



**Caloundra City
Private School**

CHILD PROTECTION POLICY

Administration

CHILD PROTECTION POLICY

Purpose:	The purpose of this policy is to provide written processes about – <ul style="list-style-type: none"> • how the school will respond to harm, or allegations of harm, to students under 18 years; and • 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 Caloundra City Private School and covers information about the reporting of harm and abuse.	
Status:	Approved July 2020 Version 2:01	Supersedes: Child Protection Policy March 2021
Authorised by:	Chairperson of Board of Caloundra City Private School	Date of Authorisation: July 2021
References:	<ul style="list-style-type: none"> • <i>Child Protection Act 1999 (Qld)</i> • <i>The Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020</i> • <i>Education (General Provisions) Act 2006 (Qld)</i> • <i>Education (General Provisions) Regulation 2017 (Qld)</i> • <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i> • <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i> • <i>Working with Children (Risk Management and Screening) Act 2020 (Qld)</i> • Caloundra City Private School Child Risk Management Strategy • Caloundra City Private School Complaints and Dispute Resolution Policy • Caloundra City Private School Work Health and Safety Policy 	
Review Date:	Annually: Last Review February 2022	Next Review Date: January 2023

Policy Owner:	Board of Caloundra City Private School
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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.

- 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; or
 - 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; and
- 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.

Section 13 *Child Protection Act 1999 (Qld)* – 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.

***Child Protection Act 1999 (Qld)* – ‘Parent Willing and Able’ Test**

According to the legislation, a parent may be willing to protect a child, but not have 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'.

Section 13C *Child Protection Act 1999 (Qld)* – a 'Significant Harm' Test 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. Their nature and severity; and
 - ii. The likelihood that they will continue, and
- 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 recognises that a School staff member may detect an impact of harm for a child that the ordinary person may not identify.

Principal

Within this document, the term Principal refers to the Principal or the Principal's delegate.

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 2020 (Qld)*.

Responding to reports of harm

When the school receives any information alleging 'harm'¹ 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 policy².

¹ *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)* ² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

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 students².

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality (any discussion must be limited to persons within the reporting line). The School is unable to promise absolute confidentiality since its policies will require disclosing, internally and/or externally, certain details involved in responding to any complaint. Moreover, State authorities can compel people to give evidence about actions under the policy and to produce documents (Section 146B of the *Education [General Provisions] Act 1989*).

Criminal Law

Where there are allegations of criminal misconduct (including, but not limited to, any form of sexual abuse) involving a student of the staff, the allegations must be referred to the police. The Principal must refer all allegations of paedophilia to the police, including those from the past, except where the alleged perpetrator is deceased.

Defamation

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation or breach of confidence. (Section 22 of the *Child Protection Act, 1999*; Section 146B(5) of the *Education and Other Legislation (Student Protection) Act 2003*; however, a person (including a student or a parent of a student) who makes a knowingly false or a malicious or vexatious report will not be protected by those provisions of those Acts and may risk action for defamation and/or disciplinary action.

Promptness

All steps under the Policy should be carried out promptly. The School will keep the alleged victim and the alleged perpetrator informed of progress.

Reporting Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to³:

- a) **Head of Senior School** Lauren Tralau
Heads of House: Adam Burton, Kylie Lush, Rob Pride,
Office Location: Library

² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

Phone number: 0754375800

ltralau@ccps.qld.edu.au

aburton@ccps.qld.edu.au

klush@ccps.qld.edu.au

rpride@ccps.qld.edu.au

b) **Head of Junior School:** Mrs Gabrielle Frisby for students K – 6.

Office Location: Munns Office **Phone**

number: 041469023

gfrisby@ccps.qld.edu.au

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 body⁴. Reports will be dealt with under the school's Complaints and Dispute Resolution Policy.

Reporting sexual abuse⁵

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) a student under 18 years attending the school;
- b) a Kindergarten aged child registered in a Kindergarten learning program at the school; 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 school; and
 - ii. 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 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 immediately.

A report under this section must include the following particulars:

- a) the name of the person giving the report (the **first person**);

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

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

- 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 abuse⁶.

Reporting likely sexual abuse ⁷

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) a student under 18 years attending the school;
- b) a Kindergarten aged child registered in a Kindergarten learning program at the school; 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 school; and
 - ii. 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 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 immediately.

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;

⁶ *Education (General Provisions) Regulation 2017 (Qld) s.68*

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

- iii. the identity of anyone else who may have information about suspected likelihood of abuse⁸.

Reporting physical and sexual abuse⁹

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.

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 written report under this section must include the following particulars:

- a) state the basis on which the person has formed the reportable suspicion; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge¹⁰. As follows:
 - i. the child's name and sex;
 - ii. the child's age;
 - iii. details of how to contact the child;
 - iv. details of the harm to which the reportable suspicion relates;
 - v. particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering the harm to which the reportable suspicion relates;
 - vi. particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates;
 - vii. Caloundra Child Safety Services: (07) 5438 5400. (Monday to Friday, 9am to 5pm)
Child Safety After Hours Service Centre Phone: 1800 177 135 (Queensland only)

Awareness

Caloundra City Private School is committed to making the Child Protection Policy available to students, parents, volunteers, contractors and employees. It is available via the School's website¹¹. Staff members will also have access to the strategy associated with this policy, via

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.69*

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

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

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

the staff website. Further, the School will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually.

Accessibility of Processes

The Principal will ensure that this policy is reviewed biennially and published thus:

- to staff members generally, at least once each year
- to each new staff member, at induction
- on the School's website
- available on request from the School's Main Office

Training

The School will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹². Further professional learning will be included for key personnel most likely to be involved in the child protection reporting and support mechanisms, for example members of the Wellness Team.

Implementing the Processes

The school will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually.

Evidence of this training will include staff induction registers, attendance registers for professional development and training days and staff meetings, and the agendas and minutes of meetings.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under Caloundra City Private School Complaints and Dispute Resolution Policy¹³.

Harm not covered by legislation

The management of student relationships, student behaviour and incidents of self-harm do not fall explicitly beneath this legislation. The School acknowledges, however, that these aspects are closely linked to some elements covered under the legislation. To this end, on a case-by-case basis and where appropriate, Caloundra City Private School will deploy similar strategies in order to support individuals and families and refer to external parties as necessary.

Policy Responsibility: School Governing Body

Review Date: January 2022

Next Review Date: January 2023

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

¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s. 16(5) and s. 16(6)*

