


# Child Protection Policy



Authorised by: Board Chair	Date of Authorisation: 24/02/2021
Name: Mike Millard	Review Frequency: Annually
Signed: 	Next Review Date: 24/02/2022

# Child Protection Policy

## 1. PURPOSE

The purpose of this policy is to provide written processes about how the College will respond to harm, or allegations of harm, to students under 18 years; and the appropriate conduct of the College's staff and students to comply with accreditation requirements.

## 2. 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 Kimberley College and covers information about the reporting of harm and abuse

## 3. REFERENCES

- *Child Protection Act 1999 (Qld)*
- *Education (General Provisions) Act 2006 (Qld)*
- *Education (General Provisions) Regulation 2017 (Qld)*
- *Education (Accreditation of Non-State Schools) Act 2017 (Qld)*
- *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)*
- *Working with Children (Risk Management and Screening) Act 2000 (Qld)*
- *Working with Children (Risk Management and Screening) Regulations 2020 (Qld)*
- *Kimberley College Complaints Handling Policy*
- *Kimberley College Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))*
- *Kimberley College Work Health and safety Policy*
- *Kimberley College Child Protection Reporting Form*

## 4. 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
    - b) a series or combination of acts, omissions or circumstances.
- **Section 10 of the *Child Protection Act 1999* - A “child in need of protection”** is a child who—

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- a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm
  - b) does not have a parent able and willing to protect the child from the harm.
- **Section 364 of the *Education (General Provisions) Act 2006* - "Sexual abuse"**, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –
    - (a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person
    - (b) the relevant person has less power than the other person
    - (c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

### 5. HEALTH AND SAFETY

The College 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).

### 6. RESPONDING TO REPORT OF HARM

When the College 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 College'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>.

### 7. 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>.

### 8. REPORTING INAPPROPRIATE BEHAVIOUR

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to a member of the Leadership Team or the Chairman of the Board.

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<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)*

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### 9. 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 College's governing body<sup>4</sup>. Reports will be dealt with under the College's Complaints Handling Procedure.

### 10. Reporting Sexual Abuse<sup>5</sup>

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 College, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the College;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the College;
- 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 College; and
  - ii. is not enrolled in the preparatory year at the College.

then the staff member must give a written report about the abuse or suspected abuse to the principal or to a director of the College's governing body immediately.

The College's principal or the director 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 College'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 College'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 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 abuse<sup>6</sup>.

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<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

<sup>6</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

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### 11. Reporting Likely Sexual Abuse <sup>7</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 College, that any of the following is likely to be sexually abused by another person: -

- a) a student under 18 years attending the College;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the College;
- 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 College; and
  - ii. is not enrolled in the preparatory year at the College.

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

The College's principal or the director must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the College'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 College'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 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 is suspected to be likely to sexually abuse the student;
  - iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>8</sup>.

### 12. Reporting Physical and Sexual Abuse <sup>9</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early education and care professional forms a 'reportable suspicion' about a child "in the course of their engagement in their profession", they must make a written report.

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

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

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

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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, teacher or early education and care professional 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, teacher or early education and care professional should give a copy of the report to the principal.

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

- a) state the basis on which the person has formed the reportable suspicion
- b) include the information prescribed by regulation, to the extent of the person's knowledge<sup>10</sup>.

Contact details for Child Safety Regional Intake Service: South East Ph: 1300 679 849 (business hours). Child Safety After Hours Service Centre: 1800177135.

### 13. AWARENESS

The College 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 on its website<sup>11</sup>.

### 14. TRAINING

The College 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>12</sup>. An attendance register will be taken from annual training and training will form part of the induction process for any new staff.

### 15. IMPLEMENTING THE PROCESSES

The College 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>13</sup>.

### 16. COMPLAINTS PROCEDURE

Suggestions of non-compliance with the College's processes may be submitted as complaints under Kimberley College Complaints Handling Procedure

### 17. MANAGING THIS POLICY

This policy will be reviewed annually or earlier if necessary. The Human Resources Manager is responsible for reviewing or making approved modifications to this policy and distributing.

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

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

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

<sup>13</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*