

## Child Protection Policy

### Purpose

The purpose of this policy is to provide a policy as part of Freshwater Christian College's written processes about how the school will respond to harm, or allegations or harm, to students under 18 years old, and the appropriate conduct of the College's staff and student to comply with accreditation requirements.

### Scope

This policy applies to all 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 placement at Freshwater Christian College and covers information about the reporting of harm and abuse.

### Legislation

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)

Education (Queensland College of Teachers) Act, 2005 (Qld)

Working with Children (Risk Management and Screening) Act 2000 (Qld)

Working with Children (Risk Management and Screening) Regulations 2011 (Qld)

### Definitions

The words **"child"** and **"student"** are interchangeable and when used in relation to Child Protection matters mean any child enrolled at the Freshwater Christian College, regardless of age.

**"Harm"** to a child, as defined by Section 9 of the Child Protection Act 1999, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

- It is immaterial how the harm is caused.
- Harm can be caused by—
  - physical, psychological or emotional abuse or neglect; or
  - sexual abuse or exploitation
- Harm can be caused by -
  - a single act, omission or circumstance; or
  - a series or combination of acts, omissions or circumstances.

Harm means damage or injury caused by abuse to a child's body, to a child's emotional state or to a child's psychological state. (Harm is the effect or impact on the child of the abuse).

**“Child in need of protection”**, as defined in Section 10 of the Child Protection Act 1999, is a child who—

- has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- does not have a parent able and willing to protect the child from the harm.

**“Sexual abuse”**, as defined in Section 364 of the Education (General Provisions) Act 2006, is in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –

- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- the relevant person has less power than the other person;
- there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

**“Abuse”** (*according to Child Safety*) can be defined as an action such as physical, sexual, emotional or neglect eg: hitting, punching, fondling, and exposure to domestic violence or ‘scapegoating’ (made to bear the blame for others or suffer in their place); it can be inaction such as failure to provide medical care; or failure to provide appropriate stimulation

**“Physical abuse”** (*according to Child Safety*) 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 the act itself that causes injury or trauma to the child.

**“Psychological or emotional abuse”** (*according to Child Safety*) occurs when a child’s social, emotional, cognitive or intellectual development is impaired or threatened. It can include emotional deprivation due to persistent:

- rejection
- hostility
- teasing/bullying
- yelling
- criticism
- exposure of a child to domestic and family violence

**“Neglect”** (*according to Child Safety*) occurs when a child’s basic necessities of life are not met, and their health and development are affected. Basic needs include:

- food
- housing
- health care
- adequate clothing

- personal hygiene
- hygienic living conditions
- timely provision of medical treatment
- adequate supervision

**“Reportable suspicion”** is where a teacher, doctor or nurse-

- has a reasonable suspicion that a student has suffered, is suffering, or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse; and
- may not have a parent able and willing to protect the student from harm.

**“Significant Harm Test”** is where you consider the significance of harm under mandatory reporting obligations, with regards to –

- 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.

**“Parent Test”** is where

- 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 on 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”.

## Policy

### 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).

### Responding to Reports of Harm

When the College 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 College’s Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

## Conduct of Staff and Students

All staff/employees, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff/employees, contractors and volunteers must not cause harm to students.

## Reporting Inappropriate Behaviour

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

Deputy Principal/Head of Primary – Mr Natoli, or  
Head of Secondary – Mr Schwarz, or  
Director of Pastoral Care – Mr Anderson.

## Dealing with Information about Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Principal or his delegate. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform a Director of the College Board. Reports will be dealt with under the College's Grievance Policy.

## 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 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 (Kindergarten) at the College;
- (c) a person with a disability who:
  - (i) under s.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, as a mandatory reporter, must give a written report about the abuse or suspected abuse to the College's Principal (or his delegate) or to a Director of the College Board immediately.

The College Principal (or his delegate) or Director of College Board must immediately give a copy of the report to a Police Officer. The College Principal or Director of the College Board will then provide a written report to the staff member who made the written report details of the action taken.

If the first person who becomes aware or reasonably suspects sexual abuse is the College's Principal, the Principal, as a mandatory reporter, 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 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 gender;
- (c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused;

- (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.

### **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 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 (Kindergarten) at the College;
- (c) a person with a disability who:
  - (i) under s.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, as a mandatory reporter, must give a written report about the suspicion to the College's Principal (or his delegate) or Director of College Board immediately.

The College Principal (or his delegate) or Director of College Board must immediately give a copy of the report to a Police Officer. The College Principal or Director of the College Board will then provide a written report to the staff member who made the written report details of the action taken.

If the first person who becomes aware or reasonably suspects likely sexual abuse is the College's Principal, the Principal, as a mandatory reporter, must give a written report about the suspicion to a Police Officer immediately and must also give a copy of the report to the Directors of the College Board.

A report under this section must include the particulars:

- (a) the name of the person giving the report (the **first person**);
- (b) the student's name and gender;
- (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 abuse the student;
  - (iii) the identity of anyone else who may have information about the suspected likelihood of abuse.

"Likely" is not defined in the legislation, and will take its ordinary meaning. "Likely" has been judicially considered as having a degree of probability that is greater than "possible" but less than "certain". For a consequence to be likely, it must be substantial and real and not remote.

As in the existing legislation, a person who makes a report under these provisions is protected from any criminal, civil or administrative liability, including defamation, and is relieved of their obligations of confidence.

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

Under Section 13E (3) of the Child Protection Act 1999, if a doctor, a registered nurse or teacher 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.

Note: In coming to a reportable suspicion it is advisable for a staff member to consult with the Director of Pastoral Care or the Principal, however, it is important to note that once a reportable suspicion has been formed, the teacher, as a mandatory reporter, must ensure a copy of the report has been given 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 or teacher, as a mandatory reporter, must give a written report about their reportable suspicion to the College's Principal or to a Director of the College Board immediately. The College Principal or Director of College Board must immediately give a copy of the 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 College Principal or Director of the College Board will then provide a written report to the staff member who made the written report details of the action taken.

If a teacher, as a mandatory reporter, believes a report submitted to the Principal or Director of the College Board has not been submitted to the relevant authority, teachers, as mandatory reporters, must give a written report about their reportable suspicion to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the Child Protection Act 1999).

A 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 knowledge.

### **Awareness**

The College will inform staff, students and parents of its processes relating to the health, safety and conduct of the staff and students in communications to them and it will publish these processes on its website.

### **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.

## 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.

## 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 College administration.

## Action Against a Staff Member

If the respondent to the report is a staff member, the Principal, with regard to duty of care towards other students, may take action such as suspending a staff member. In an extreme case when the risk is deemed to be unacceptable, this may include instant dismissal. Such action may precede the finalisation of court proceedings.

If a respondent to an allegation is a registered teacher, the College will give notification to the College of Teachers, if required to do so under the Education (Queensland College of Teachers) Act, 2005 (Qld).

## Complaints Procedure

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College's Grievance Policy.

## Related Policies and Documents

Report of Suspected Harm or Sexual Abuse Form

Child Protection Risk Management Strategy

Grievance Policy

Grievance Procedure

Work Health and Safety Policy

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