

## Child Protection Policy

**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.

**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 The BUSY School and covers information about the reporting of harm and abuse.

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| <b>Status:</b>        | Approved    | <b>Supersedes:</b>            | 2.1        |
| <b>Authorised by:</b> | Board Chair | <b>Date of Authorisation:</b> | 20/01/2021 |

**References:**

- [National Principles for Child Safe Organisations 2019 \(Cth\)](#)
- [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 \(Risk Management and Screening\) Regulation 2020 \(Qld\)](#)
- The United Nations Human Rights [Convention on the Rights of the Child](#)
- The BUSY School Complaints Handling Policy
- The BUSY School Complaints Handling Procedure
- The BUSY School Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))
- The BUSY School Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))
- The BUSY School Child Protection Reporting Form

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| <b>Review Date:</b> | Annually | <b>Next Review Date:</b> | 20/01/2022 |
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**Policy owner:** School Governing Body

### Definitions

- Section 9 of the Child Protection Act 1999
  1. "Harm", to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
  2. It is immaterial how the harm is caused.
  3. Harm can be caused by —
    - a) physical, psychological or emotional abuse or neglect; or
    - b) sexual abuse or exploitation.
  4. 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' 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.

## 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.

## Reporting Inappropriate Behaviour

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

- The Youth Worker; or
- The Principal.

## Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must immediately report it to the principal. Where the principal is the subject of the report of inappropriate behaviour, the staff member must immediately inform the CEO who will inform a director of the school's governing body. Reports will be dealt with under the School's Complaints Handling Policy.

## Reporting Sexual Abuse

1. Section 366 of the Education (General Provisions) Act 2006 states that if a staff member of a non-State school (the *first person*) 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 kindergarten aged child registered in a kindergarten learning program at the school;
  - c) a person with a disability who: -
    - i. under section 420(2) is being provided with special education at the school; and

- ii. is not enrolled in the preparatory year at the school.
2. The first person must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body –
  - a. Immediately; and
  - b. If a regulation is in force under subsection (3), as provided under the regulation.
- 2A. However, if the first person is the school's principal, the principal must give a written report about the abuse, or suspected abuse to a police officer –
  - a. Immediately; and
  - b. If a regulation is in force under subsection (3), as provided under the regulation.
- 2B. If subsection (2A) applies, the principal must also immediately give a copy of the report to a director of the school's governing body.
3. A regulation may prescribe the particulars the report must include.
 

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

  - *the name of the person giving the report (the first person);*
  - *the student's name and sex;*
  - *details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;*
  - *details of the abuse or suspected abuse;*
  - *any of the following information of which the first person is aware: -*
  - *the student's age;*
  - *the identity of the person who has abused, or is suspected to have abused, the student;*
  - *the identity of anyone else who may have information about the abuse or suspected abuse .*
4. A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.
5. A person who makes a report under subsection (2) or (2A), or gives a copy of a report under subsection (2B) or (4), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.
6. Without limiting subsection (5)—
  - a. in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
  - b. if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

## Reporting Likely Sexual Abuse

Section 366A of the Education (General Provisions) Act 2006 states that

1. Subsection (2) applies if a staff member of a non-State school (the *first person*) reasonably suspects, in the course of the staff member's 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 age 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.
2. The first person must give a written report about the first person's suspicion to the school's principal or to a

director of the school's governing body –

- a. Immediately; and
  - b. If a regulation is in force under subsection (5), as provided under the regulation.
3. However, if the first person is the school's principal, the principal must give a written report about the suspicion to a police officer -
- a. Immediately; and
  - b. If a regulation is in force under subsection (5), as provided under the regulation.
4. If subsection (3) applies, the principal must also immediately give a copy of the report to a director of the school's governing body.
5. A regulation may prescribe the particulars the report must include.
- A report under this section must include the following particulars: -*
- *the name of the person giving the report (the first person);*
  - *the student's name and sex;*
  - *details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;*
  - *any of the following information of which the first person is aware: -*
  - *the student's age;*
  - *the identity of the person who is suspected to be likely to sexually abuse the student;*
  - *the identity of anyone else who may have information about suspected likelihood of abuse.*
6. A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.
7. A person who makes a report under subsection (2) or (3), or gives a copy of a report under subsection (4) or (6), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.
8. Without limiting subsection (7) –
- a. In a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
  - b. If the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law of practice – the person does not contravene the requirement by giving the information.
9. To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under this section.

## Reporting Physical and Sexual Abuse

Under Section 13E (3) of the Child Protection Act 1999, if a *relevant person*, including but not limited to 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 the person's engagement as a relevant person", they must make a written report to the Chief Executive of the Department of Child Safety, Youth and Woman (or another department administering the Child Protection Act 1999).

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 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.

### Regional Report Contacts (Business Hours)

| Region  | Phone        |
|---|--------------|
| Brisbane  | 1300 682 254 |
| Central Queensland                                    | 1300 703 762 |
| Far North Queensland                                  | 1300 684 062 |
| Ipswich   | 1800 316 855 |
| North Coast   | 1300 703 921 |
| North Queensland                                      | 1300 706 147 |
| South East  | 1300 679 849 |
| South West (Darling Downs)                            | 1300 683 390 |
| Child Safety After Hours Service Centre: 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 as follows:

- Publishing this information on The BUSY School website;
- At enrolment interviews;
- At staff induction; and
- By making this Policy available from The BUSY School office.

### 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.

### 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.

The school will maintain evidence of such training, including:

- a training calendar and attendance register for annual training.
- Records of staff induction

Periodically and as required, the School will review its handling of complaints.

### 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.

### Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under The BUSY School Complaints Handling Procedure.