

## CHILD PROTECTION POLICY

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<i>Peter Seldon</i>	<i>Chair</i>		
<b>Name</b>	<b>Position</b>	<b>Signature</b>	

### 1. PURPOSE

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.

### 2. 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 Language Disorder Australia.

### 3. REFERENCES

- [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 2020 \(Qld\)](#)

- [Criminal Code Act 1899 \(sections 229BB and 229BC\)](#)
- Language Disorder Australia Complaints Handling Policy
- Language Disorder Australia Complaints Handling Procedure
- Language Disorder Australia Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000* (Qld))
- Language Disorder Australia Work Health and Safety Policy (for the *Work Health and Safety Act 2011* (Qld))
- Language Disorder Australia Child Protection Reporting Form

## 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. 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).

## 6. RESPONDING TO REPORTS OF HARM

6.1. 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

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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)*

compassionately and fairly so as to minimise any likely harm to the extent it reasonably can. This is set out in the Language Disorder Australia'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>.

## **7. CONDUCT OF STAFF AND STUDENTS**

7.1. 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>.

## **8. REPORTING INAPPROPRIATE BEHAVIOUR**

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

- Deputy Principal Teaching and Learning; or
- Deputy Principal Student Wellbeing and Operations

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

## **9. DEALING WITH REPORT OF INAPPROPRIATE BEHAVIOUR**

9.1. 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.

## **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 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 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.

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<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)*

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

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 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 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 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.

11.2. Under s366B of the Education (General Provisions) Act 2006 the directors of Language Disorder Australia of Mancel College 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 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 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**);

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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)*

- 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>.

## 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 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 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 name and sex;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) 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;
- g) 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* 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

<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 2011 (Qld) s.10 "Information to be included in report to chief executive"*

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 reasonable excuse, is a criminal offence. 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.

## 14. AWARENESS

14.1. 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>15</sup>. Awareness is raised through Professional Learning, staff meetings, assemblies, House pastoral structure, College Intranet, enrolment interviews and accompanying documentation.

## 15. ACCESSIBILITY OF PROCESSES

15.1. 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 reception or corporate services<sup>16</sup>.

## 16. TRAINING

16.1. 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>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.

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

<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)*

## **17. IMPLEMENTING THE PROCESS**

17.1. 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>18</sup>.

## **18. COMPLAINTS PROCEDURE**

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

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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)*