

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 My 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 2020 (Qld) • Criminal Code Act 1899 (Qld) • My Independent School Dispute Resolution Policy • My Independent School Dispute Resolution Procedure • My Independent School Child Risk Management Strategy • My Independent School Child Protection Reporting Form • My Independent School Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) 	
Status:	Rev005	Supersedes: Rev004
Authorised by:	Board Chair	Date of Authorisation: December 2021
Review Date:	Annually/ October 2024	Next Review Date: January 2025
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, or
 - b) sexual abuse or exploitation
 3. 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 student who—
 - a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm (the ‘Significant harm test’) and,
 - 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, and students 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
- Deputy Principal
- Youth Worker

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 kindergarten 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 Attachment 1).

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 immediately.

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 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 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 kindergarten 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 Attachment 1)

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 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: -
 - i. the student's age
 - 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.

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

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

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

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 and,
- 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 Child Safety, Seniors 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 Attachment 1).

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

My 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

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

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

¹⁰ *Child Protection Regulation 2023 (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)*

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

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 My Independent School Dispute Resolution Policy and Procedure¹⁵.

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

Who	What abuse	Test	Report to	Legislation
Director of governing body/Principal	Sexual	Awareness or a suspicion	Principal, or director of governing body immediately	EGPA sections 366 and 366A(2)
Governing body/Principal	Sexual	Sexually abused or likely to be sexually abused	Non-state school's principal or a director of a non-state schools governing body to immediately give a copy of a report given to the principal or director and the police immediately	EGPA sections 366(4) and 366A(6)
Principal	Sexual	Awareness or a suspicion Sexually abused or likely to be sexually abused	Principal as the first person to give a report to the police immediately and to a director of the governing body	EGPA sections 366 (2A & 2B) and 366A (3 & 4)
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 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 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/ students 18 years and older/parent /guardian/volunteer	A child sexual offence against a child by another adult	Gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed and	Police	Criminal Code section 229BC

(b) at the relevant time, the child is or was—

(i) under 16 years;
or

(ii) a person with an impairment of the mind.