

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 Maleny Independent School and covers information about the reporting of harm and abuse.	
References:	<ul style="list-style-type: none"> • Child Protection Act 1999 (Qld) • Education (General Provisions) Act 2017 (Qld) • Education (General Provisions) Regulation 2017 (Qld) • Education (Accreditation of Non-State Schools) Act 2017 (Qld) • Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) • Working with Children (Risk Management and Screening) Act 2000 (Qld) • Working with Children (Risk Management and Screening) Regulations 2011 (Qld) • Maleny Independent School Dispute Resolution Policy • Maleny Independent School Dispute Resolution Procedure • Maleny Independent School Child Risk Management Strategy • Maleny Independent School Child Protection Reporting Form • Maleny Independent School Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) 	
Status:	Rev003	Supersedes: Rev002
Authorised by:	Board Chair	Date of Authorisation: December 2021
Review Date:	Annually/ December 2021	Next Review Date: December 2022
Policy Owner:	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
 - b) sexual abuse or exploitation.
 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 student who—
 - a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm (the ‘Significant harm test’)
 - b) does not have a parent able and willing to protect the child from the harm (the ‘Parent willing and able test’).
- **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 about the health and safety of its staff and students in accordance with the requirements of the Work Health and Safety Act 2011 (QLD) and the Working with Children (Risk Management Screening) Act 2000 (QLD).

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)*

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.

Reporting Inappropriate Behaviour

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

- School Principal

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 Dispute Resolution Policy.

Reporting Sexual Abuse⁵

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 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
 - ii. is not enrolled in the preparatory year at the school.

then the staff member must give a written report, using the Child Protection Reporting Form, about the abuse or suspected abuse to the Principal or to a director of the school's governing body immediately (see Attachments 1 and 2 for the Child Protection Decision Support Tree for Principals and Non-Teaching Staff).

The school's Principal or the director of the school's governing body 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 (Child Protection Reporting Form) 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.

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

- a) the name of the person giving the report (the **first person**)

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

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

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

- b) the student's name and gender
- 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 abuse⁶.

Reporting Likely Sexual Abuse ⁷

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 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
 - ii. is not enrolled in the preparatory year at the school.

then the staff member must give a written report, using the Child Protection Reporting Form, about the suspicion to the Principal or to a director of the school's governing body immediately. (see Attachments 1 and 2 for the Child Protection Decision Support Tree for Principals and Non-Teaching Staff).

The school's Principal or the director of the school's governing body must immediately give a copy of the report (Child Protection Reporting Form) 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.

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 gender
- 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

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 be likely to abuse, the student
- iii. the identity of anyone else who may have information about suspected likelihood of abuse⁸.

Reporting Physical and Sexual Abuse⁹

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse or a teacher 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
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse or teacher must give a written report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*). The doctor, nurse or teacher should give a copy of the report to the Principal (see Attachments 1 to 4 for the Child Protection Decision Support Tree for Principals, Teaching and Non-Teaching Staff and).

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

- a) state the basis on which the person has formed the reportable suspicion
- b) include the information prescribed by regulation, to the extent of the person's knowledge¹⁰.

Awareness

Maleny Independent School is committed to informing staff, students and parents of its processes relating to health, safety, risks to children and conduct of staff and students; and will make this Child Protection Policy available to students, parents and employees during the enrolment process and on the school website¹¹.

Training

Maleny Independent School is committed to training employees in relation to health, safety, risks to children and conduct of staff; and will undertake this training regularly via annual formal training events, informal updates at meetings and regular discussions. Child Protection Training will be conducted annually¹² and this will be recorded in the Maleny Independent School ISQ Child Protection Certificate Register.

Implementing the Processes

The school will ensure it is implementing processes relating to the health, safety, child risk

⁸ *Education (General Provisions) Regulation 2006 (Qld) s.68A*

⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

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

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

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

management and conduct of staff and students by auditing compliance with the processes annually¹³.

Accessibility of Processes

Processes relating to the health, safety, child risk management and conduct of staff and students are accessible on the school website and will be available on request from the school administration¹⁴.

Complaints Procedure

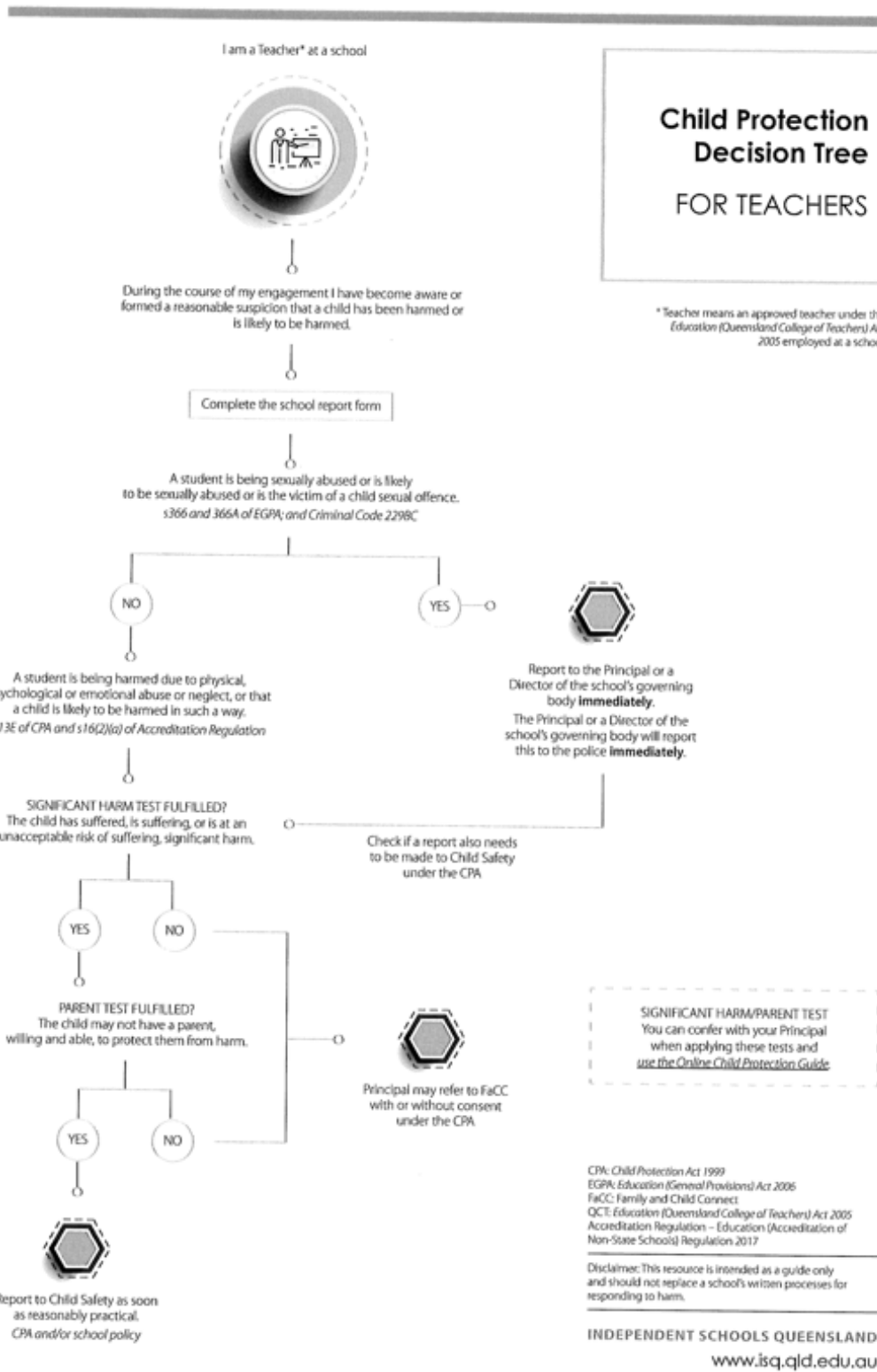
Suggestions of non-compliance with the school's processes may be submitted as complaints under the Maleny Independent School Dispute Resolution Policy and Procedure¹⁵.

¹³ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.16(4)(d)*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.16(4)(b)*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*

Appendices



Child Protection

SUMMARY OF REPORTING HARM

WHO	ABUSE TYPE	TEST	REPORT TO	LEGISLATION
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal, through to Police	EGPA, sections 366 and 366A
Teacher	Sexual and physical	Significant harm Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A
Any adult*	A child sexual offence against a child by another adult	Reasonable belief and, at the relevant time, the child is or was: – under 16 years; or – a person with an impairment of the mind	Police	Criminal Code section 229BC (not yet in force)

* This obligation is fulfilled if the adult has already reported the information under any of the previous provisions, or believes on reasonable grounds that another person has done or will do so.

OTHER RESOURCES TO SUPPORT YOUR DECISION MAKING

- [Online Child Protection Guide](#)
- [Traffic Light Resource for sexual behaviour in children and young people](#)
- [eSafety Commissioner – Toolkit for Schools](#)
- [Be You](#)
- [Headspace Schools](#)
- [National Association for Prevention of Child Abuse and Neglect \(NAPCAN\)](#)
- [Queensland Family & Child Commission](#)
- [National Principles for Child Safe Organisations](#)

FURTHER INFORMATION
School Services
07 3228 1593 | office@isq.qld.edu.au



I am the Principal or Board Director of a school.



Child Protection Decision Tree

FOR PRINCIPALS AND BOARD DIRECTORS

During the course of my engagement, I have become aware (complete the school report form), or I have received a report from a staff member or volunteer, that there is a reasonable suspicion that a child has been harmed or is likely to be harmed.

A student is being sexually abused or is likely to be sexually abused, or is the victim of a child sexual offence, s366 and 366A of EGPA; and Criminal Code 229BC

NO

A student is being harmed due to physical, psychological or emotional abuse or neglect, or that a child is likely to be harmed in such a way. s13E of CPA and s16(2)(a) of Accreditation Regulation

SIGNIFICANT HARM TEST FULFILLED?
The child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm. [Use the Online Child Protection Guide](#)

YES

PARENT TEST FULFILLED?
The child may not have a parent, willing and able, to protect them from harm. [Use the Online Child Protection Guide](#)

YES

Report to Child Safety as soon as reasonably practical. CPA; and/or school policy

NO

Check if a report also needs to be made to Child Safety under the CPA



Principal may refer to FaCC with or without consent under the CPA

IS THE HARM BEING CAUSED BY A TEACHER?
[If so, you have additional notification obligations under the QCT Act.](#)

CPA: Child Protection Act 1999
EGPA: Education (General Provisions) Act 2006
FaCC: Family and Child Connect
QCT: Education (Queensland College of Teachers) Act 2005
Accreditation Regulation - Education (Accreditation of Non-State Schools) Regulation 2017

Disclaimer: This resource is intended as a guide only and should not replace a school's written processes for responding to harm.

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All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A
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s366 and 366A of EGPA; and Criminal Code 229BC

NO

YES

A student is being harmed due to physical, psychological or emotional abuse or neglect, or that a child is likely to be harmed in such a way.
s13E of CPA and s16(2)(a) of Accreditation Regulation

Immediately report to police and give a copy to the school's governing body

SIGNIFICANT HARM TEST FULFILLED?
The child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.
Use the Online Child Protection Guide

Check if a report also needs to be made to Child Safety under the CPA

YES

NO

PARENT TEST FULFILLED?
The child may not have a parent, willing and able, to protect them from harm.
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If so, you have additional notification obligations under the QCT Act.

YES

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