
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

This policy applies to 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 ATCNB and covers information about the reporting of harm and abuse.

REFERENCES

Child Protection Act 1999 (Qld)
Child Protection Regulation 2011 (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)
Working with Children (Risk Management and Screening) Act 2000 (Qld)
Working with Children (Risk Management and Screening) Regulations 2011 (Qld)
Education (Queensland College of Teachers) Act 2005 (Qld)
Australian Trade College North Brisbane Complaints Handling Policy
Australian Trade College North Brisbane Child Risk Management Strategy (for the working with Children (Risk Management and Screening) Act 2000 (Qld))
Australian Trade College North Brisbane Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))

POLICY

DEFINITIONS

Section 9 of the Child Protection Act 1999: "Harm", to a child (an individual under 18 years of age), 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 –
 - c) a single act, omission or circumstance; or
 - d) 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 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.

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.

Within this document, “Principal” is the management level employee who is directly responsible for the management of the college at the given point in time.

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'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.

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 students³.

REPORTING INAPPROPRIATE BEHAVIOUR

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to any member of staff they feel comfortable approaching. The following staff members have received training as contacts in child protection issues:

- Brett Kavanagh - Principal
- Jeff Sellen -Student Operations Manager⁴.

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 body⁵. Reports will be dealt with under the school’s Complaints Handling Policy.

REPORTING SEXUAL ABUSE⁶

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 pre-preparatory aged child registered in a pre-preparatory 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.

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 abuse⁷.

REPORTING LIKELY SEXUAL ABUSE⁸

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;
- 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
 - 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 Principal becomes aware or reasonably suspects likely sexual abuse, 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.

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 has abused, or is suspected to be likely to abuse, the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse⁹.

REPORTING PHYSICAL AND SEXUAL ABUSE¹⁰

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. For the avoidance of doubt, 'teacher' means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school.

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
- 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; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge¹¹.

For the avoidance of doubt, prescribed information per Section 10 of the *Child Protection Regulation 2011 (Qld)* is:

- 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;
- f) particulars of the identity of any other person who may be able to give information to which the reportable suspicion relates.

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 website¹²

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 annually¹³. A record of attendance by staff in induction training and annual refresher training will be maintained by the school. The appendix contains useful tools such as flowcharts to assist staff in training.

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 annually¹⁴.

ACCESSIBILITY OF PROCESSES

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 administration¹⁵.

COMPLAINTS PROCEDURE

Suggestions of non-compliance with the school's processes may be submitted as complaints under ATCNB's Complaints Policy¹⁶.

POLICY REVIEW

This policy will be reviewed for accuracy and completeness on an annual basis.

- 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)*
- ³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*
- ⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*
- ⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*
- ⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*
- ⁷ *Education (General Provisions) Regulation 2017 (Qld) s.68*
- ⁸ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*
- ⁹ *Education (General Provisions) Regulation 2017 (Qld) s.69*
- ¹⁰ *Education (Accreditation of Non-State Schools) Regulation 2006 (Qld) s.16(2)(d)*
- ¹¹ *See Child Protection Regulation 2011 (Qld) s.10 "information to be included in report to chief executive".*
- ¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*
- ¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*
- ¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*
- ¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*
- ¹⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*