



Learning Today, Leading Tomorrow

# Child Protection Policy

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<b>Purpose:</b>	The purpose of this policy is to identify the legal requirements of the Wisdom College staff. This document will outline the processes taken by the school if a student shows symptoms of (physical, sexual, psychological or emotional) harm, or allegations of harm are disclosed to an employee of Wisdom College.	
<b>Scope:</b>	This document is for both 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 Wisdom College and covers information about the reporting of harm and abuse.	
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<b>Authorised by:</b>	School Board	<b>Date of Authorisation:</b> December 2022
<b>References:</b>	Child Protection Act 1999 (Qld) Child Protection Regulation 2011 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)	
<b>Related Policies</b>	Wisdom College Grievance Policy 2022 Wisdom College Child Risk Management Strategy 2022 Wisdom College Work Health and Safety Policy 2022	
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## Definitions

### **Section 8 of the Child Protection Act 1999**

A child is an individual under 18 years

### **Section 9 of the Child Protection Act 1999**

“Harm”, to a child, is any detrimental effect of a significant nature to the child’s physical, psychological or emotional wellbeing. It is immaterial how the harm is caused.

*Harm can be defined as:*

Physical, psychological or emotional abuse or neglect; or sexual abuse or exploitation.

*Harm can be caused by:*

- A single act, omission or circumstance; or
- 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:
- Has suffered significant harm, is suffering significant harm, or is at an unacceptable risk of suffering significant harm; and
- 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:

- The other person bribes, coerces, exploits, threatens or is violent towards the relevant person;
- The relevant person has less power than the other person; and
- 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 relevant workplace health and safety legislation<sup>1</sup>.

<sup>1</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(1)

## Responding to Reports of Harm

The school has a primary obligation of dealing with any information it receives alleging ‘harm’<sup>2</sup> to a student (other than harm arising from physical or sexual abuse). It will be dealt with compassionately and fairly. This is set out in the schools Child Risk Management Strategy. Information relating to physical or sexual abuse, and will be handled under “Obligations to Report” explained in this Policy<sup>3</sup>.

## 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<sup>4</sup>.

## Reporting Inappropriate Behaviour

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

### School Child Protection Officers:

Mrs. Canan Coskun	Head of Co-Curricular
Mr. Matthew Barclay	PE Teacher
Mr. Damien Barry	Principal
Ms Manja Whaley	Student Support Officer

<sup>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(8)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(2)*

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(2)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(3) and s.10(4)*

## Dealing with Report of Inappropriate Behaviour<sup>6</sup>

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 board<sup>6</sup>. Reports will be dealt with under the Wisdom College Grievance Policy.

## Reporting Sexual Abuse<sup>7</sup>

Section 366 of the *Education (General Provisions) Act 2006* states that if a staff member becomes aware, or reasonably suspects during the course of their employment at the school, that any of the following pupils has been sexually abused by another person they must report immediately:

### A student under 18 years attending the school:

- A Kindergarten aged child registered in a Kindergarten learning program at the school;

### A person with a disability who:

- Under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and is not enrolled in the preparatory year at the school.

The staff member must give a written report about the abuse or suspected abuse to the Principal or to a director of the school's board immediately. The school's Principal or the director of the school's board 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 about the abuse, or suspected abuse to a police officer immediately and must also immediately give a copy of the report to a director of the school's board.

### 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; and
- 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 - see below

Include any of the following information of which the first person is aware:

- A. The student's age;
- B. The identity of the person who has abused, or is suspected to have abused, the student; and
- C. The identity of anyone else who may have information about the abuse or suspected abuse<sup>8</sup>.

<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(3)*

<sup>7</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(5)(a)*

<sup>8</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

## Reporting Likely Sexual Abuse<sup>9</sup>

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 student under 18 years attending the school;
- A Kindergarten aged child registered in a Kindergarten learning program at the school; and
- A person with a disability who, under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and 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 a director of the school board immediately. The school's Principal or the director of the school board must immediately give a copy of the report 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 immediately give a copy of the report to a director of the school's board.

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; and
- Details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person.
- Details of the likely sexual abuse - see below

Any of the following information of which the first person is aware:

- A. The student's age;
- B. The identity of the person who has abused, or is suspected to be likely to abuse, the student; and
- C. The identity of anyone else who may have information about suspected likelihood of abuse<sup>10</sup>.

<sup>9</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(5)(a)*

<sup>10</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68A*

## Reporting Physical and Sexual Abuse

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:

- Has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
- 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 is also required to give a copy of the report to the Principal.

A report under this section must include the following particulars:

- State the basis on which the person has formed the reportable suspicion; and
- Include the information prescribed by regulation, to the extent of the person's knowledge<sup>11</sup>.

S10 - Information to be included in report to Chief Executive (Child Protection Act):

- A. The child's name and gender
- B. The child's age
- 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, or be at risk of suffering, the harm to which the reportable suspicion relates to
- 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

## Awareness

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 in its student handbook, staff handbook, enrolment package and procedures and on its website<sup>12</sup>.

The Principal will ensure that accessibility and awareness of the Policy is made available:

- To staff members;
- To each new staff member, on induction;
- To staff, families and students by its display on the school website;
- To contractors; and
- On request, to staff, families and students from the school administration.

<sup>11</sup> *Child Protection Regulation 2011 s.10*

<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(6)*



## 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<sup>13</sup>.

The School Board will ensure that:

- The School is implementing the processes under this Policy;
- Staff receive induction and refresher training, utilising external expertise where needed, in relation to child protection, including implementing the processes under this Policy; and
- Staff will receive training regularly via professional development at staff meetings and regular discussions between the staff and school coordinators.

## 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<sup>14</sup>.

## 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<sup>15</sup>.

## Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under Wisdom College Grievance Policy<sup>16</sup>.

## Failure to Report

Under section 229BC of the *Criminal Code Act 1899*, it is a criminal offence when any adult in Queensland, including students who are 18 years or older, fails to report to the Queensland Police Service (Police) a reasonable belief that a child sexual offence is being, or has been, committed against a child by another adult.

This means that as an adult, you must report to the Police if you reasonably believe (or should reasonably believe) that a child is being, or has been, the victim of sexual abuse, unless you have a reasonable excuse.

A child is considered anyone who is under 16 years of age, or a person under 18 with an impairment of the mind.

The maximum penalty for failing to report is 3 years imprisonment.

A reasonable belief is a belief that a reasonable person would form in the same position with the same information. For example, a reasonable belief could be formed when a child tells you they have been sexually abused or if the child shows signs of sexual abuse.

To report an offence, contact PoliceLink on 131 444. If it is an emergency, call Triple Zero (000).

<sup>13</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(6)*

<sup>14</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(6)*

<sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(6)*

<sup>16</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(7) and s.10(7A)*