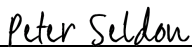




By  
Language  
Disorder  
Australia.

## MANCEL COLLEGE CHILD PROTECTION POLICY

Document number	GR20.00.00	Version	2.00
Date of last review	April 2024	Date of next review	April 2025
Sponsor	CEO		
Approving authority	Board	Approval date	April 2024
Signature	<small>DocuSigned by:</small>  <small>CBDF3377F99D4D3...</small>		

### 1. PURPOSE

Mancel College has a duty of care to provide a safe environment for its students which requires it to provide written processes about –

- (a) how Mancel College aims to protect and care for children;
- (b) how Mancel College will respond to harm, or allegations of harm, to students under 18 years; and
- (c) the appropriate conduct of the school's staff and students.

These written processes will comply with all legislative and accreditation requirements.

### 2. SCOPE

This Policy applies to all 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 Mancel College.

### 3. RELATED INTERNAL DOCUMENTS AND EXTERNAL REFERENCES

- Language Disorder Australia Complaints Handling Policy
- Mancel College Feedback, Compliments and Complaints Procedure
- Mancel College Child Risk Management Strategy
- Language Disorder Australia Blue Card Policy;
- Language Disorder Australia Blue Card Procedure;
- Language Disorder Australia Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (Qld)*)
- Language Disorder Australia Child Protection Reporting Form
- [Child Protection Act 1999 \(Qld\)](#)
- [Child Protection Regulation 2023 \(Qld\)](#)

- [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 2020 \(Qld\)](#)
- [Criminal Code Act 1899 \(sections 229BB and 229BC\)](#)

#### 4. DEFINITIONS

- 4.1. **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.
- It is immaterial how the harm is caused.
  - Harm can be caused by—
    - a) physical, psychological, or emotional abuse or neglect; or
    - b) sexual abuse or exploitation.
  - Harm can be caused by—
    - a) a single act, omission, or circumstance; or
    - b) a series or combination of acts, omissions, or circumstances.
- 4.2. **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.
- 4.3. **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.

#### 5. HEALTH AND SAFETY

- 5.1. Mancel 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).

#### 6. RESPONDING TO REPORTS OF HARM

- 6.1. When the College 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 Mancel College’s Child Risk Management Strategy.

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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)*

Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>2</sup>.

## 7. CONDUCT OF STAFF AND STUDENTS

7.1. All employees, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Employees, contractors and volunteers must not cause harm to students<sup>3</sup> and must adhere strictly to the Language Disorder Australia Code of Conduct and Mancel College Risk Management Strategy.

## 8. REPORTING INAPPROPRIATE BEHAVIOUR

8.1. If a student considers the behaviour of an employee to be inappropriate, the student should report the behaviour to:

- Deputy Principal - Education
- Deputy Principal - Allied Health

who will receive the report<sup>4</sup>.

## 9. DEALING WITH REPORT OF INAPPROPRIATE BEHAVIOUR

9.1. An employee 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 employee must inform a member of Language Disorder Australia Board<sup>5</sup>. Reports will be dealt with under the Language Disorder Australia's Complaints Handling Policy and Mancel College's Compliments and Complaints Procedure.

## 10. REPORTING SEXUAL ABUSE<sup>6</sup>

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

- a) a student under 18 years attending Mancel College;
- 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 employee must give a written report about the abuse or suspected abuse to the Principal or to the Chair of the Board immediately.

The school's Principal or the Chair of the Board must immediately give a copy of the report to a police officer.

10.2. Under s366B of the *Education (General Provisions) Act 2006* the directors of Language Disorder Australia delegate the directors' function under s366 to the Chair of the Board of Language Disorder Australia.

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

<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)*

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 provide a copy to the Chair of the Board 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 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>.

## 11. REPORTING LIKELY SEXUAL ABUSE<sup>8</sup>

11.1. Section 366A of the *Education (General Provisions) Act 2006* states that if an employee reasonably suspects in the course of their employment at the College, that any of the following is likely to be sexually abused by another person:

- a) a student under 18 years attending the College;
- 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 employee must give a written report about the suspicion to the Principal or to the Chair of the Board immediately.

The College Principal or the Chair of the Board must immediately give a copy of the report to a police officer.

11.2. Under s366B of the *Education (General Provisions) Act 2006* the directors of Language Disorder Australia, of which Mancel College is a business unit, delegate the directors' function under s366A to the Chair of the Board of Language Disorder Australia.

If the first person who reasonably suspects likely sexual abuse is the College'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 Chair of the Board 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:

<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)*

- 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>.

## 12. REPORTING PHYSICAL AND SEXUAL ABUSE<sup>10</sup>

12.1. 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 childhood education and care professional must, in consultation with the Principal, give a written report to the Chief Executive of the Department of Child Safety, Seniors and Disability Services (or another department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early childhood 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 basis on which the person has formed the reportable suspicion<sup>11</sup>;
- b) the child's age, name and sex descriptor;
- 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>12</sup>.

Child Safety Regional Intake Service contact details for Brisbane and Moreton Bay (from 9am to 5pm Monday to Friday) are 1300 682 254 or 1800 177 135 outside of these hours.

## 13. RESPONSIBILITIES UNDER CRIMINAL CODE ACT 1899 (Qld)

13.1. The *Criminal Code Act 1899 (the Code)* includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

### 13.2. Failure to Report<sup>13</sup>

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a

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

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

<sup>11</sup> Child Protection Act 1999 s.13G (2)(a)

<sup>12</sup> See Child Protection Regulation 2023 (Qld) s.10 "Information to be included in report to chief executive"

<sup>13</sup> Criminal Code Act 1899 (Qld) s.229BC

reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students who are 18 years and older, parents/ carers and volunteers at the school. A reasonable excuse not to make a report under the *Criminal Code Act 1899* includes that a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) and the *Child Protection Act 1999* (reporting significant harm or risk of significant harm) as per this policy.

### 13.3. Failure to Protect<sup>14</sup>

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence. This section applies to all Mancel College employees.

## 14. STUDENTS OVER THE AGE OF 18 YEARS

Where a student has reached the age of 18 years whilst being enrolled at Mancel College, employees need to notify the Principal of Mancel College of any suspicions they may have regarding the sexual or physical abuse of the student. The Principal will consult with the relevant Executive Leadership Team members to address the concern.

## 15. AWARENESS

15.1. Mancel College will inform employees, students, and parents and carers of its processes relating to the health, safety and conduct of employees and students in communications to them and it will publish these processes on its website<sup>15</sup>. Awareness is raised through Professional Learning, staff meetings, assemblies, House pastoral structure, College Intranet, enrolment interviews and accompanying documentation.

15.2. Volunteers, contractors and new employees are informed of the relevant child safety management requirements and policy during their induction to the College.

## 16. ACCESSIBILITY OF PROCESSES

16.1. Processes relating to the health, safety and conduct of employees and students are accessible on the Mancel College website and will be available on request from the reception or corporate services<sup>16</sup>.

## 17. TRAINING

17.1. The College will train its employees in processes relating to the health, safety and conduct of employees and students on their induction and will refresh training annually<sup>17</sup>. Training attendance will be recorded and monitored through the Language Disorder Australia's Human Resources Information system. Visitors and contractors will be made aware of processes relating to the health, safety and conduct expectations through the sign in process.

<sup>14</sup> *Criminal Code Act 1899 (Qld) s.229BB*

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

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

<sup>17</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

## **18. IMPLEMENTING THE PROCESS**

18.1. Mancel 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<sup>18</sup>.

## **19. COMPLAINTS PROCEDURE**

19.1. Suggestions of non-compliance with Mancel College's processes may be submitted as complaints under Language Disorder Australia Complaints Resolution Policy and the Mancel College Feedback, Compliments and Complaints Procedure<sup>19</sup>.

## **20. REVIEW**

20.1. This Policy is to be reviewed annually.

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<sup>18</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

<sup>19</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)