

### Queensland Independent College

#### Child Protection Policy

##### PURPOSE OF THE POLICY

<b>Purpose:</b>	The purpose of this policy is to provide a policy as part of Queensland Independent College's written processes about how the school will respond to harm, or allegations or harm, to students under 18 years old, and the appropriate conduct of the school's staff and students, to comply with accreditation requirements.	
<b>Scope:</b>	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 Queensland Independent College and covers information about the reporting of harm and abuse	
<b>Status:</b>	Approved	<b>Supersedes:</b> 2015
<b>Authorised by:</b>	School Governing Body Chairperson	<b>Date of Authorisation:</b> 12.2.2016
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Regulation 2006 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2001 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2001 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Regulations 2011 (Qld)</a></li> <li>• Queensland Independent College Dispute Resolution Policy</li> <li>• Queensland Independent College Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• Queensland Independent College Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> </ul>	
<b>Related Policies</b>		
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 2017
<b>Policy Owner:</b>	School Governing Body	

## Definitions

- **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 student 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;
  - (b) the relevant person has less power than the other person;
  - (c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity

## Health and Safety

The school has written processes in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation<sup>1</sup>.

## Responding to Reports of Harm

When the school receives any information alleging 'harm'<sup>2</sup> to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can. This is set out in the school’s Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>3</sup>.

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<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(1)*

<sup>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(8)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

## 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<sup>4</sup>.

## Reporting Inappropriate Behaviour

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

- **The Principal; or**
- **Chairperson of the Board<sup>5</sup>.**

## Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the principal. Where the principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the school's governing body<sup>6</sup>. Reports will be dealt with under the school's Dispute Resolution Policy.

## Reporting Sexual Abuse<sup>7</sup>

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

- a) a student under 18 years attending the school;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the school;
- c) a person with a disability who:
  - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and
  - ii. is not enrolled in the preparatory year at the school;

then the staff member must give a written report about the abuse or suspected abuse to the principal or to a director of the school's governing body immediately.

The school's principal or the director of the school's governing body must immediately give a copy of the report to a police officer.

If the first person who becomes aware or reasonably suspects sexual abuse is the school's principal, the principal must give a written report about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to a director of the school's governing body.

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

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

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<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3) and s.10(4)*

<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3)*

<sup>7</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

- c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- d) details of the abuse or suspected abuse;
- e) any of the following information of which the first person is aware: -
  - i. the student's age;
  - ii. the identity of the person who has abused, or is suspected to have abused, the student;
  - iii. the identity of anyone else who may have information about the abuse or suspected abuse<sup>8</sup>.

### Reporting Likely Sexual Abuse<sup>9</sup>

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

- a) a student under 18 years attending the school;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the school;
- c) a person with a disability who: -
  - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and
  - ii. is not enrolled in the preparatory year at the school;

then the staff member must give a written report about the suspicion to the principal or to a director of the school's governing body immediately.

The school's principal or the director of the school's governing body must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the school's principal, the principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a director of the school's governing body.

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

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- d) any of the following information of which the first person is aware: -
  - i. the student's age;
  - ii. the identity of the person who has abused, or is suspected to be likely to abuse, the student;
  - iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>10</sup>.

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<sup>8</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68*

<sup>9</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

<sup>10</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68A*

## **Reporting Physical and Sexual Abuse**

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse or a teacher 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 doctor, nurse or teacher must give a written report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*). The doctor, nurse or teacher should give a copy of the report to the principal.

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

- a) state the basis on which the person has formed the reportable suspicion; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge<sup>11</sup>.

## **Awareness**

The school 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 via its website, through the parent enrolment package, staff and employee handbook, Policies and Procedures Handbook providing evidence of fulfilment of the requirements of section 3(1)(h)(i) of the Regulation.

## **Training**

The school will train its staff in processes relating to the health, safety and conduct of all staff and students on their induction and will refresh training annually via formal training events and professional development, via informal updates at regular staff meetings and during regular discussions between management and their staff.

## **Implementing the Processes**

The school will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually<sup>12</sup>.

## **Accessibility of Processes**

Processes relating to the health, safety and conduct of staff and students are accessible on the school website and will be available on request from the school administration<sup>13</sup>.

## **Complaints Procedure**

Suggestions of non-compliance with the school's processes may be submitted as complaints under Queensland Independent College's Dispute Resolution Policy.<sup>14</sup>

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<sup>11</sup> *Child Protection Act 1999 (Qld) s.13G (2)*. There is no such regulation at 12 December 2014.

<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

<sup>13</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

<sup>14</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(7) and s.10(7A)*

