
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Handling disclosures and/or suspicions of harm, including reporting

The following section details Pinnacle Academic College's policy and procedures for handling disclosures and/or suspicions of harm, including reporting procedures. Children and young people can only be protected from harm if it is reported and dealt with quickly and effectively. Pinnacle Academic College Child Protection Policy and Procedures ensures staff respond as quickly as possible to a disclosure or suspicion of harm. In this Child Protection Policy and Procedures document, details involve information about:

1. Defining 'harm'
2. Identifying 'harm'
3. Managing and recording a disclosure or suspicion of harm
4. Reporting a disclosure or suspicion of harm, and
5. Reviewing policies and procedures following an incident

Definitions

- 1.** It is immaterial how the harm is caused.
- 2.** Harm can be caused by—
 - a) physical, psychological or emotional abuse or neglect; **OR**
 - b) sexual abuse or exploitation.
- 3.** Harm can be caused by—
 - a) a single act, omission or circumstance **OR**
 - b) a series or combination of acts, omissions or circumstances.

1. Defining Harm

These sections have NOT been amended in the Child Protection Reform Amendment Act 2017 and remain as written in the Child Protection Act 1999 (Qld)

• **Section 9 of the Child Protection Act 1999** - "Harm", to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

- 1.** It is immaterial how the harm is caused.
- 2.** Harm can be caused by—
 - a) physical, psychological or emotional abuse or neglect; **OR**
 - b) sexual abuse or exploitation.
- 3.** Harm can be caused by—
 - a) a single act, omission or circumstance **OR**
 - b) a series or combination of acts, omissions or circumstances.

• **Section 10 of the Child Protection Act 1999** - A “child in need of protection” is a child who—

(a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm

AND

(b) does not have a parent able and willing to protect the child from the harm.

• **Section 364 of the Education (General Provisions) Act 2006** - “Sexual abuse”, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –

(a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person **OR**

(b) the relevant person has less power than the other person **OR**

(c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity

2. Identifying Harm

TYPES OF ABUSE Actions/behaviours by perpetrator	RESULTING HARM Impact experienced by the child
<u>Physical abuse</u> <ul style="list-style-type: none"> • Hitting • Shaking • Burning/scalding • Biting • Causing bruise or fractures by excessive discipline • Poisoning • Giving children alcohol, illegal drugs or inappropriate medication • Domestic and family violence 	<u>Physical</u> <ul style="list-style-type: none"> • Bruising • Fractures • Internal <u>Psychological</u> <ul style="list-style-type: none"> • Learning and developmental delays • Impaired self-image
<u>Psychological or Emotional abuse</u> <ul style="list-style-type: none"> • Scapegoating • Persistent rejection or hostility • Constant yelling, insults or criticism • Cultural affronts • Teasing/bullying/cyberbullying • Domestic and family violence 	<u>Emotional</u> <ul style="list-style-type: none"> • Depression • Hypervigilance • Poor self-esteem • Self-harm • Fear/anxiety
<u>Neglect</u> <ul style="list-style-type: none"> • Not giving a child sufficient food, housing, clothing, enough sleep, hygienic living conditions, health care and adequate supervision • Leaving children unattended • Children missing school 	<i>This is not a complete list of the types of abuse and resulting harm that may be experienced by children and young people, however it is to be used as a predictive tool for potential signs of harm. Each child's experience is different and depends on a range of factors, including the child or young person's age, the nature of harm, how long the abuse has been occurring, their relationship to the abuser, and their support networks.</i>
<u>Sexual abuse or exploitation</u> <ul style="list-style-type: none"> • Kissing or holding a child in a sexual manner • Exposing a sexual body part to a child • Exposing children to sexual acts or pornography • Making obscene phone calls or remarks to a child • Having sexual relations with a child or young person under 16 years of age 	

Considerations when forming a reasonable suspicion about harm to a child include:

- whether there are detrimental effects on the child's body or the psychological state or emotional state
- that are evident to the person, **OR**
- that the person considers are likely to become evident in the future, **and**
- in relation to any detrimental effects mentioned above
- their nature and severity, **and**
- the likelihood that they will continue, **and**
- the child's age (section 13C of the Child Protection Act 1999).

SOME GENERAL INDICATORS OF CHILD ABUSE

- showing wariness and distrust of adults
- having broken bones or unexplained bruising
- rocking, sucking or biting excessively
- demanding or aggressive behaviour
- sleeping difficulties, being tired and falling asleep during the school day
- low self esteem
- abuse of alcohol or drugs
- seeming to be accident prone
- being unable to explain injuries, or providing unrealistic or vague explanations
- sexualised or inappropriate behaviour
- discussion of suicide, feeling suicidal or attempting suicide
- being reluctant to go home
- creating stories, poems or artworks featuring abuse/suicide

SOME GENERAL INDICATORS OF NEGLECT

- malnutrition, begging stealing or hoarding of food
- poor hygiene, matted hair, dirty skin and body odour
- untreated physical or medical problems
- comments from the child that there is no-one at home to provide care
- being constantly tired
- frequent lateness to school, or absence from school
- inappropriate clothing – wrong sizing, age inappropriate, unkept clothing or inappropriate clothing for the season
- frequent illnesses, infections or sores
- being left unsupervised for long periods of time

3. Managing and recording a disclosure or suspicion of harm

Pinnacle Academic College staff consider these important points when managing a disclosure of harm:

- remain calm and listen attentively, actively and non-judgmentally

- ensure there is a private place to talk
- encourage the child to talk in their own words and ensure just enough open-ended questions are asked to act protectively (e.g. ‘Can you tell me what happened’...or ‘Can you tell me more about that’). Don’t ask leading questions which tend to suggest an answer. Ensure the child is advised that the disclosure cannot remain a secret and it is necessary to tell someone in order to get help.
- reassure the child they have done the right thing by telling you
- advise the child that you need to tell someone else who can help them
- document the disclosure clearly and accurately as per the Child Protection Reporting Form (Appendix 1), including a detailed description of: – the relevant dates, times, locations and who was present – exactly what the person disclosing said, using “I said,” “they said,” statements – the questions you asked – any comments you made, and – your actions following the disclosure
- not attempt to investigate or mediate an outcome, and
- follow any relevant process for reporting a disclosure of harm and consider whether there are requirements to report matters to the Queensland Police Service and Child Safety.

In relation to a suspicion of harm (or other concern for a child’s welfare) Pinnacle Academic College staff are advised to:

- remain alert to any warning signs or indicators pay close attention to changes in the child’s behaviour, ideas, feelings, and the words they use
- pay close attention to changes in the child’s behaviour, ideas, feelings and the words they use
- make written notes of observations in a non-judgmental and accurate manner
- assure a child that they can come to talk when they need to, and listen to them and believe them when they do,
- always err on the side of caution – report any genuine concern for further assessment, and
- follow any relevant process for reporting a suspicion of harm and consider whether there are requirements to report matters to the Queensland Police Service or Child Safety or consider what support services could be offered to the family if the concern does not meet the relevant threshold to make a report.

4. Reporting Sexual Abuse

Section 366 of the Education (General Provisions) Act 2006 states that if any staff member, in the course of their employment at the school becomes aware of, or reasonably suspects that any of the following individuals may have been sexually abused by another person:

- a) A student under the age of 18 years who attends the school
- b) A kindergarten aged child who is registered in a kindergarten learning programme at the school
- c) A person with a disability who
 - 1) Under section 420 (2) of the Education (General Provisions) Act 2006 is being provided with special education at the school
 - 2) Is not enrolled in the preparatory year at the school

then the staff member is immediately required to give a written report (using the Child Protection Reporting Form), about the abuse or suspected abuse to the Principal or the Akademeia Ltd Board Chair.

Under section 366B of the EPGA the Akademeia Ltd Board Chair has been delegated the director's reporting function. The Principal or the Akademeia Ltd Board Chair must then immediately give a copy of the report to a police officer. If it is the Principal who is first made aware of, or reasonably suspects the abuse, the Principal must immediately give a copy of the report to the Akademeia Ltd Board Chair, who will forward a copy of the report to a police officer immediately, and provide the principal with a police receipt to show that this has been done.

A report under this section must include the following:

- a) The name of the person giving the report (the first person)
- b) The student's name and gender
- c) Details of the basis for the first person becoming aware of, or reasonably suspecting that the student has been sexually abused
- d) Details of the abuse or suspected abuse
- e) Any of the following information of which they are aware:
 - 1) The student's age
 - 2) The identity of the person who has abused, or is suspected to have abused the student
 - 3) The identity of anyone else who may have information about the abuse or suspected abuse.

5. Reporting Likely Sexual Abuse

Section 366A of the Education (General Provisions) Act 2006 states that if a staff member, in the course of their employment at the school, reasonably suspects that any of the following persons are likely to be sexually abused by another person:

- (a) a student under 18 years attending the school
- (b) a kindergarten aged child registered in a kindergarten learning programme at the school
- (c) a person with a disability who
 - 1) under section 420(2) of the Education (General Provisions) Act 2006 is being provided with Special education at the school
 - 2) is not enrolled in the preparatory year at the school

then the staff member must give a written report using the Child Protection Reporting Form, about the suspicion to the Principal or to the Akademeia Ltd Board Chair immediately.

The Principal or the Akademeia Ltd Board Chair must immediately forward a copy of this report to Child Protection and Investigation Unit at Pine Rivers Police Station, at cpiu.pinerivers@police.qld.gov.au, or by telephoning (07)389 77239;

Or to the Brisbane Child Safety Regional Intake Service on 1300 682 254 and the Child Safety After Hours Service on 1800 177 135, and also at secure.communities.qld.gov.au/cbir/home/ChildSafety

If the first person who reasonably suspects likely sexual abuse is the school's Principal, the Principal must immediately give a written report about the suspicion to a police officer as required by section 366A(2A) of the Education (General Provisions) Act 2006 (EGPA) and give a copy to the Akademeia Ltd Board Chair.

A report under this section must include the following:

- (a) the name of the person giving the report (the first person)
- (b) the student's name and gender

- (c) the details of the basis for the suspicion that the student is likely to be sexually abused by another person
- (d) any of the following information if the person is aware of it
 - 1) the age of the student
 - 2) the identity of the person who is suspected to be likely to abuse the student
 - 3) the identity of anyone else who may have information about the suspected likelihood of abuse.

6. Reporting a disclosure or suspicion of harm

Reporting Physical and Sexual Abuse Under Section 13E (3) of the Child Protection Act 1999, states that if a doctor, a registered nurse, a teacher or an early education and care professional forms a 'reportable suspicion' about a child "in the course of their engagement in their profession", they must make a written report.

A **reportable suspicion** about a child is a reasonable suspicion that the child: -

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

The procedure for reporting a disclosure or suspicion of harm is to report concerns to the Principal, with all notes and concerns, on completion of the collection of data. Concerns of psychological or emotional, physical or sexual abuse or neglect identified either by, or to staff members, are reported to the Principal who will then proceed to continue to report to the relevant authorities. Should the concerns involve the Principal, then, this initial report must be made to the Akademeia Ltd Board Chair, who will then proceed to report the concerns to the relevant authorities.

If the child is at imminent risk of harm or has been the victim of a criminal offence, then the matter is reported to the Queensland Police Service at Child Protection Investigation Unit at cpiu.pinerivers@police.qld.gov.au

At Pinnacle Academic College it is mandatory that the Principal report harm to Child Safety. A report **MUST** be made to Child Safety if

- a. There is a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse

AND

- b. does not have a parent able and willing to protect the child from the harm.

A report under this section must include the following particulars: -

- a) state the basis on which the person has formed the reportable suspicion
- b) include the information prescribed by regulation, to the extent of the person's knowledge

Mandatory Reporters are obliged to confirm that the principle has fulfilled their obligation to provide the report to Child Safety on their behalf.

Should the mandatory reporter not reasonably suppose that the principle has provided the report to Child Safety, it is the responsibility of the mandatory reporter to make the report directly to Child Safety themselves.

Mandatory reporters should also report to Child Safety a reasonable suspicion that a child or unborn child may be in need of protection where the harm or risk of harm relates to any other type of abuse or neglect under s13A of the Child Protection Act 1999.

Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation
All staff	Sexual	Awareness or a suspicion Sexually abused or likely to be sexually abused	Principal, through to police	EGPA sections 366 and 366A
Teacher	Sexual and physical	Significant harm Parent may not be willing and report to Child Safety able	Confer with principal, Parent may not be willing and report to Child Safety able	CPA sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent may not be willing and Child Safety able	Principal, through to Family and Child Connect	Accreditation Regulations section 16
All staff	Any	Not a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA Sections 13B and 159M
Principal	Any	Not a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA Sections 13B and 159M
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA section 13A

Contacting Child Safety

Child Safety Investigation Unit – Pine Rivers

cpiu.pinerivers@police.qld.gov.au

(07) 3897 7239

The Brisbane Child Safety Regional Intake contact – 1300 705 339 (direct line) and 1300 682 254 (general line). The afterhours number is 1800 177 135

This is a very in-depth guide about different types of abuse and symptoms to look for:

<https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/partners/government/child-protection-procedures-manual.pdf> This is the website with in-depth reporting guidelines:

<https://www.cyjma.qld.gov.au/protecting-children/reporting-child-abuse>

7. Reviewing policies and procedures following an incident.

Pinnacle Academic College will undertake a review of the policies and procedures following a disclosure or suspicion of harm being actioned to:

- consider the application of the policies and whether there are any changes necessary, for example, whether they are suitable for:
 - responding to a child or young person when a disclosure is made
 - protecting children and young people from harm, and

- assisting involved parties within your organisation, and
- identify any additional training requirements.

Any process about reporting abuse must not interfere with Court processes, and Pinnacle Academic College may seek legal advice before starting a review of policies and procedures. The reviews shall determine what records that worked well and what may need to be improved upon. Annual reviews of policies and training of staff in these matters are a priority. Note: Media attention - A disclosure or suspicion of harm may attract the media. It is critical to avoid giving out protected or potentially damaging information. The College will limit contact with the media to the principal or legal agent.

Awareness

Pinnacle Academic College will inform staff, students and parents of its processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website.

Training

Pinnacle Academic College will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually. A record of this induction/training will be kept in both Sentral and hard copy.

Counselling

At any stage during this process Pinnacle Academic College will provide opportunity for staff to have counselling in regard to coping with the processes about child abuse.

Implementing the Processes

Pinnacle Academic College will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually.

Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the Pinnacle Academic College website and will be available on request from the Pinnacle Academic College administration.

Complaints Procedure

Suggestions of non-compliance with the College processes may be submitted as complaints under the Pinnacle Academic College Complaints Handling Policy.

Child Protection Policy

Pinnacle Academic College has written processes in place to enable it to comply with the requirements of the Work Health and Safety Act 2011 (Qld) and the Working with Children (Risk Management and Screening) Act 2000 (Qld). See Pinnacle Academic College Work Health and Safety Policy and Pinnacle Academic College Risk Management Strategy

Responding to Reports of Harm

When the College receives any information alleging 'harm' to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly to minimise any likely harm to the extent it reasonably can. This is set out in the Pinnacle Academic College Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

Conduct of Staff and Students

All staff, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff, contractors and volunteers must not cause harm to students. There is a Code of Conduct form contained in The Pinnacle Academic College Risk Management Policy that staff/teachers complete when becoming employed at the College. This form lists the required behaviour expected from staff at Pinnacle Academic College. Particular point 1.6 refers to: Employees do not engage in bullying, violence, harassment or any other forms of victimization.

Reporting Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to either

- classroom teacher Teneika Hogan or Tom Rowley

Dealing with Report of Inappropriate Behaviour Including Sexual Abuse

Any staff member who receives a report of inappropriate behaviour to a child must report it to the principal immediately. The principal is then required to inform the Board Chair immediately. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform the Akademeia Ltd Board Chair immediately. This year, teachers Teneika Hogan and Thomas Rowley take on the designated roles of "safe adults in our school", being actively introduced and promoted as the first point of contact for students. Full colour posters featuring the photos and names of these Staff members are clearly displayed around the school, and freely referred to in the school community.

Any suggestions of non- compliance with Pinnacle Academic College's policies and procedures may be submitted as complaints under Pinnacle Academic College Complaints Policy.

Handling disclosures and/or suspicions of harm, including reporting

The following section details Pinnacle Academic College's policy and procedures for handling disclosures and/or suspicions of harm, including reporting procedures. Children and young people can only be protected from harm if it is reported and dealt with quickly and effectively.

Pinnacle Academic College Child Protection Policy and Procedures ensures staff respond as quickly as possible to a disclosure or suspicion of harm.

Pinnacle Academic College has written processes in place to enable it to comply with the requirements of the Work Health and Safety Act 2011 (Qld) and the Working with Children (Risk Management and Screening) Act 2000 (Qld). See Pinnacle Academic College Work Health and Safety Policy and Pinnacle Academic College Child and Youth Risk Management Strategy.

Note: Pinnacle Academic College notes that the criminal Code 1899 – Section 229 BB and Section 229BC is relevant as follows:-

Failure to protect child from child sexual offence

229BB Failure to protect child from child sexual offence

(1) An accountable person commits a crime if—

(a) the person knows there is a significant risk that another adult (the "alleged offender")

will commit a child sexual offence in relation to a child; and

(b) the alleged offender—

(i) is associated with an institution; or

(ii) is a regulated volunteer; and

(c) the child is under the care, supervision or control of an institution; and

(d) the child is either—

(i) under 16 years; or

(ii) a person with an impairment of the mind; and

(e) the person has the power or responsibility to reduce or remove the risk; and

(f) the person wilfully or negligently fails to reduce or remove the risk.

Penalty—

Maximum penalty—5 years imprisonment.

(2) For subsection (1), it does not matter that the knowledge was gained by the accountable person during, or in connection with, a religious confession.

(3) For this section, an adult is

"associated" with an institution if the adult—

(a) owns, or is involved in the management or control of, the institution; or

(b) is employed or engaged by the institution; or

(c) works as a volunteer for the institution; or

(d) engages in an activity in relation to the institution for which a working with children authority under the Working with Children (Risk Management and Screening) Act 2000 is required; or

(e) engages in the delivery of a service to a child who is under the care, supervision or control of the institution.

(4) In this section—

"accountable person" means an adult who is associated with an institution, other than a regulated

volunteer.

"institution" means an entity, other than an individual, that—

(a) provides services to children; or

(b) operates a facility for, or engages in activities with, children under the entity's care, supervision or control.

Example—

schools, government agencies, religious organisations, hospitals, child care centres, licensed residential facilities,

sporting clubs, youth organisations

"regulated volunteer" means an adult who is taken to be a volunteer employed or engaged in regulated employment at a person's home, residence or household under any of the following provisions of the Working with Children (Risk Management and Screening) Act 2000, schedule 1 —

(a) section 4 (2) or (3);

(b) section 9 (2);

(c) section 14 (2).

CRIMINAL CODE 1899 - SECT 229BC

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

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.

Penalty—

Maximum penalty—3 years imprisonment.

(3) For subsection (1), it does not matter that the information was gained by the adult during, or in

connection with, a religious confession.

(4) Without limiting what may be a reasonable excuse for subsection (2), an adult has a reasonable excuse if—

- (a) the adult believes on reasonable grounds that the information has already been disclosed to a police officer; or
- (b) the adult has already reported the information under any of the following provisions, or believes on reasonable grounds that another person has done or will do so—
 - (i) the Child Protection Act 1999, chapter 2, part 1AA;
 - (ii) the Education (General Provisions) Act 2006, chapter 12, part 10;
 - (iii) the Youth Justice Act 1992, part 8 or 9; or
- (c) the adult gains the information after the child becomes an adult (the "alleged victim"), and the adult reasonably believes the alleged victim does not want the information to be disclosed to a police officer; or
- (d) both of the following apply—
 - (i) the adult reasonably believes disclosing the information to a police officer would endanger the safety of the adult or another person, other than the alleged offender, regardless of whether the belief arises because of the fact of the disclosure or the information disclosed;
 - (ii) failure to disclose the information to a police officer is a reasonable response in the circumstances.

(5) An adult who, in good faith, discloses information mentioned in subsection (1) (a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.

(6) In this section—

"relevant time", in relation to the child sexual offence mentioned in subsection (1) (a), means the time that the adult—

- (a) believes to be the time of commission of the offence; or
- (b) ought reasonably to believe to be the time of commission of the offence.