



**GEMS**  
CHRISTIAN  
EDUCATION

**GEMS Christian Education Ltd**

**This policy applies to:  
Emerald Christian College  
GEMS OSHC  
Ontrack College**



**EMERALD  
CHRISTIAN  
COLLEGE**  
LEARNING FOR LIFE



**MANDATORY**

# Child Protection Policy

<b>Created:</b>	<b>Jan 2015</b>
<b>Current:</b>	<b>Feb 2021</b>
<b>Next Review:</b>	<b>Feb 2022</b>

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## ***PURPOSE***

The purpose of this policy is to provide written processes about:

- a) How GEMS Christian Education will respond to harm, or allegations of harm, to Students under 18 years.
- b) The appropriate conduct of Employees and Students to comply with accreditation requirements.

## ***PRINCIPLES***

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.

GEMS Christian Education Ltd acknowledges this obligation and strives by this GEMS Child Protection Policy and other protective policies, which are regularly reviewed to provide an environment supportive of the safety and welfare of the Students and Employees of GEMS Christian Education Ltd.

## ***SCOPE***

GEMS Christian Education 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 and covers information about the reporting of harm and abuse.

## ***RELEVANT LEGISLATION AND POLICIES***

- Child Protection Act 1999 (Qld)
- Education (General Provisions) Act 2006 (Qld)
- Education (General Provisions) Regulation 2017 (Qld)
- Education (Accreditation of Non-State organisations) Act 2017 (Qld)
- Education (Accreditation of Non-State organisations) Regulation 2017 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)
- Working with Children (Risk Management and Screening) Regulations 2011 (Qld)
- GEMS Complaints Handling Policy
- GEMS Complaints Handling Procedure
- GEMS Child Risk Management Strategy
- GEMS Work Health and Safety Policy

## ***DEFINITIONS***

- a) **The Company** - refers to GEMS Christian Education Ltd as a whole, its Employees, Properties, Assets, etc...
- b) **Campuses** - properties under the Company (Little Gems, Emerald Christian College and Ontrack).
- c) **The Board** - refers to the Directors and Board Members of GEMS Christian Education Ltd.
- d) **Chair of the Board** – Elected Chairperson of the Board.
- e) **Secretary of the Board** – Elected position of the Board.

- f) **Director** – Elected Position holding Member of the Board.
- g) **Member of the Board** – Invited Member by the Directors of the Board.
- h) **The Executive** - Heads of each Campus/Department.
- i) **The Executive Principal** - refers to the person responsible for all Company operations.
- j) **The Business Manager** - refers to the person responsible for administration and finances of GEMS Christian Education Ltd.
- k) **The Principal** - the current Principal of each Campus.
- l) **Officer** - refers to the Executive Principal and/or Members of the Board.
- m) **Dean** - refers to the heads of Primary or Secondary.
- n) **Facilities Manager** - refers to the person responsible for maintenance arrangements.
- o) **Policy** - refers to this Policy – any other Policy will be referenced by full name.
- p) **Employees** - all Employees of GEMS Christian Education Ltd, including but not limited to Teachers, Administration, Auxiliary, Trainees, etc...
- q) **Students** - refers to all Students under GEMS Christian Education Ltd.
- r) **Caregivers** – Parents Guardians and Carers directly responsible for the care and needs of individual Students.
- s) **Visitors** - includes Parents, Guardians and Carers of Students as well as Members of the Public.
- t) **Volunteers** - anyone who is permitted to act in the capacity of a Volunteer for Gems Christian Education Ltd.
- u) **Workplace** - a place where work is carried out for the Company and includes any place where a Worker goes, or is likely to be, while at work.
- v) **Worker** - anyone who is carrying out works for the Company and includes Employees, Visitors, Volunteers and Contractors.
- w) **Suppliers** - Businesses or Individuals who supply goods or services to GEMS Christian Education Ltd.
- x) **Other and/or Persons** - anyone not listed above.
- y) **PPE** - Personal Protective Equipment.

## ***1. Guiding Principles***

GEMS Christian Education will abide by the following:

- a) We acknowledge and recognize 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.
- b) In every preventative and/or protective action relating to harm to a Student, the safety, wellbeing and best interests of a child are paramount.
- c) We acknowledge and recognize that a Student’s family or appointed Caregivers have the primary responsibility for the Student’s upbringing, protection and development and therefore consider that the preferred way of ensuring a Student’s safety and well-being is through its support of the Student’s family or appointed Caregivers.
- d) Whilst the value of the Student’s family or appointed Caregivers is to be respected, it is not to the detriment of the wellbeing and best interest of a Student.
- e) All Employees, Volunteers, and Contractors 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, and must not cause harm to Students.

- f) A Person's failure to behave in accordance with proper standards may result in criminal proceedings and/or disciplinary action, including but not limited to summary dismissal.
- g) We will respond promptly and appropriately to a report of reasonably suspected or actual harm or a risk of harm to a Student.
- h) All persons who are subject to this policy must carry out all steps under this policy promptly.
- i) Behaviours (both from Students and towards Students) 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.
- j) 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.
- k) We will provide appropriate support to both the Student who has been or is suspected of being harmed and the alleged perpetrator of harm.
- l) Students have a right not to have private information about their harm publicized (beyond these reporting requirements).
- m) Principles of Natural Justice and Confidentiality will be upheld (subject to these reporting requirements).
- n) Where an unacceptable risk exists (in the reasonable view of the Executive Principal) the alleged offender must not be in contact with Students, and if appropriate will be stood down pending a response to the allegation.
- o) We will not permit a person to work in a position with the organisation if it is reasonably suspected that an unacceptable risk of harm would arise to a Student.

## **2. 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.

## **3. Definitions From Relevant Acts**

**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.

- a) It is immaterial how the harm is caused.
- b) Harm can be caused by:
  - i) Physical, psychological or emotional abuse or neglect; or
  - ii) Sexual abuse or exploitation.
- c) Harm can be caused by:
  - i) A single act, omission or circumstance.
  - ii) 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:

- 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.

### **3. Health and Safety**

GEMS Christian Education 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).

### **4. Responding to Reports of Harm**

When GEMS Christian Education receives any information alleging 'harm' 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 GEMS Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

GEMS Christian Education uses “Child Safe” to record Blue Card compliance and First Aid details as well as the managing of high risk activities undertaken. Currently incident reporting is in paper form and will transition to Child Safe during 2021.

### **5. Reporting and Actions Taken**

#### **5.1 Reporting Inappropriate Behaviour**

If a Student considers the behaviour of anyone at GEMS Christian Education to be inappropriate, the Student should report the behaviour to:

- Onsite Nominated Child Protection Officers
- Principal
- Executive Principal

#### **5.2 Dealing with Report of Inappropriate Behaviour**

A GEMS Christian Education Employee or Volunteer who receives a report of inappropriate behaviour must report it to the Executive Principal. Where the Executive Principal is the subject of the report of inappropriate behaviour, it must be reported to the Chair of the Board. Reports will be dealt with under the GEMS Complaints Handling Policy.

### **5.3 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 organisation, that any of the following has been sexually abused by another person:

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

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

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

(Under section 366B of the Education (General Provisions) Act 2006 the directors of a organisation'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 organisation). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this policy and informing the organisation community of the delegate/s name/s their contacts, and their role in the organisation's processes.)

If the first person who becomes aware or reasonably suspects sexual abuse is the organisation'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 organisation'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.

### **5.4 Reporting Likely Sexual Abuse**

**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 organisation, that any of the following is likely to be sexually abused by another person: -

- a) a student under 18 years attending the organisation;

- b) a kindergarten aged child registered in a kindergarten learning program at the organisation;
- 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 organisation; and
  - ii. is not enrolled in the preparatory year at the organisation.

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

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

*(Under section 366B of the Education (General Provisions) Act 2006 the directors of a organisation'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 organisation). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this policy and informing the organisation community of the delegate/s name/s, their contacts and their role in the organisation's processes.)*

If the first person who reasonably suspects likely sexual abuse is the organisation'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 organisation'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.

### **5.5 Reporting Physical and Sexual Abuse**

**Under Section 13E (3) of the Child Protection Act 1999 (3)** If a relevant person forms a reportable suspicion about a child in the course of the person's engagement as a relevant person, the person must give a written report to the chief executive under section 13G.

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

- a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse and
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, 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.*

### **5.6 Awareness**

GEMS Christian Education will inform Employees, Volunteers, Students and Caregivers of its processes relating to the health, safety and conduct of Employees and Students in communications to them and it will publish these processes on our website. Each year, the GEMS Community will be kept up to date on this policy by:-

- a) Classroom briefing so Students are aware of their rights and responsibilities.
- b) In the weekly newsletter information so that parents and a carers are aware of their rights and responsibilities.

Note, specific details will be required in this area of an organisation's policy regarding the way the organisation's governing body ensures that staff, students and parents are made aware of the organisation's child protection processes. Suggested evidence includes: on organisation website, through organisation newsletters, staff induction, student assembly, student diaries, in enrolment interviews, available from organisation office.

### **5.7 Training**

GEMS Christian Education will train its Employees in processes relating to the health, safety and conduct of Employees and Students on their induction and will refresh training annually.

Note, specific details will be required in this area of an organisation's policy regarding the way the organisation's governing body ensures that staff are trained in implementing the organisation's child protection processes. Suggested evidence includes: attendance register from annual training, discussion at staff meetings with printed staff meeting agendas, staff induction, review of handling of complaints.

### **5.8 Implementing the Processes**

GEMS Christian Education will ensure it is implementing processes relating to the health, safety and conduct of Employees and Students by auditing compliance with the processes annually.

### **5.9 Accessibility of Processes**

Processes relating to the health, safety and conduct of Employees and Students are accessible on our websites and will be available on request from Administration.

### **5.10 Complaints Procedure**

Suggestions of non-compliance with the Company's processes may be submitted as complaints under GEMS Complaint Handling Policy.

### 6. Summary of Reporting Harm

Who	What abuse	Test	Report To	Legislation
All GEMS Employees	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Executive Principal, through to Police	EGPA, sections 366 and 366A
Teachers	Sexual and physical	Significant harm - Caregiver may not be willing and able	Confer with Executive Principal, report to Child Safety	CPA, sections 13E and 13G
All GEMS Employees	Physical, psychological, emotional, neglect, exploitation	Significant harm - Caregiver may not be willing and able	Executive Principal, report to Child Safety	Accreditation Regulations, section 16 of the Education Regulation 2017
All GEMS Employees	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Executive Principal, through to Family and Child Connect	CPA, sections 13B and 159M
Executive Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M
Member of the public	Any	Significant harm - Caregiver may not be willing and able	Child Safety	CPA, section 13A



**Private and Confidential**  
**Report of Suspected Harm or Sexual Abuse**

Date:	
GEMS Christian Education PO BOX 1993 EMERALD QLD 4720	Ph: 0749 820 977 Email: office@ecc.qld.edu.au

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander	
Does the student have a disability verified under EAP:    Yes <input type="checkbox"/> No <input type="checkbox"/>	Disability Category:
Student's Residential Address:	Phone:
	Student's Mobile:

FAMILY DETAILS	
Parent/Caregiver 1:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W):
(M):	
Parent/Caregiver 2:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W):
(M):	
Is the Student in out of home care:    Yes <input type="checkbox"/> No <input type="checkbox"/>	

PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE		
<input type="checkbox"/> Adult family member	<input type="checkbox"/> Child family member	<input type="checkbox"/> Other adult
<input type="checkbox"/> Student/other child	<input type="checkbox"/> Unknown	

<b>PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE</b> (Attach extra pages if necessary).
<b>Details of any harm and/or sexual abuse to the student</b> – 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.
<b>Please indicate the identity of anyone else who may have information about the harm or abuse</b>
<b>Additional information provided as an attachment</b> YES <input type="checkbox"/> NO <input type="checkbox"/>

<b>Name of staff member making report to the Statutory Agency if not the Executive Principal:</b>		
<b>Position:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Executive Principal:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Executive Principal's email address:</b>		
<b>Response requested by organisation:</b>		

<b>ACTION TAKEN</b>		
Form was faxed or emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Communities (Child Safety Services)
	<input type="checkbox"/>	Family and Child Connect

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