

# Child Protection Policy

<b>Purpose:</b>	The purpose of this policy is to provide written processes about – (a) how the school will respond to harm, or allegations of harm, to students under 18 years; and (b) 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 The School of Total Education and covers information about the reporting of harm and abuse.	
<b>Status:</b>	Approved	<b>Supersedes:</b> 02/02/2022
<b>Authorised by:</b>	School Governing Body Chairperson	<b>Date of Authorisation:</b> 24/10/2022
<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 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (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 2020 (Qld)</a></li> <li>• <a href="#">Criminal Code Act 1899 Sections 229BB and 229 BC</a></li> <li>• The School of Total Education Complaints Handling Policy</li> <li>• The School of Total Education Complaints Handling Procedure</li> <li>• The School of Total Education Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• The School of Total Education Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 24/10/2023
<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 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;
  - (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 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).

## Responding to Reports of Harm

When the school receives any information alleging 'harm'<sup>1</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>2</sup>.

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<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(7)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

<sup>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

## 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>3</sup>.

## Reporting Inappropriate Behaviour

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

- Mr Shane Power, the Principal; or
- The student's grade or home group teacher<sup>4</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>5</sup>. Reports will be dealt with under the school's Complaints Handling Policy.

## Reporting Sexual Abuse<sup>6</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 kindergarten aged child registered in a kindergarten 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 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 immediately.

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>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s. 16(2)(c)*

- 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>7</sup>.

### **Reporting Likely Sexual Abuse** <sup>8</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 kindergarten aged child registered in a kindergarten 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 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 immediately.

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 is suspected to be likely to sexually abuse the student;
  - iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>9</sup>.

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<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

<sup>8</sup> *Education (Accreditation of Non-State Schools ) Regulation 2017 (Qld) s.16 (2)(c)*

<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

## **Reporting Physical and Sexual Abuse** <sup>10</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early childhood 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 doctor, nurse, teacher or early education and care professional must give a written report to the Chief Executive of the Department of Children, Youth Justice and Multicultural Affairs (or another department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early education and care professional should give a copy of the report to the principal.

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

- a) the child's name and sex;
- b) The child's age;
- c) Details of how to contact the child;
- d) Details of the harm to which the reportable suspicion relates;
- e) Particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- f) Particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates<sup>11</sup>.

To contact the Child Safety Regional Intake Service for the Darling Downs call 1300 683 390 between 9am to 5pm Monday to Friday). Outside of these hours, the Child Safety After Hours Service Centre can be contact on 1800 177 135.

## **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 on its website<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>.

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<sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2) (d)*

<sup>11</sup> *See Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4) (a)*

<sup>13</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (4) (b)*

## **Training**

The school 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<sup>14</sup>. Training is completed via ISQ Connect and Learn on an annual basis.

## **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>15</sup>.

## **Complaints Procedure**

Suggestions of non-compliance with the school's processes may be submitted as complaints under The School of Total Education's Complaints Handling Procedure<sup>16</sup>.

**Note:** Reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the Criminal Code Act 1899 s.229BC<sup>17</sup>.

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<sup>14</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (4) (c)

<sup>15</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (4) (d)

<sup>16</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (5) and s.16 (6)

<sup>17</sup> Criminal Code Act 1899 (Qld) s.229 BC (4) (b)

**Note:** It is important to note the Criminal Code 1899 – Section 229 BB and Section 229BC 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.