

# Child Protection Policy

Purpose:	<p>The purpose of this policy is:</p> <ol style="list-style-type: none"> <li>1. to provide a safe environment to our students,</li> <li>2. to comply with Common Law and Child Protection Legislation, including the Education (Non-State Schools) Act Regulations 2017 Queensland, by way of this Policy and written provisions as part of Montessori International College's (MIC) written processes addressing how the school will respond to allegations of known, suspected or likely inappropriate behaviour, harm or sexual abuse to students under 18.</li> </ol>
Scope:	<p>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 MIC and covers information about the reporting of harm and abuse.</p>
References:	<ul style="list-style-type: none"> <li>- <a href="#"><u>Child Protection Act 1999 (Qld)</u></a></li> <li>- <a href="#"><u>Child Protection Regulation 2023 (Qld)</u></a></li> <li>- <a href="#"><u>Queensland College of Teachers Act 2005</u></a></li> <li>- <a href="#"><u>Education (General Provisions) Act 2006 (Qld)</u></a></li> <li>- <a href="#"><u>Education (General Provisions) Regulation 2017 (Qld)</u></a></li> <li>- <a href="#"><u>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</u></a></li> <li>- <a href="#"><u>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</u></a></li> <li>- <a href="#"><u>Working with Children (Risk Management and Screening) Act 2000 (Qld)</u></a></li> <li>- <a href="#"><u>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</u></a></li> <li>- <a href="#"><u>Education (Queensland College of Teachers) Act 2005 (QLD)</u></a></li> <li>- <a href="#"><u>Criminal Code of Queensland 1899</u></a></li> <li>- <a href="#"><u>Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act, Qld 2020</u></a></li> <li>- MIC Complaints Handling Policy</li> </ul>

	<ul style="list-style-type: none"> <li>- MIC Complaints Handling Procedure</li> <li>- MIC Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>- MIC Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> <li>- MIC Child Protection Reporting Form</li> </ul>
<b>Review Date:</b>	Annually <b>Next Review Date: October 2024</b>
<b>Policy Owner:</b>	School Governing Body

#### Revision History

Document Number	Date	Revision Description	Approval
Version 1	February 2020	Review and amend	March 2020
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Version 4	September 2022	Review and amend	October 2022
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#### Preamble

Under legislation, common law (duty of care and contract) obligations, and the values and philosophy of Montessori International College, the College is committed to providing a safe environment to all Students and to upholding their best interests and wellbeing.

These processes have been developed to meet legislative and procedural processes for responding to, and reporting, sexual and physical abuse, harm and behaviour of a staff member that a student considers inappropriate.

Nothing that is written in these processes below prevents a staff member or any other person from taking immediate action to notify Queensland Police Service and/or the Department of Child Safety, Youth and Women, particularly if he/she believes that it is essential to act to ensure a student's safety.

## 1. The Governing Body

The Governing Body is Montessori International College

The Directors of the Governing Body for Montessori International College are:

Name	Title
Dr Amanda Bell	Chair of the Board

Dr Liam Mayo	Board Member
Kate Hemat-Siraky	Board Member
Warren McRae	Board Member
Katrine Steenburg Fox	Board Member

Responsibilities:

The Board will:

- discharge their duties in accordance Accreditation and other legal requirements;
- respond to allegations and complaints as expressed in the Policy (including by mandatory reporting).

## 2. Student Protection Officers

The Child Protection Policy provides the written processes for how Montessori International College will respond to allegations of sexual abuse, likely sexual abuse, harm or risk of harm of a student by another person or inappropriate behaviour of a staff member or volunteer to a student.

Allegations and/or concerns of this nature should be reported to any one of the following Student Protection Officers (under Regulation 16) or to the Principal. Teachers are also legislated under the Child Protection Act to report directly to the Director General 1999.

As appointed by the Principal

<b>Name</b>	<b>Position</b>	<b>Contact Details</b>
Marlene de Beer	School Counsellor	07 5442 3807 Ext: 211
Larissa Rook	Assistant Principal	07 5442 3807 Ext: 205

## 3. The Law

The College obligations in relation to this Policy fall under the following:

- Education (General Provisions Act) 2006
- Education (Accreditation of Non-State Schools) Regulation 2017
- Anti-Discrimination Act 1991
- Education (Queensland College of Teachers) Act 2005
- Education & Training Amendment Act 2011
- The Criminal Code Qld 1899
- The law of Negligence

- Contract Law
- Work Health & Safety Act 2011
- Child Protection Act, 1999 as amended in 2014

## 4. Principles

This Policy is founded on the following principles:

- Every Child has a right to protection from harm.
- The welfare and best interests of the Child are paramount.
- Families have the primary responsibility for the upbringing, protection and development of their Children.
- Under the Contract of Enrolment the College and Parents will work together in the best interests of the Child.
- All actions taken by the College will be in the best interests of the Child and will include the reporting of any suspected criminal behaviours regardless of family preferences.
- As part of its pastoral care commitments, the College will provide appropriate support to the Child and family where harm to a child is substantiated.
- The College will screen new staff / volunteers in relation to their suitability to work with children. [Suitability card & teacher registration will ensure compliance.]
- The College will not tolerate behaviours which breach the law and this Policy. Such behaviours will (after investigation) result in penalties being imposed by the College.
- The alleged offender may be stood down for the duration of the investigation.
- The College will provide pastoral care to alleged offenders if they are Students or employees of the College.
- Natural Justice and the confidentiality of all parties will be provided to the parties.

## 5. Scope

This Policy and procedures set out the requirements under Child Protection Legislation (including Regulation 7 and 16) to provide processes which address the protection of Students. It applies to all complaints of sexual and physical abuse, to other types of harm and Inappropriate Behaviour. This document applies to the whole College community, including employees (including full-time, part-time, permanent, fixed-term and casual), contractors, volunteers and people undertaking work experience and /or vocational placement and students. This policy applies to all College activities, both on and off campus. It is to be read with other College Policies but where there is any conflict, the child Protection Policy will prevail.

## 6. Policy Statement

- The College will comply with the mandatory reporting requirements under the law.
- The College has Processes in place allowing it to respond to issues of Student Protection promptly and consistently.
- The College will work in partnership with the State authorities.

- The College will work as appropriate with Family and Child Connect Services.
- The College will work in partnership with parents as part of the Contractual Relationship established by the Enrolment Contract.
- The College will provide appropriate pastoral support for Students and families.
- Penalties for breach of this Policy will attract College-imposed penalties additional to any imposed at law.

## 7. Reporting

### Reporting Processes

#### a) Dealing with a 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 body.

#### b) Reporting Sexual Abuse

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 student under 18 years attending the school;
- a kindergarten age 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;

then 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 governing body immediately.

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 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.

If a written report has been provided directly to a director of the school's governing body in the first instance, this report must immediately be given to a police officer.

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:-
  - a child's name
  - a child's age
  - a child's sex descriptor (as defined in [Schedule 3](#))
  - details of how to contact the child
  - details of the harm reported and the person suspected of causing harm to the child, and
  - the identity of the harm reported and the person suspected of causing harm to the child, and
  - the identity of any other person who may be able to give information about the harm to which the report relates.

The Student Protection Reporting Form is attached as Appendix A is consistent with these requirements.

c) Reporting Likely Sexual Abuse – to Police

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 age 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

then the staff member must give a written report about the suspicion to the Principal or to a director of the school's governing body immediately.

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 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:-

- 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 has abused, or is suspected to be likely to abuse, the student;
  - the identity of anyone else who may have information about suspected likelihood of abuse.

The Student Protection Reporting Form is attached as Appendix A is consistent with these requirements.

d) Reporting by school or Teacher

The Principal will make the report where Physical and Sexual Abuse where the child may not have a parent able and willing to protect them from the harm.

A **reportable suspicion** about a child is a reasonable suspicion that the child: -

- has suffered, is suffering, or is at 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.

e) A teacher must give a mandatory report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*).

## 8. Awareness and Implementation

This Policy is readily accessible to students, staff and parents.

If staff members, parents or students require further information in relation to any of the processes described in this document, and/or other student protection compliance requirements, advice can be obtained from the Principal or the College's Student Protection Officers.

The Child Protection policy is present on the schools website and also included in the parent and staff handbooks. Class teachers share information to parents regarding the Child protection policy during our 'Back to School sessions' held in the week before the start of each new school year. The Early Years and Primary teachers are also required to share information to the children in the first weeks of the school year and the Student Protection Officers visit the classrooms during this time. The Secondary College follows similar steps and has also included the Child Protection policy in student school diaries. Included in the Child Protection Policy is information regarding complaints. Suggestions of non-compliance with the schools' processes may be submitted as complaints as per the complaints policy.

## 9. Training

At the beginning of every school year during faculty week the college provides in-service training to all staff in legal compliance with Child protection legislation and other matters contained within the policy. Student Protection Officers are introduced to the whole staff at each in-service training and staff are presented with a number of scenarios to test their knowledge regarding the reporting of harm. All staff new to the College are provided in-service training in legal compliance with Child protection legislation as part of their induction. During the year all staff must demonstrate their knowledge and understanding of Child Protection by completing mandatory online testing via SALT (Self administered Legal Training) and attend the online Child Protection webinar during mid-year faculty week provided by ***In Safe Hands Educators in Safety Pty Ltd.*** Student Protection Contacts are provided in-service training from the Principal during senior leadership meetings at the beginning of each year and also again mid-year.

## 10. Consequences of Breach of Policy

Conduct reasonably categorised as harm or sexual or physical abuse may result in criminal penalties as decided by legal process; in all such cases the Principal will stand down an alleged offender pending the result of investigation by the Police.

Other breaches of this policy (i.e. inappropriate behaviour), which may not require or result in external penalties, will result in consequences imposed by the Principal and may include:

- apology
- counselling
- warning
- demotion
- suspension
- standing aside
- termination
- expulsion (in the case of a Student)

Where a complaint / allegation is found to have no substance, every effort will be made to reinstate the alleged offender's status and reputation.

## 11. Protection for Notifier

The Child Protection Act 1999 provides for the confidentiality of information supplied by the person making a notification.

Also, Section 22 of the Act provides for the protection from civil liability for persons, who, acting honestly, notify or give information about suspected harm to a Child. It states that merely because the person gives the notification or information, the person cannot be held to have

breached any code of professional etiquette or ethics, or departed from accepted standards of professional conduct.

In accordance with this Act the College will protect the identity of the Notifier of information – unless required otherwise by Law.

## 12. Record Keeping

Any Staff Member who has concerns about the safety or wellbeing of a Child, either suspicious or disclosed, **must**:

- keep anecdotal records of observations, focusing on the persistence of indicators over time and the severity of effects;
- if speaking to a Child, keep questions to what/where/when;
- take only short notes – must not investigate;
- present such documentation to a Student Protection Contacts. (Appendix A)

Should the Principal need to interview the Child further, the same procedures must be followed. Records must be kept in a locked file by the Principal.

## 13. Definitions

### **Accountable Person**

An Accountable person is an adult associated with an institution other than a regulated volunteer.

### **Child**

Means a person up to the age of 18 years of age.

### **Child in need of protection**

**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.

### **Colleague**

As defined by section 13H of the *Child Protection Act 1999*, colleague, of a relevant person, means a person working in or for the same entity as the relevant person.

### **Complainant**

The person bringing the Complaint.

### **Confidentiality**

It is important when handling complaints and information that the confidentiality of all parties concerned is respected. Information will be regarded as confidential if:

- the information has the necessary quality of confidence/sensitivity' in that any unauthorised use would be detrimental to a party and that:
- It was shared or confided under circumstances where there was a special need for trust between the harassment officer and the complainant, or between the Principal and the alleged offender.
- Information will be shared only if it is necessary to comply with the requirements of this Policy (designated persons) or as required by law.

### **Designated persons**

Are persons designated to perform the specific duties, often in the absence or unavailability of senior staff.

### **Director of the Governing Body**

As defined by section 364 of the *Education (General Provisions) Act 2006*: director of a non-State school's governing body, means a director of the governing body within the meaning of the *Education (Accreditation of Non-State Schools) Act 2017*, section 9.

### **First Person**

The "first person" is a staff member who reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years attending the school has been sexually abused by another person or is likely to be sexually abused by another person.

### **Harm**

**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.

### **Inappropriate behaviour**

Inappropriate behaviour includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under the college Code of Conduct. Further, any report from a person, including a student, about a staff member's behaviour towards a student that the person making the report considers to be inappropriate is to be taken as an allegation of inappropriate behaviour and must be responded to in accordance with the processes contained within this document.

**Natural Justice**

The principle of natural justice will apply to processes and decisions under this Policy.

The principles of Natural Justice are that:

A person alleged to have behaved inappropriately

- has a right to prompt notification of the Complaint and particulars of what has been allegedly done;
- has the right to respond to the allegations;
- has a right to be heard in an unbiased forum.

**Neglect**

The term neglect in this Policy may be defined as any act or omission whereby the Child is not cared for in the reasonable opinion of the School. According to the Department of Communities, neglect occurs when a Child's basic necessities of life are not met, and their health and development are affected. Basic needs include:

- Food
- Housing
- Health care
- Adequate clothing
- Personal hygiene
- Hygienic living conditions
- Timely provision of medical treatment
- Adequate supervision

**Notifier**

Is a person who brings notice of a Student Protection matter to the attention of the College.

**Reasonable suspicion**

A reasonable suspicion is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. In other words, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances.

**Relevant person (Child Protection Act 1999)**

A relevant person for the purposes of mandatory reporting under section 13E of the *Child Protection Act 1999*, is any of the following–

- A doctor;
- A registered nurse;
- A teacher;
- A police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section;
- A person engaged to perform a child advocate function under the *Public Guardian Act 2014*.

**Reportable suspicion**

As defined by section 13E of the *Child Protection Act 1999*, means a reasonable suspicion that a child has suffered, is suffering, or is at 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.

**Respondent**

The person against whom a Complaint is made.

**Sexual abuse**

**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.

**Staff member**

A staff member is any person who is employed by the College on a casual, fixed term, or continuing basis, pursuant to a contract of employment. Includes all staff, without exception, whether paid or volunteers, e.g. those involved in teaching or administration, bus drivers, cleaners, groundsman, sporting coaches, sporting referees, teacher assistants, and volunteers working in any capacity for the College.

**Student**

A student is any person enrolled as such at the College. This includes a “relevant person” for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

- A student under 18 years attending the school;
- a kindergarten age child registered in a kindergarten learning program at the school;
- a person with a disability who—
- under section 420(2), is being provided with special education at the school; and
- is not enrolled in the preparatory year at the school.

**Student Protection Contact**

A Student Protection Contact is one of at least two persons who are nominated by the Principal in compliance with the *Education (Accreditation of Non-State Schools) Regulation 2017*, [Regulation 16(3)] to whom a student can report behaviour by a staff member that the student considers inappropriate.

**Teacher**

Means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school.

**Unacceptable Risk**

If the report of alleged Inappropriate Behaviour/harm is of such concern that in the reasonable view of the Principal (with consultation) the Respondent implicated would present a danger – that person can be stood down or suspended in the interim.

**Unprofessional Conduct**

Is any behaviour which, by its nature, is inappropriate, unwise and has potentially damaging consequences.

**Vexatious Complaint**

A vexatious complaint is a complaint which is ill conceived, has no substance, and which may be brought with ill intent. Vexatious complaints may have serious consequences under the College Policy and legislation.

## 14. Review

This Child Protection Policy will be reviewed annually, or as required by legislation

## Legislative References

### Child Protection Act 1999

Reporting of a child in need of protection	<p>Section 13A states</p> <p>“(1) Any person may inform the chief executive if the person reasonably suspects—</p> <p>(a) a child may be in need of protection; or</p> <p>(b) an unborn child may be in need of protection after he or she is born.</p> <p>(2) The information given may include anything the person considers relevant to the person’s suspicion.”</p>
Forming a reasonable suspicion of significant harm	<p>Section 13C of the <i>Child Protection Act 1999</i> offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:</p> <p>(2) (a) whether there are detrimental effects on the child’s body or the child’s psychological or emotional state—</p> <ul style="list-style-type: none"> <li>- (i) that are evident to the person; or</li> <li>- (ii) that the person considers are likely to become evident in the future; and</li> </ul> <p>(b) in relation to any detrimental effects mentioned in paragraph (a)—</p> <ul style="list-style-type: none"> <li>- (i) their nature and severity; and</li> <li>- (ii) the likelihood that they will continue; and</li> </ul> <p>(c) the child’s age.</p> <p>(3) The person’s consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.</p>
Reportable suspicions	<p>Section 13E of the Child Protection requires mandatory reporting by listed persons. Teachers must report a reasonable suspicion to the Department of Child Safety, Youth and Women, that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse where there may not be a parent</p>



	<p>willing and able to protect the child from the harm (a “reportable suspicion”).</p> <p>Section 13G(5) states that a person does not commit an offence under the Child Protection Act 1999 or any other act for failing to make a mandatory report under section 13E.</p>
Conferral with colleagues	<p>13H of the Child Protection Act 1999 - Conferrals with colleague and related information sharing, states that:</p> <p>(1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes—</p> <p>(a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;</p> <p>(b) in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);</p> <p>(c) for the relevant person to give a report under section 13G or keep a record about giving a report;</p> <p>(d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.</p>
Interviews with Children at School	<p>Section 17 of the <i>Child Protection Act 1999</i> provides Department of Child Safety, Youth and Women and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.</p>

## Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non-State Schools) Regulation 2017

*The Education (Accreditation of Non-State Schools) Act 2017* establishes an accreditation regime for the accreditation of non-state schools. The Act also establishes the penalties for non-compliance with the accreditation criteria.

*The Education (Accreditation of Non-State Schools) Act 2017* prescribes the accreditation criteria relevant for a non-state school's accreditation as mentioned in section 11 of the Act. The *Education (Accreditation of Non-State Schools) Regulation 2017 Part 2 Accreditation Criteria - Section 16(1) to 16(7)* deals with the accreditation requirements relating to the conduct of staff and students and response to harm.

## Education (General Provisions) Act 2006 and Education (General Provisions) Regulation 2017

*The Education (General Provisions) Act 2006* contains mandatory reporting requirements for all non-state school staff who become aware of or who reasonably suspect that a student has been sexually abused or is likely to be sexually abused by another person (sections 366 and 366A).

These requirements are designed to capture sexual abuse, suspected sexual abuse and likely sexual abuse of students by another person. A staff member or Principal who fails to comply with the mandatory reporting requirements in relation to the sexual abuse or suspected sexual abuse of a student commits an offence under section 366 of the *Education (General Provisions) Act 2006* and is liable for a penalty of up to 20 penalty units. However, a person does not commit an offence for failing to report the likely sexual abuse of a student under section 366A of the *Education (General Provisions) Act 2006*.

Staff making a report pursuant to the *Education (General Provisions) Act 2006* will be protected from civil or criminal liability e.g. from defamation or breach of confidence. However, staff making a knowingly false, malicious or vexatious report will not be protected by this immunity and may risk action for defamation, disciplinary action by their employer or disciplinary action by the Queensland College of Teachers.

## Education (Queensland College of Teachers) Act 2005

The Education (Queensland College of Teachers) Act 2005 requires an employing authority to notify the Queensland College of Teachers (QCT):

- about particular allegations
  - as soon as practicable, after starting to deal with an allegation of harm or likely harm to a child due to the teacher's conduct (section 76)
- about the outcome of particular allegations
  - as soon as practicable, after dealing with the allegation, the employing authority must also inform QCT of the outcome (section 77)
- about certain dismissals
  - an employing authority must notify QCT within 14 days if the authority has dismissed a teacher in circumstances that call the teacher's competence to be employed as a teacher into question (section 78).

## Evidence Act 1977

Section 93A provides the legislative authority for the Queensland Police Service and the Department of Child Safety, Youth and Women to conduct an interview and obtain a recorded statement from a child under 16 years, or a person who was 16 or 17 years when the statement was made and who, at the time of the proceeding, is a special witness, or an intellectually impaired person who has personal knowledge of the matters dealt with by the statement.

## 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'<sup>1</sup> 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<sup>2</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>3</sup>.

## Reporting Inappropriate Behaviour

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

Marlene de Beer	School Counsellor	07 5442 3807 Ext: 211
Larissa Rook	Assistant Principal	07 5442 3807 Ext: 113

## 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 body<sup>4</sup>. Reports will be dealt with under the school's Complaints Handling Policy.

<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)*

<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)*  
*Criminal Code Act 1899 (Qld) s.229BC (4) (b)*

## **Reporting Under the Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act, Qld 2020.**

Note: Reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the *Criminal Code (Child Sexual Offences Reform and other Amendment Qld 2020)*:

*The College will comply with its criminal code obligations for reporting and protecting children, under the two Criminal offences introduced into the Criminal Code in 2020, namely:*

### **Section.229BC<sup>5</sup> which states:**

*Failure of an adult in Queensland to report a belief, based on reasonable grounds of child sexual abuse to a child under 16 (whether current or past abuse), in an institutional context, unless they have a **reasonable excuse**.*

The maximum penalty is 3 years jail.

**See Annexure A for details**

### **Section 229BB, which states:**

(1) **An accountable person** commits a crime if—

**The person knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child.**

**The maximum penalty is 5 years jail. See Annexure B for details. And add the Annexures below at the end of the Child Protection Policy.**

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<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*  
*Criminal Code Act 1899 (Qld) s.229BC (4) (b)*

## Annexure A

### Section 229BC

(1) This section applies to an adult if—

(a) the 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 against a child** by another adult; and

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

(i) under **16 years**; or

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

(2) If, **without reasonable excuse**, the adult fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed, the adult commits a misdemeanour.

Maximum penalty—**3 years imprisonment**.

*(3) for subsection (1), it does not matter that the information was gained by the adult during, or in connection with, a **religious confession**.*

*(4) Without limiting what may be a reasonable excuse for subsection (2), an adult has a reasonable excuse if—*

*(a) the adult believes on reasonable grounds that the information has already been disclosed to a police officer; or*

*(b) the adult has already reported the information under any of the following provisions, or believes on reasonable grounds that another person has done or will do so—*

*(i) the [Child Protection Act 1999](#), chapter 2, part 1AA;*

*(ii) the [Education \(General Provisions\) Act 2006](#), chapter 12, part 10;*

*(iii) the [Youth Justice Act 1992](#), part 8 or 9; or*

*(c) the adult gains the information after the child becomes an adult (the **alleged victim**), and the adult reasonably believes the alleged victim does not want the information to be disclosed to a police officer; or*

*(d) both of the following apply—*

*(i) the adult reasonably believes disclosing the information to a police officer would endanger the safety of the adult or another person, other than the alleged offender, regardless of whether the belief arises because of the fact of the disclosure or the information disclosed;*

*(ii) failure to disclose the information to a police officer is a reasonable response in the circumstances.*

*(5) An adult who, in good faith, discloses information mentioned in subsection (1)(a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.*

(6) In this section—

**relevant time**, in relation to the child sexual offence mentioned in subsection (1)(a), means the time that the adult—

(a) believes to be the time of commission of the offence; or

(b) ought reasonably to believe to be the time of commission of the offence.

## Annexure B

### Section 229BB

#### **Failure, of an adult in Queensland to protect a child from child sexual offence.**

##### **229BB Failure to protect child from child sexual offence**

(1) An accountable person commits a crime if—

(a) **the person knows** there is a significant risk that another adult (the *alleged offender*) will commit a child sexual offence in relation to a child; and

(b) the alleged offender—

(i) is **associated with an institution**; or

(ii) is a **regulated volunteer**; and

(c) **the child is under the care, supervision or control of an institution**; and (d) the child is either—

(i) under **16 years**; or

(ii) a person with an impairment of the mind; and

(e) **the person has the power or responsibility to reduce or remove the risk**; and (f) the

**person wilfully or negligently fails to reduce or remove the risk.** Maximum penalty—**5 years imprisonment.**

(2) For subsection (1), it does not matter that the knowledge was gained by the accountable person during, or in connection with, a **religious confession**.

(3) For this section, an adult is *associated* with an institution if the adult— (a) **owns, or is involved in the management or control of the institution**; or

(b) **is employed** or engaged by the institution; or

(c) works as a **volunteer** for the institution; or

(d) engages in an activity in relation to the institution for which a working with children authority under the [\*Working with Children \(Risk Management and Screening\) Act 2000\*](#) is required; or

(e) engages in the delivery of a service to a child who is under the care, supervision or control of the institution.

(4) In this section—

*accountable person* means an adult who is associated with an institution, other than a regulated

volunteer.

*institution* means an entity, other than an individual, that—

(a) provides services to children; or

(b) operates a facility for, or engages in activities with, children under the entity's care, supervision or control.

**Examples of institutions—**

**schools, government agencies, religious organisations, hospitals, child care centres, licensed residential facilities, sporting clubs, youth organisations**

***regulated volunteer*** means an adult who is taken to be a volunteer employed or engaged in regulated employment at a person's home, residence or household under any of the following provisions of the [\*Working with Children \(Risk Management and Screening\) Act 2000\*](#), schedule 1

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## DOMESTIC VIOLENCE OFFENCES

### **The Inclusion in the Child Protection Policy of References to Domestic Violence legislative changes, current and pending.**

*The College is aware of the legislative action taken to amend laws to ensure a cohesive framework to protect victims of violence and their children, some of which are part of our school community.*

*The College will support amendments as they relate to the requirements that schools respond as required to assist in the provision of safety to the families and staff experiencing violence, including with:*

*Providing paid leave as legislated;*

*Increased attentiveness to DV Orders (now to be more specific to each family circumstance); including:*

*Family Court Orders, and amendments to Orders;*

*Availability of Greater Police interventions.*

## APPENDIX A

### Student Protection Reporting Form



## Student Protection Report

For reporting an allegation of sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person; a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering significant harm and may not have a parent able and willing to protect the child from harm. Once completed, this form **MUST** be sent to the Queensland Police Service and/or the Department of Communities, Child Safety and Disability Services Regional Intake Service as required.

This form meets the reporting requirements under sections 366 and 366A of the *Education (General Provisions) Act 2006*, section 13E of the *Child Protection Act 1999* and regulation 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001*.

**Date of Report**

**PART A:** The following sections to be completed by the person making this report: *(include as much detail as possible based on the information known)*

### TYPE OF REPORT

- |   |  |
|---|--|
| <input type="checkbox"/> Sexual Abuse     | <input type="checkbox"/> Likely Sexual Abuse                   |
| <input type="checkbox"/> Significant Harm | <input type="checkbox"/> Unacceptable Risk of Significant Harm |

#### DETAILS OF THE PERSON MAKING THIS REPORT (The 'First Person')

Name	<input type="text" value="Enter Name."/>	Position/Role	<input type="text" value="Enter Position"/>
School/Workplace	<input type="text" value="Click or tap here to enter text."/>		
Address	<input type="text" value="Click or tap here to enter text."/>		
Suburb	<input type="text" value="Suburb."/>	State	<input type="text" value="State"/>
		Postcode	<input type="text" value="Postcode"/>
		Phone	<input type="text" value="Phone"/>

### STUDENT AND FAMILY DETAILS

#### DETAILS OF THE STUDENT SUBJECT OF THIS REPORT:

Name	<input type="text" value="Click or tap here to enter text."/>				
D.O.B.	<input type="text" value="D.O.B."/>	Age	<input type="text" value="Age"/>	Gender	<input type="text" value="Gender"/>
Year Level	<input type="text" value="Year"/>				
Residential address	<input type="text" value="Click or tap here to enter text."/>				
Suburb	<input type="text" value="Suburb."/>	State	<input type="text" value="State"/>	Postcode	<input type="text" value="Postcode"/>
				Phone	<input type="text" value="Phone"/>
Does the student have a disability?	<input type="checkbox"/> Yes <input type="checkbox"/> No		Type/nature of disability:	<input type="text" value="Type of disability"/>	
Impact of disability on interview process:	<input type="text" value="Click or tap here to enter text."/>				
Cultural Background	<input type="checkbox"/> Aboriginal	<input type="checkbox"/> Torres Strait Islander	<input type="checkbox"/> Other – please specify:	<input type="text" value="Other"/>	
Does the student speak English?	<input type="text" value="Please Select"/>		If no, please specify language:	<input type="text" value="Other"/>	
Is an interpreter required?	<input type="text" value="Please Select"/>				

## PARENT/GUARDIAN DETAILS

### Parent 1

Parent/Guardian name	Parent/Guardian Name.	Relationship to student	Relationship
Address (if different from student)	Click or tap here to enter text.		
Suburb	Suburb	State	Choose an item.
Postcode	Postcode	Postcode	Postcode
Phone (Home)	Home Phone	(Work)	Work Phone
(Mobile)	Mobile Phone	(Mobile)	Mobile Phone

### Parent 2

Parent/Guardian's name	Parent/ Guardian Name	Relationship to student	Relationship
Address (if different from student)	Click or tap here to enter text.		
Suburb	Suburb	State	Choose an item.
Postcode	Postcode	Postcode	Postcode
Phone (Home)	Home Phone	(Work)	Work Phone
(Mobile)	Mobile Phone	(Mobile)	Mobile Phone

## FURTHER DETAILS ABOUT THE HOUSEHOLD (IF KNOWN)

Name	Age	Gender	Relationship to Student
Click or tap here to enter text.	Age	Gender	Click or tap here to enter text.
Click or tap here to enter text.	Age	Gender	Click or tap here to enter text.
Click or tap here to enter text.	Age	Gender	Click or tap here to enter text.
Click or tap here to enter text.	Age	Gender	Click or tap here to enter text.

## ALLEGATION DETAILS

### ALLEGATION MADE AGAINST (if more than one person is reported please attach on additional page)

Name	Name	Age	Age	Gender	Gender
Address	Click or tap here to enter text.				
Suburb	Suburb.	State	State	Postcode	Postcode
Phone	Phone	Phone	Phone	Phone	Phone
Relationship to student subject of this report	Click or tap here to enter text.				

Is the allegation against a staff member or volunteer?

☐ Yes

☐ No

**Type of abuse** (tick as many as apply) ☐ Sexual Abuse ☐ Physical Abuse ☐ Emotional/Psychological Abuse ☐ Neglect

**Type of harm** (tick as many as apply) ☐ Physical Harm ☐ Emotional Harm ☐ Psychological Harm

### DETAILS OF THE BASIS FOR THE FIRST PERSON BECOMING AWARE OR REASONABLY SUSPECTING THAT THE STUDENT HAS BEEN ABUSED OR HARMED

Date of allegation/disclosure/suspicion	Click or tap here to enter text.
How and where was the allegation/disclosure made or suspicion formed? Eg disclosure, observation, information from another person	Click or tap here to enter text.

**What concerns have led you to form a reasonable suspicion of abuse or significant harm?** (include as much information as possible, including: what happened, where did it happen, when did it happen, who was involved)

Click or tap here to enter text.

**What have you noticed about the student's appearance and/or behaviour?**

Click or tap here to enter text.

**Does the student have a current physical injury or have they experienced a physical injury as a result of the incidents?** Yes ☐ No ☐ Unknown ☐

**If yes please provide details and describe the injury:**

Click or tap here to enter text.

**If yes to physical injury, did the student require medical treatment or does the child require medical treatment?** Yes ☐ No ☐ Unknown ☐

**If yes, was/has medical treatment been provided to the student?** Yes ☐ No ☐ Unknown ☐

**If yes, provide details of what treatment has or is being provided:**

Click or tap here to enter text.

**Are there any immediate safety concerns for the student?** Yes ☐ No ☐ Unknown ☐  
**If yes, provide details of the immediate safety concerns:**

Click or tap here to enter text.

#### DETAILS OF PERSONS WHO MAY HAVE FURTHER INFORMATION AROUND ALLEGED ABUSE OR HARM (if more than one person please attach on additional page)

Name	<input type="text"/>	Age	<input type="text"/>	Gender	<input type="text"/>
Address	<input type="text"/>				
Suburb	<input type="text"/>	State	<input type="text"/>	Postcode	<input type="text"/>
Relationship to student subject of this report	<input type="text"/>				
Email address (if known:)	<input type="text"/>				



## PART B:

The following sections to be completed by the Principal/Director of the Governing Body:

### ADDITIONAL INFORMATION

#### CURRENT OR PREVIOUS ORDERS AND INTERVENTION:

<b>Family Court Order?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
<b>Details</b>	<input type="text" value="Click or tap here to enter text."/>
<b>Domestic Violence Order?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
<b>Details</b>	<input type="text" value="Click or tap here to enter text."/>
<b>Child Protection Order?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
<b>Details</b>	<input type="text" value="Click or tap here to enter text."/>
<b>Departmental Intervention?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
<b>Details</b>	<input type="text" value="Click or tap here to enter text."/>
<b>Previous Student Protection Reports?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
<b>Details</b>	<input type="text" value="Click or tap here to enter text."/>
<b>Referral to Support Service?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
<b>Details</b>	<input type="text" value="Click or tap here to enter text."/>

**Are there any risk factors which may be impacting negatively on the student or family? For example: domestic violence, alcohol/substance misuse, disability, mental health instability, physical/intellectual disability**

Yes ☐ No ☐ Unknown ☐

**If yes provide details:**

**Is the parent/caregiver aware of the concerns?**

Yes ☐ No ☐ Unknown ☐

**If yes provide details:**

**What other services or supports are currently in place to support the student and their family (if known)?**

**Any other relevant information:**

### DETAILS OF THE PERSON SUBMITTING THIS REPORT

Name	Name		Position/Role	Position	
School/Workplace	School/Workplace				
Address	Click or tap here to enter text.				
Suburb	Suburb	State	State	Postcode	Postcode
Phone	Phone				
Email Address:	Click or tap here to enter text.				

### REPORT SENT TO:

☐ Queensland Police Service – where the allegation is of sexual abuse or likely sexual abuse of a student

Details:

Click or tap here to enter text.

☐ Department of Communities, Child Safety and Disability Services Regional Intake Service - where the allegation is that a child has suffered, is suffering or is at unacceptable risk of suffering significant harm and may not have a parent able and willing to protect the child from harm

Details:

Click or tap here to enter text.

☐ Director of the Governing Body - where the Principal is the first person in relation to an allegation of sexual abuse or likely sexual abuse of a student, OR where the allegation is against the Principal

Details:

Click or tap here to enter text.

**Date Report submitted**

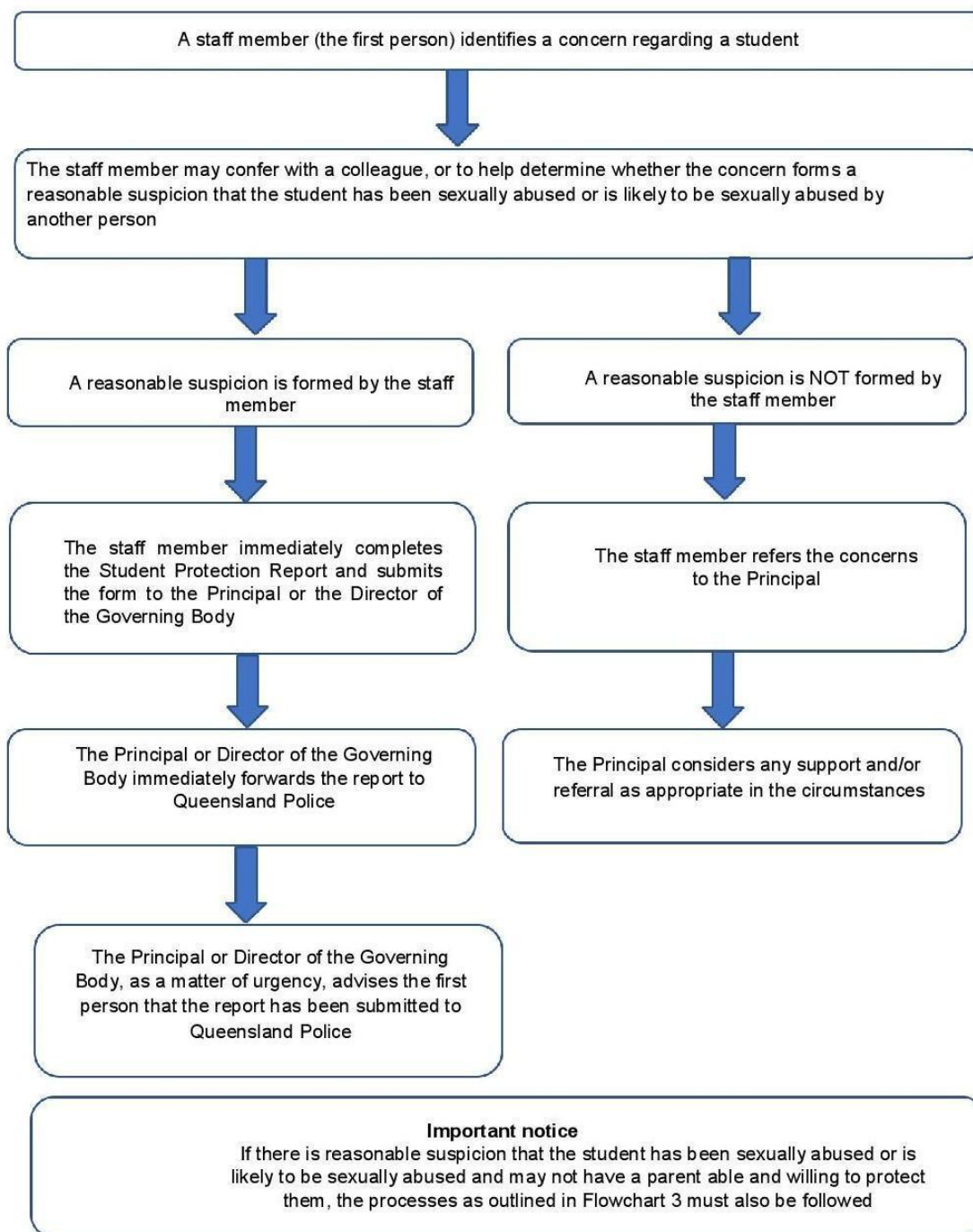
Click or tap to enter a date.

**Important Notice:** Once submitted to the Principal or Director of the Governing Body this form **MUST** be sent, as a matter of urgency, to the Queensland Police Service and/or the Department of Communities, Child Safety and Disability Services as required.

## APPENDIX B

### Flowchart 1: Reporting Sexual Abuse and Likely Sexual Abuse

**Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse**

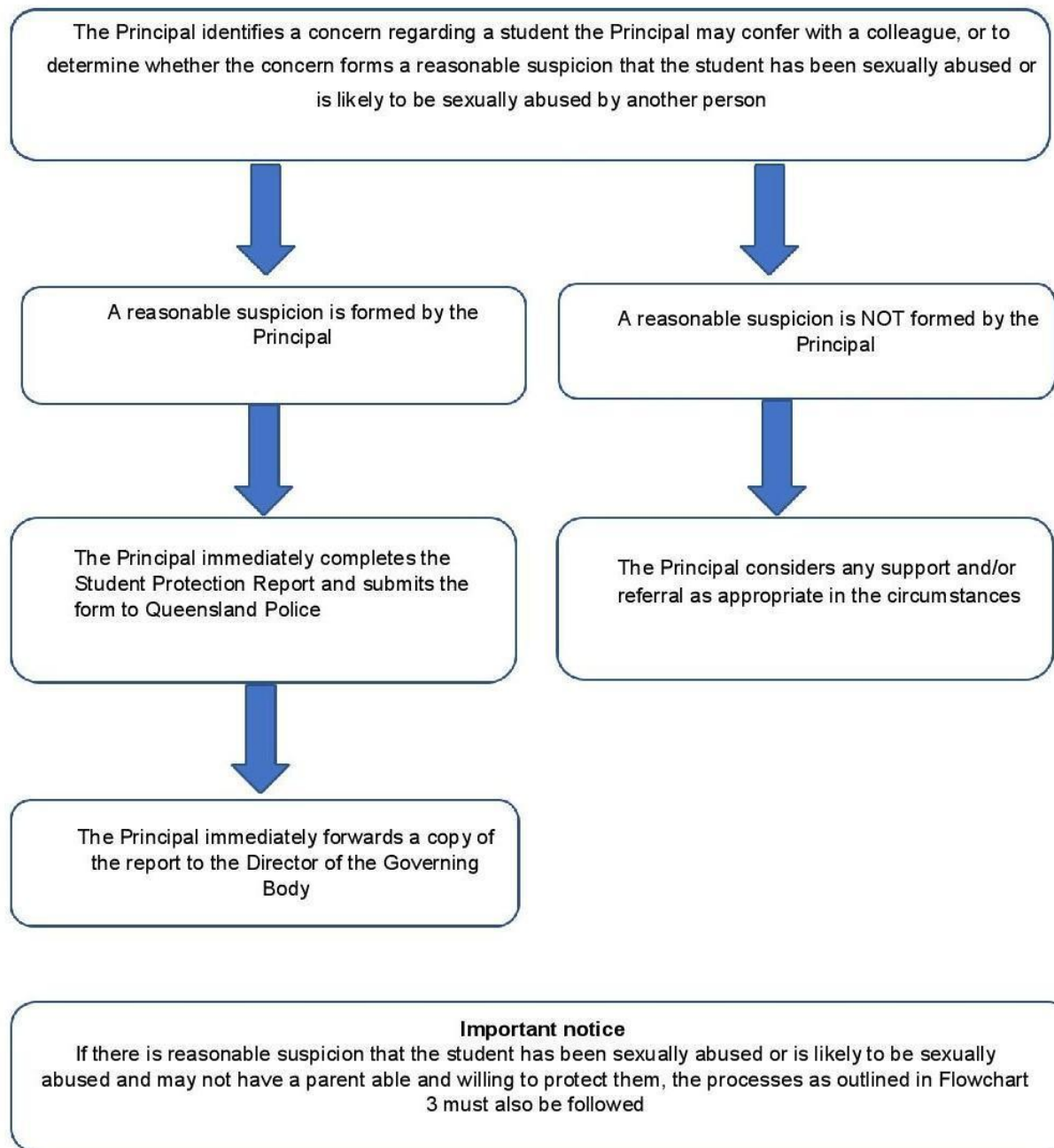


## APPENDIX C

Flowchart 2: Reporting Sexual Abuse & Likely Abuse where the first person is the Principal



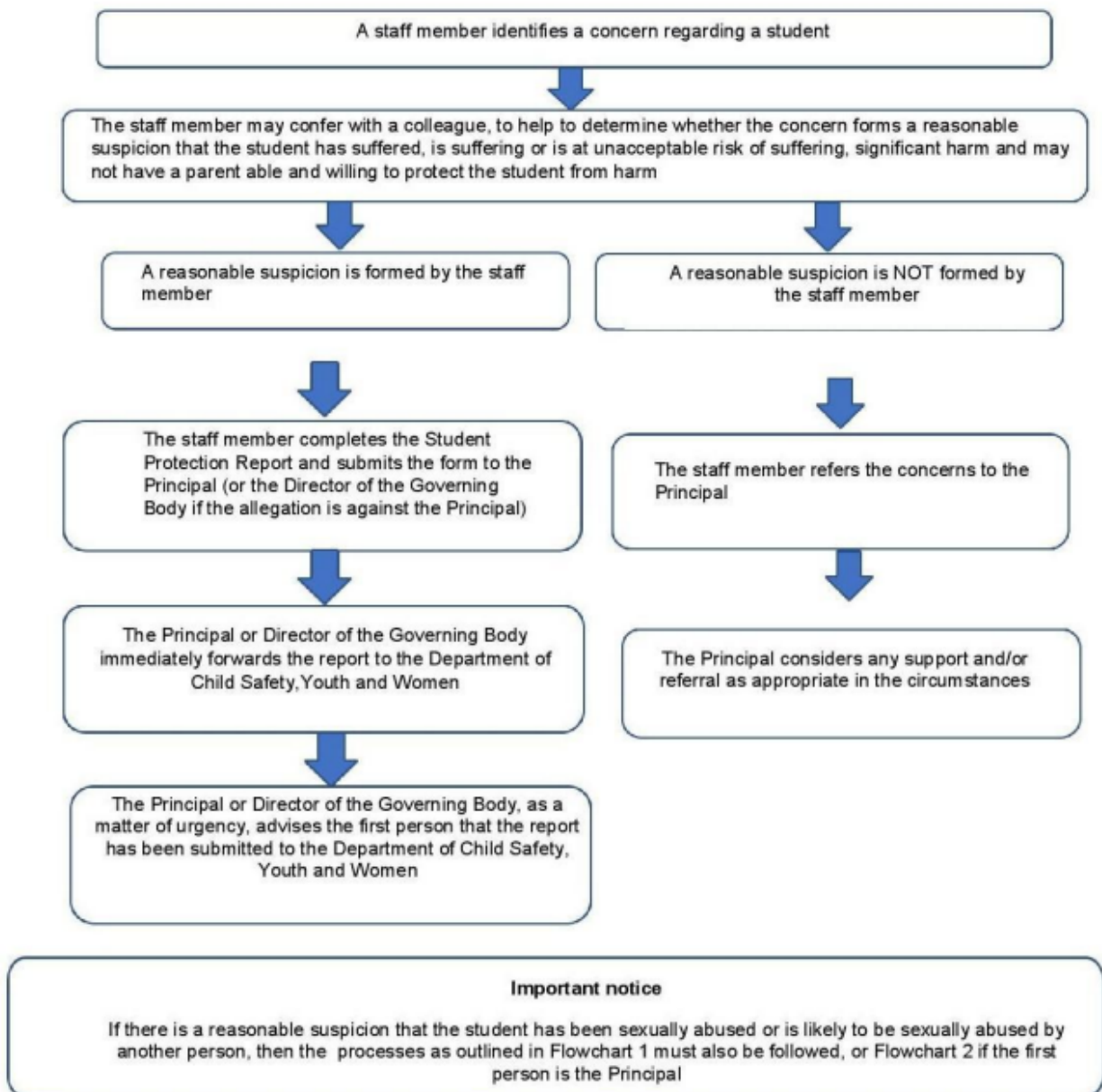
**Flowchart 2: Reporting Sexual Abuse & Likely Sexual Abuse where the first person is the Principal**



## APPENDIX D

### Flowchart 3: Reporting Significant Harm to Department of Child Safety Services and Disability Services

**Flowchart 3: Reporting Significant Harm to Department of Child Safety, Seniors and Disability Services**



### **Mandatory Responsibilities for Teachers**

If the staff member is a teacher, and the reasonable suspicion is that the student has suffered, is suffering, or is at an unacceptable risk of significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the student from the harm (a reportable suspicion under section 13E of the Child Protection Act 1999), the teacher responsible, as a matter of urgency, to ensure that the report has been submitted to the Department of Child Safety Services and Disability Services, unless they become aware or reasonably suppose, that the matter has already been brought to the attention of the authorities.

If a teacher forms a reportable suspicion and is not able to progress a report through the process detailed in the Flowchart above, they are able to meet their mandatory reporting obligation through reporting directly to Department of Child Safety, Seniors and Disability Services online reporting form:

<https://secure.communities.qld.gov.au/cbir/ChildSafety#section-csr>

**END OF DOCUMENT**

This policy and associated procedures may be updated or revised from time to time. The College will not notify you each time the policy or procedure is changed. If you are unsure whether you are reading the most current version, you should contact the Principal.