

## CHILD PROTECTION POLICY

Purpose:	The purpose of this policy is to provide written processes about – (a) how the school will respond to harm, or allegations of harm, to students under 18 years; and (b) 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 Mastery Schools Australia and covers information about the reporting of harm and abuse.	
Status:	Approved	Supersedes: Nil
Authorised by:	School Governing Body Chairperson	Date of Authorisation: 31/08/21
References:	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a> • <a href="#">Workingwith Children (Risk Management and Screening) Regulations 2020 (Qld)</a></li> <li>• <a href="#">Criminal Code Act 1899</a></li> <li>• Complaints Handling Policy &amp; Procedure</li> <li>• Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• Mastery Schools Australia Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> <li>• Child Protection Reporting Form</li> <li>• Behaviour Policy</li> </ul>	
Review Date:	Every 2 Years	Next Review Date: 21/06/23
Policy Owner:	School Governing Body	

### 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; or
    - 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— 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; and
  - (c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

## 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 students should report the behaviour to: -

- Andrew Pirie, Principal; or
- Fiona Jones, Operations Manager<sup>4</sup>.

Refer to the Responsible Persons list for other 'responsible' people.

## 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>5</sup>.

Reports will be dealt with under the school's Complaints Handling Policy.

## SEXUAL ABUSE OF CHILDREN & REPORTING

By law, it is an offence to fail to protect a child from child sexual offence in an institutional setting. For this law, *child* means a person under 16 or a person under 18 with an impairment of the mind. This offence requires a person in a position of power or responsibility within an institution to reduce or remove a known risk of sexual offending against a child by an adult associated with an institution.

The '229BB failure to protect' offence<sup>7</sup> applies if you are 18 or older and associated with an institution that has children in its care, supervision or control, and you:

- know there is a significant risk that another adult also associated with the institution (or who is a regulated volunteer) will commit a sexual offence against a child or children;
- have the power or responsibility to reduce or remove the risk ; or
- wilfully or negligently fail to reduce or remove the risk.

From 5 July 2021, it is an offence for any adult not to report sexual offending against a child by another adult to police. This means all adults have the responsibility to report sexual offences against children to police—unless they have a reasonable excuse not to. For this law, a *child* means a person under 16 or a person under 18 with an impairment of the mind.

### Reporting Sexual Abuse<sup>6</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 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.

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.

<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) and s.16(3)*

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

<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

<sup>7</sup> *Section 229BB Failure to Protect Child From Child Sexual Offence, Criminal Code Act 1899*

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*);
- 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>7</sup>.

#### Reporting Likely Sexual Abuse<sup>8</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 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;
  - iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>9</sup>.

<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

<sup>8</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

#### Reporting Physical and Sexual Abuse<sup>10</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early childhood 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 childhood education and care professional must give a written report to the Chief Executive of the Department of Children, Youth Justice and Multicultural Affairs (or another department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early childhood 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) the child's name and sex;
- b) the child's age;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) 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; and
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates<sup>11</sup>.

Mermaid Beach Child Safety Service Center  
Pacific Square, Shop 9  
2532-2540 Gold Coast Highway  
Mermaid Beach Qld 4218  
Ph: (07) 56754100

### **AWARENESS**

The school 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>12</sup> and through school newsletters, staff induction, student assembly, in enrolment interviews, and available from the school office.

### **ACCESSIBILITY OF PROCESS**

Processes relating to the health, safety and conduct of staff and students are accessible on the school website and will be available on request from the school administration<sup>13</sup>.

### **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 annually<sup>14</sup>. Details of training will be recorded through attendance registers and stored on the school management system.

<sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

<sup>11</sup> See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"* <sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

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

<sup>14</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

### **IMPLEMENTING THE PROCESS**

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<sup>15</sup>.

### **COMPLAINTS PROCEDURE**

Suggestions of non-compliance with the school's processes may be submitted as complaints under Mastery Schools Australia Complaints Handling Policy<sup>16</sup>.

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 Act 1899* s.229BC<sup>17</sup>.

<sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

<sup>16</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)* <sup>17</sup> *Criminal Code Act 1899 (Qld) s.229BC(4)(b)*

## **BREACH OF THE POLICY**

Breaches of this policy:

- are not acceptable by any person
- will be responded to promptly; and
- may result in disciplinary action being taken

## **REVIEW OF THE POLICY**

This policy is reviewed periodically as detailed in the Policy Review Schedule.