

Child Protection Policy

Purpose	The purpose of this policy is to provide a clear framework around the written processes <i>The River School</i> [including the <i>Early Childhood Centre (ECC)</i>] uses to respond to harm, or allegations of harm, to students under 18 years; and the appropriate conduct of the school'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, parents, volunteers and people undertaking work experience or vocational placements at <i>The River School</i> and /or <i>ECC</i> , and covers information about the reporting of harm and abuse.	
Responsibility	School Principal	
References:	<ul style="list-style-type: none"> • Child Protection Act 1999 (Qld) • Education (General Provisions) Act 2006 (Qld) • Education (General Provisions) Regulation 2017 (Qld) • Education (Accreditation of Non-State Schools) Act 2017 (Qld) • Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) • Working with Children (Risk Management and Screening) Act 2000 (Qld) • Working with Children (Risk Management and Screening) Regulations 2011 (Qld) • The River School Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>) • The River School Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) • The River School Code of Conduct Policy • The River School Complaints Handling Policy • The River School Complaints Handling Procedure 	
Related Policies		
Status	Approved by AC and Board	Supersedes <i>Child Protection Policy 2019</i>
Last Review Date	January 2020	Next Review Date January 2021
Review Cycle	Annually	Version ID CPP2020
Authorisation	Board Chair	Date of Authorisation January 2020
Policy Owner:	AME Ltd Board	

1. Definitions

- **Section 8 of the *Child Protection Act 1999*** defines a **child** as an individual under 18 years of age.
- **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; emotional abuse; neglect; or
 - b) sexual abuse; exploitation; or
 - c) self harm.
 3. Harm can be caused by—
 - a) a single act, omission or circumstance
 - 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.

2. 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)*.

3. Responding to Reports of Harm

When the School receives any information alleging 'harm'¹ 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 policy².

¹ *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)*

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

4. 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 students³.

5. Reporting Inappropriate Behaviour

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

- Anne Donoghoe (Principal)

or

- Kristy O'Neill (Deputy Principal)

6. 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 body⁴. Reports will be dealt with under the school's *Complaints Handling Policy*.

7. Reporting Sexual Abuse⁵

7.1. Section 366 of the *Education (General Provisions) Act 2006* states that if a staff member becomes aware, or reasonably suspects, in the course of the staff member's 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 our school.

7.2. The staff person must give a written report about the abuse or suspected abuse to the Principal or a director of the school's governing body —

- (a) immediately; and
- (b) the school's Principal or director of the governing body must immediately give a copy of the report to a police officer, as required by *Education (General Provisions) Act 2006* section 366(4).

7.3. However, if the first person is the school's Principal, the Principal must give a written report about the abuse, or the suspected abuse, to a police officer —

- (a) immediately; and
- (b) must also give a copy of the report to a director of the school's governing body.

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

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

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 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.

8. Reporting Likely Sexual Abuse ⁷

8.1. 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 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 school.

8.2. The first person must give a written report about the first person's suspicion, to the Principal or a director of the school's governing body —

- (a) immediately; and
- (b) the school's Principal or the director must immediately give a copy of the report to a police officer, as required by *Education (General Provisions) Act* section 366A (6).

8.3. However, if the first person is the School Principal, the Principal must give a written report about the suspicion to a police officer —

- (a) immediately; and
- (b) 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) 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;

⁶ *Education (General Provisions) Regulation 2017 (Qld)* s.68

⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)* s.16(2)(c)

- ii. the identity of the person who has abused, or is suspected to have abused, or who is suspected to be likely to abuse the student;
- iii. the identity of anyone else who may have information about suspected likelihood of abuse⁸.

9. Delegation of Director's Reporting Function

9.1. In this section —

function, of a director of a School's governing body, means the director's function of receiving a report and giving a copy of the report to a police officer under section 366 or 366A.

9.2. Under Section 366B of the *Child Protection Act 1999*, where there is more than one director, all of the directors may, by unanimous resolution, delegate the director's function to an appropriately qualified individual.

9.3. However, the directors must not delegate the function to the Principal or any other staff member of the School.

9.4. If a delegate commits an offence under section 366(4) the delegator also commits the offence.

9.5. However, it is a defense for the delegator to prove the delegator took all reasonable steps to ensure the delegate complied with the section.

10. Mandatory Reporting Physical and Sexual Abuse

10.1. Under Section 13E (3) of the *Child Protection Act 1999*, mandatory reporting by relevant persons engaged in particular work includes doctor, registered nurse, **teacher** (and others). **Teacher** means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a School.

10.2. 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.

10.3. If a relevant person forms a reportable suspicion about a child in the course of the person's engagement as a relevant person, the person **must** give a written report to the Chief Executive (Department of Communities/ Safety Services) under section 13G of the *Child Protection Act 1999*.

11. Report to the Chief Executive

11.1 Under section 13 of *Child Protection Act 1999*, the Chief Executive is the Department of Communities (Safety Services). The report that a relevant person is required to give under section 13E or 13F must —

- 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 knowledge⁹.

The doctor, nurse, teacher or early education and care professional should give a copy of the report to the Principal.

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.68A*

⁹ *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

11.2. The relevant person is not required to give a report about a matter if —

- (a) giving the report might tend to incriminate the person; or
- (b) the person knows, or reasonably supposes, that the chief executive is aware of the matter.

11.3. A regulation may prescribe the way the report must be given.

11.4. To remove any doubt, it is declared that a person does not commit an offence against the *Child Protection Act 1999* only because the person omits to do any act required under section 13E (3) or 13F (3) or this section.

12. Conferrals with colleagues and related information sharing – s.13H

12.1. A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes —

- (a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;
- (b) in the case of a relevant person under section 13E — for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);
- (c) for the relevant person to give a report under section 13G or keep a record about a report;
- (d) for the relevant person or colleague to take appropriate action deal with suspected harm or risk of harm to a child (e.g. A teacher with a reportable suspicion about a child under section 13E may give information to the Principal at the school to enable the Principal to take appropriate action to protect the child or other children from risk of harm).

12.2. In this section — **colleague**, of a relevant person, means a person working in or for the same entity as the relevant person.

13. Child Protection Regulation 2011 - reporting

Section 10 Information in the report to the chief executive (Child Protection Act). For section 13G (2)(b) of the Act, the following information is prescribed for inclusion in the relevant person's report —

- (a) the child's name and sex;
- (b) the child's age;
- (c) details of how to contact the child (e.g. home address, school address);
- (d) details of 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.

14. 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 website¹⁰.

15. 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 annually¹¹. Training will include Independent Schools Qld (ISQ) Child Protection Online Course and discussion of The River School *Child Protection Policy* and procedures at staff meetings and targeted Professional Development workshops. Evidence of staff training will be recorded on The River School's Professional Development attendance register, staff meeting minutes and agendas. The School Board will be advised of staff training and procedural updates via the Principal's report to the Board.

16. 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 annually¹². This will involve evidence of staff training, all related forms, policy and procedures reviewed and updated.

17. 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 administration¹³.

18. Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under The River School's *Complaints Handling Policy*.¹⁴

19. Appendices

- Child Protection Decision Support Tree For Principals
- Child Protection Decision Support Tree For Teachers
- Child Protection Decision Support Tree For Non-Teaching Staff
- Child Protection Reporting Form

20. Additional Resources

- ISQ Fact Sheet "Child Protection Reporting by Legislation"
- ISQ Fact Sheet "Summary of Reporting Harm"

¹⁰ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

¹¹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

¹² Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

¹³ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

¹⁴ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)