Child Protection Policy

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EMERALD CHRISTIAN COLLEGE
LEARNING FOR LIFE
Child Protection Policy

Introduction- It is fundamental under biblical values and the law to ensure that all children have a secure and nurturing environment in which to grow and learn. This mandates protection from harm and the risk of harm regardless of cause.

Emerald Christian College acknowledges this obligation and strives by this Child Protection Policy and other protective College Policies, which are regularly reviewed, to provide an environment supportive of the safety and welfare of the students and staff of the College Community.

| Purpose: | The purpose of this policy is to provide written processes about the health and safety of the Emerald Christian College staff and students and about 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 Emerald Christian College and covers information about the reporting of harm and abuse |
| Authorised by: | School Board Chairperson | Date of Authorisation: 26th September 2016 |
| References: | • Child Protection Act 1999 (Qld)  
• Education (General Provisions) Act 2006 (Qld)  
• Education (General Provisions) Regulation 2006 (Qld)  
• Education (Accreditation of Non-State Schools) Act 2001 (Qld)  
• Education (Accreditation of Non-State Schools) Regulation 2001 (Qld)  
• Working with Children (Risk Management and Screening) Act 2000 (Qld)  
• Working with Children (Risk Management and Screening) Regulations 2011 (Qld)  
• Emerald Christian College Grievance Policy  
• Emerald Christian College Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))  
• Emerald Christian College Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld)) |
| Related Policies |  |
| Review Date: | Annually | Next Review Date: January 2017 and as required by legislation |
| Policy Owner: | School Board |
Guiding Principles

1. The college acknowledges and recognizes that children have a right to be protected from harm and the risk of harm. Protection from harm and the risk of harm is fundamental to maximizing a student’s personal and academic potential.

2. In every preventative and/or protective action relating to harm to a student, the safety, wellbeing and best interests of a child are paramount.

3. The College acknowledges and recognizes that a student’s family has the primary responsibility for the student’s upbringing, protection and development and therefore considers that the preferred way of ensuring a student’s safety and well being is through its support of the student’s family.

4. Whilst the value of the student’s family is to be respected, it is not to the detriment of the wellbeing and best interest of a student.

5. All staff, contractors and volunteers must ensure that their behavior towards, and relationships with, students reflect proper standards of care of students, regardless of whether the child has consented to the conduct.

6. A failure to behave in accordance with proper standards may result in criminal proceedings and/or disciplinary action, including but not limited to summary dismissal.

7. The college will respond promptly and appropriately to a report of reasonably suspected or actual harm or a risk of harm to a student.

8. All persons who are subject to this policy must carry out all steps under this policy promptly.

9. Behaviours (both from the student and towards the student) that can be reasonably considered to indicate that a student has suffered harm, is suffering harm, or is at an unacceptable risk of suffering harm must be reported.

10. All persons (including the respondent) involved in situations where harm to a student is disclosed or suspected, must be treated with dignity, sensitivity and respect.

11. The College will provide appropriate support to both the student who has been or is suspected of being harmed and the perpetrator of harm.

12. Students have a right not to have private information about their harm publicized (beyond these reporting requirements).

13. Principles of Natural Justice and Confidentiality will be upheld (subject to these reporting requirements).

14. Where an unacceptable risk exists (in the reasonable view of the Principal) the alleged offender must not be in contact with College students, and if appropriate will be stood down pending a response to the allegation.
15. The College will not permit a person to work in a position with the College if the College reasonably suspects that an unacceptable risk of harm would arise to a student.

Defamatory Conduct
Given that the best interests of the child and the protection from harm takes precedence, a person who reports or discloses information about harm to another for the purpose of complying with the provisions of this policy, is generally excused from liability for defamation, provided the person has reported or disclosed this information in good faith.

A person who provides notification or information about harm to another for the purpose of complying with the provisions of this policy, and acts honestly and reasonably in doing so, will generally not have breached any code of professional etiquette or ethics or departed from accepted standards of professional conduct nor can the person be liable, civilly, criminally or under an administrative process, for giving notification or information.

Definitions
- **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.

- **Child in Need of Protection:** 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; and
  b) does not have a parent able and willing to protect the child from the harm.

- **The Significant Harm test:** When considering the significance of harm under mandatory reporting obligations, the CPA provides guidance under section 13C. In summary, the matters that the person may consider include:
  a) Whether there are detrimental effects on the child’s body or the child’s psychological or emotional state:
     i. That are evident to the person; or
ii. That the person considers are likely to become evident in the future

b) In relation to any detrimental effects to the child the reporter may consider:
   i. The nature and severity; and
   ii. The likelihood that they will continue;

c) The child’s age

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. This recognizes that a school staff member may detect an impact of harm for a child that the ordinary person may not identify.

• ‘Parent Willing and Able Test” : A parent may be willing to protect a child, but not have the capacity to do so and therefore they are not considered “able”. This includes situations such as where the parent’s inability is due to factors such as intellectual impairment or ill health.

Alternatively, a parent may have the capacity to protect a child (able), but may choose not to do so (not willing). This might include situations where parents choose an ongoing relationship with a person who is abusing their child and are thus “unwilling” to protect the child.

If there is considered to be at least one parent “able” and “willing” to protect the child, the child is considered to not be in “need of protection”.

• Sexual Abuse: Section 364 of the Education (General Provisions) Act 2006- “Sexual abuse”, in relation to a child, includes sexual behaviour involving the child and another person in the following circumstances –
   (a) the other person bribes, coerces, exploits, threatens or is violent toward the child;
   (b) the child has less power than the other person;
   (c) there is a significant disparity between the child and the other person in intellectual capacity or maturity.

• Physical Abuse: According to Child Safety, physical abuse occurs when a child has suffered, or is at risk of suffering, non–accidental physical trauma or injury. Physical abuse can include: hitting; shaking; throwing; burning; biting; poisoning.

Physical abuse is not determined by how bad the mark or injury is, but rather by the act itself that causes injury or trauma to the child.

Further definitions may be found in the ISQ document Child Protection – Useful definitions for Schools.

http://www.isq.qld.edu.au/child-protection
Role of the Child Protection Officer
The College has nominated Child Protection Officers to be available to assist a staff member with both
the concern and the reporting process for concerns covered in Sections 9 to 14 below and as required
by Queensland legislation, and the College recommends that staff access support offered by the
CPOs.

When a staff member discloses the details of the matter to the CPO, both the CPO and the staff
member are subject to the provisions under Section 13E(3) of the Child Protection Act 1999(QLD),
and both the CPO and the staff member must make a joint report to the Principal.

A staff member may give information to a CPO for any of the following purposes:

a) For the staff member 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;

b) For the staff member to form a suspicion about whether a child has a parent able
   and willing to protect a child from harm;

c) For the staff member to give a report or keep a record about giving a report;

d) For the staff member or colleague to take appropriate action to deal with
   suspected harm or risk of harm to a child. (Example: A teacher with a reportable
   suspicion about a child may give information to the Principal through the CPO at
   the College to enable the Principal to take appropriate action to protect the child
   or other children from risk of harm.)

Health and Safety
The school has written policies in place about the health and safety of its staff and students in
accordance with relevant workplace health and safety legislation1.

Responding to Reports of Harm
When the school receives any information alleging 'harm'2 to a student (other than harm arising from
physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimize
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
policy3.

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 students4.

1Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(1)
2Education (Accreditation of Non-State Schools) Regulation 2001 (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)
3Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)
Reporting Inappropriate Behaviour

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

(a) Graeme Johnston - Principal

or

(b) Lorraine Grierson - Child Protection Officer

- A staff member who receives a report of inappropriate behaviour must report it to the Principal as soon as practicable.

- If a staff member has received a report from a student in respect of the behavior of another staff member that the student considers is inappropriate, the staff member must:
  
  i. Complete a report on the approved form
  
  ii. Provide the report to the Principal, unless the Principal is the subject of the report of inappropriate behaviour, then the staff member must inform a member of the school's board\(^4\).

- The Principal or Chair of the College Board must then promptly take appropriate action in the circumstances. This will involve:
  
  i. Interviewing the student who reported the behavior;
  
  ii. Interviewing the staff member named in the report as the person who has or is engaging in inappropriate behavior;
  
  iii. Interviewing any other person who may be able to provide useful information;
  
  iv. Taking reasonably appropriate action on the basis of the investigation; and
  
  v. Reporting to the Chair of the College Board as appropriate.

- All college staff involved in the reporting process must keep appropriate records of all decisions and actions taken.

- If the “inappropriate behavior” falls within the ambit of “harm”, the policy in relation to responding to harm should be adhered to as a matter of priority (see Section “Responding to Reports of Harm”)

Additional Resource- Summary of Reporting Harm, a document produced by ISQ, may be found in Appendix 2 and on the ISQ website.

http://www.isq.qld.edu.au/child-protection

\(^4\) Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)

\(^5\) Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3)
Reporting Sexual Abuse\textsuperscript{6}

- Section 366 of the \textit{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 College;
  b) a pre-preparatory aged child registered in a pre-preparatory learning program at the school;

then the staff member must give a written report about the abuse or suspected abuse to the Principal or the Chair of the College Board immediately.

- Upon receipt of the report, the Principal may discuss the matter with the relevant staff member. The Principal must then make a report to a Police Officer.

- All persons (including the staff member and the Principal) who are involved in the reporting process must keep appropriate records of its decisions and actions.

- Under section 366B of the \textit{Education (General Provisions) Act} 2006, the directors of a school's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the Principal or any other staff member of the school). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function.

- If the staff member who becomes aware or reasonably suspects in the course of their employment at the College, any of the above persons have been sexually abused by the College's Principal, the staff member must give a written report about the abuse, or suspected abuse to the Chair of the College Board.

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

  a) the name of the person giving the report (the \textit{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.\textsuperscript{7}

- The Principal or Chair of the College Board must:

\textsuperscript{6}\textit{Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)}

\textsuperscript{7}\textit{Education (General Provisions) Regulation 2006 (Qld) s.68}
a) Ensure that a report on the approved form is completed
b) Give a written report to a Police Officer immediately; and
c) Notify the College’s Governing Body of the report

Reporting Likely Sexual Abuse

Section 366A 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 is likely to be sexually abused by another person:-

a) a student under 18 years attending the school;
b) a pre-preparatory aged child registered in a pre-preparatory learning program at the school;

then the staff member must give a written report about the suspicion to the Principal or the Chair of the College Board immediately. The staff member must keep a copy of the report for their own records.

• Upon receipt of the report, the Principal may discuss the matter with the relevant staff member. The Principal must then make a report to a Police Officer.

• All persons (including the staff member and the Principal) who are involved in the reporting process must keep appropriate records of its decisions and actions.

• Under section 366B of the Education (General Provisions) Act 2006, the directors of a school’s governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the Principal or any other staff member of the school). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function.

• If the staff member who becomes aware or reasonably suspects in the course of their employment at the College, any of the above persons have been sexually abused by the College’s Principal, the staff member must give a written report about the abuse, or suspected abuse to the Chair of the College Board.

• 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:-

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Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)
The Principal or Chair of the College Board must:

a) Ensure that a report on the approved form is completed
b) Give a written report to a Police Officer immediately; and
c) Notify the College’s Governing Body of the report

Additional Resource - Summary of Reporting Harm, a document produced by ISQ, may be found in Appendix 2 and on the ISQ website.

http://www.isq.qld.edu.au/child-protection

**Reporting Physical and Sexual Abuse**

- Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse or a teacher (as a relevant person) forms a 'reportable suspicion' about a child in the course of their engagement in their profession, they must make a written report. The relevant person must give the 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 from time to time) of the reportable suspicion.

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.

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.

- The teacher must provide a copy of the report to the Principal.

- However, under section 13G of the Child Protection Act 1999 the teacher is not required to give a report about a matter if the teacher knows or reasonably supposes that the Chief

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

10. *Child Protection Act 1999 (Qld) s.13G (2).* There is no such regulation at 12 December 2014.
Executive is aware of the matter. Therefore when reporting matters pursuant to the Child Protection Act 1999, if the CPO or Principal has already made the report to the Chief Executive, the teacher is not obliged to make a report also. The teacher must have received written confirmation from CPO or Principal that the Chief Executive is aware of the matter.

- “Teacher” is defined under the Child Protection Act 1999 as an approved teacher under the Education (Queensland College of Teachers) Act 2005 (QLD). Therefore, all teachers must comply with the obligation of reporting a reasonable suspicion.

- Section 13H of the Child Protection Act 1999 deals with conferrals with colleague and related information sharing. Under Section 13H:

  A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for the following purposes:

  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;

  b) 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 above

  c) For the relevant person to give a report or keep a record about giving a report;

  d) For the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child. Example- A teacher with a reportable suspicion about a child under section 13E may give information to the principal at the school to enable the principal to take appropriate action to protect the child or other children from risk of harm.

  In this section, colleague, of a relevant person, means a person working in or for the same entity as the relevant person.

- All persons (including the teacher and Principal) who are involved in the reporting process must keep appropriate records of its decisions and actions.

### 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.\(^\text{11}\)

### 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 and in response to changes in legislative requirements.

\(^{11}\)Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)
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.\textsuperscript{12}

Accessibility of Processes
Processes relating to the health, safety and conduct of staff and students are accessible on the College website and will be available on request from the school administration.\textsuperscript{13}

Complaints Procedure
Suggestions of non-compliance with the College’s processes may be submitted as complaints under Emerald Christian College Grievance Policy.\textsuperscript{14}

\textsuperscript{12}Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)
\textsuperscript{13}Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)
\textsuperscript{14}Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(7) and s.10(7A)
### Summary of Reporting Harm

<table>
<thead>
<tr>
<th>Who</th>
<th>What abuse</th>
<th>Test</th>
<th>Report To</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>All staff</td>
<td>Sexual</td>
<td>Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused</td>
<td>Principal, through to Police</td>
<td>EGPA, sections 366 and 366A</td>
</tr>
<tr>
<td>Teacher</td>
<td>Sexual and physical</td>
<td>Significant harm Parent may not be willing and able</td>
<td>Confer with Principal, report to Child Safety</td>
<td>CPA, sections 13E and 13G</td>
</tr>
<tr>
<td>All staff</td>
<td>Physical, psychological, emotional, neglect, exploitation</td>
<td>Significant harm Parent may not be willing and able</td>
<td>Principal, through to Child Safety</td>
<td>Accreditation Regulations, section 10</td>
</tr>
<tr>
<td>All staff</td>
<td>Any</td>
<td>Not of a level that is otherwise reportable to Child Safety, refer with consent</td>
<td>Principal, through to Family and Child Connect</td>
<td>CPA, sections 13B and 159M</td>
</tr>
<tr>
<td>Principal</td>
<td>Any</td>
<td>Not of a level that is otherwise reportable to Child Safety, refer without consent</td>
<td>Family and Child Connect</td>
<td>CPA, sections 13B and 159M</td>
</tr>
<tr>
<td>Any member of the public</td>
<td>Any</td>
<td>Significant harm Parent may not be willing and able</td>
<td>Child Safety</td>
<td>CPA, section 13A</td>
</tr>
</tbody>
</table>
Appendix 2

Private and Confidential
Report of Suspected Harm or Sexual Abuse

<table>
<thead>
<tr>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>School:</td>
</tr>
<tr>
<td>School Phone:</td>
</tr>
<tr>
<td>School Fax:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Name:</td>
</tr>
<tr>
<td>Preferred Name:</td>
</tr>
<tr>
<td>DOB:</td>
</tr>
<tr>
<td>Gender:</td>
</tr>
<tr>
<td>Year Level:</td>
</tr>
<tr>
<td>Cultural Background:</td>
</tr>
<tr>
<td>Aboriginal ☐ Torres Strait Islander ☐Aboriginal and Torres Strait Islander ☐</td>
</tr>
<tr>
<td>Does the student have a disability verified under EAP:</td>
</tr>
<tr>
<td>Yes ☐ No ☐</td>
</tr>
<tr>
<td>Disability Category:</td>
</tr>
<tr>
<td>Student’s Residential Address:</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>Student’s Personal Mobile:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FAMILY DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent/caregiver 1:</td>
</tr>
<tr>
<td>Relationship to Student:</td>
</tr>
<tr>
<td>Address (if different from student):</td>
</tr>
<tr>
<td>Phone: (H): (W): (M):</td>
</tr>
<tr>
<td>Parent/caregiver 2:</td>
</tr>
<tr>
<td>Relationship to Student:</td>
</tr>
<tr>
<td>Address (if different from student):</td>
</tr>
<tr>
<td>Phone: (H): (W): (M):</td>
</tr>
<tr>
<td>Is the student in out of home care: Yes ☐ No ☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Adult family member</td>
</tr>
<tr>
<td>☐ Child family member</td>
</tr>
<tr>
<td>☐ Other adult</td>
</tr>
<tr>
<td>☐ Student/other child</td>
</tr>
<tr>
<td>☐ Unknown</td>
</tr>
</tbody>
</table>
PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary).

<table>
<thead>
<tr>
<th>Details of any harm and/or sexual abuse to the student – please include: Time and date of the incident; source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.</th>
</tr>
</thead>
</table>

Please indicate the identity of anyone else who may have information about the harm or abuse

Additional information provided as an attachment  YES ☐ NO ☐

<table>
<thead>
<tr>
<th>Name of staff member making report to the Statutory Agency if not the Principal:</th>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal:</td>
<td>Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

Principal’s email address:

Response requested by school:

<table>
<thead>
<tr>
<th>ACTION TAKEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form was faxed or emailed to (please tick which agencies the form was sent to):</td>
</tr>
<tr>
<td>☐ Queensland Police Services (QPS)</td>
</tr>
<tr>
<td>☐ Department of Communities (Child Safety Services)</td>
</tr>
<tr>
<td>☐ Family and Child Connect</td>
</tr>
</tbody>
</table>

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)