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# CHILD PROTECTION POLICY

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## PURPOSE

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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.

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## SCOPE

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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 the Australian Trade College North Brisbane (ATCNB) and covers information about the reporting of harm and abuse.

For the avoidance of doubt, "school" in this policy means ATCNB.

ATCNB is a controlled entity of MRAEL Limited (MRAEL). MRAEL Limited is a subsidiary of Inner Northern Group Training Limited (IntoWork Australia). Both IntoWork Australia and MRAEL are not-for-profit organisations. As a result of this unique governance structure, additional internal reporting and escalation procedures are included in this policy (in addition to the usual school obligations prescribed by relevant legislation).

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## REFERENCES

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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)  
Working with Children (Risk Management and Screening) Act 2000 (Qld)  
Working with Children (Risk Management and Screening) Regulations 2020 (Qld)  
Criminal Code Act 1899 (sections 229BB and 229BC)  
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 Child Protection Decision Tree – Principal and Board  
Australian Trade College North Brisbane Child Protection Decision Tree – Teacher  
Australian Trade College North Brisbane Child Protection Decision Tree – Non Teaching Staff  
Australian Trade College North Brisbane Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))  
IntoWork Australia Incident Escalation of Reporting Procedure  
IntoWork Australia Minimum Levels of Delegated Authority – Subsidiary Companies

# POLICY

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## DEFINITIONS

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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 –
  - 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;
- 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 school at the given point in time.

## HEALTH AND SAFETY

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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

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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

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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

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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
- Megan Moore – Assistant Principal

### DEALING WITH A REPORT OF INAPPROPRIATE BEHAVIOUR

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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.

### REPORTING SEXUAL ABUSE<sup>6</sup>

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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.

Under section 366B of the Education (General Provisions) Act 2006 the directors of a school'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 school.)

Effective 23<sup>rd</sup> February 2022, the Board of Directors of Australian Trade College North Brisbane Ltd delegates the directors function as outlined in section 366 of the Education (General Provisions) Act 2006 to:

- Christine Zechowski – Chief Executive Officer, MRAEL Limited (the approved delegate). Contact Details: By email at [Christine.Zechowski@mrael.com.au](mailto:Christine.Zechowski@mrael.com.au) or by phone on 0418 708 721.

In the event that the approved delegate receives a report of abuse or suspected abuse, they must immediately fulfil the requirements of the directors' function outlined in section 366 of the Education (General Provisions) Act 2006. In addition, the approved delegate must complete internal reporting requirements as outlined in the IntoWork Australia Escalation of Reporting Procedure.

If the first person who 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>**

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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.

Under section 366B of the Education (General Provisions) Act 2006 the directors of a school'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 school.)

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In the event that the approved delegate receives a report of abuse or suspected abuse, they must immediately fulfil the requirements of the directors' function outlined in section 366 of the Education (General Provisions) Act 2006. In addition, the approved delegate must complete internal reporting requirements as outlined in the IntoWork Australia Escalation of Reporting Procedure.

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>.

## **REPORTING PHYSICAL AND SEXUAL ABUSE<sup>10</sup>**

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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. 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; 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 Child Safety, Seniors and Disability Services (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 basis on which the person has formed the reportable suspicion<sup>11</sup>;
- b) the child's name, age and sex descriptor;
- 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 about the harm to which the reportable suspicion relates<sup>12</sup>.

The Brisbane and Moreton Bay Child Safety Regional Intake Service can be contacted on 1300 682 254 during business hours. Outside of business hours, the Child Safety After Hours Service Centre can be contacted on 1800 177 135 (Queensland only).

## RESPONSIBILITIES UNDER CRIMINAL CODE ACT 1899 (QLD)

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The Criminal Code Act 1899 includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

### **Failure to Report<sup>13</sup>**

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. A reasonable excuse not to make a report under the Criminal Code Act 1899 includes that a report has already been made under the Education (General Provisions) Act 2006 (reporting sexual abuse or likely sexual abuse) and the Child Protection Act 1999 (reporting significant harm or risk of significant harm) as per this policy.

### **Failure to Protect<sup>14</sup>**

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

## AWARENESS

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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>15</sup>.

In addition to ATCNB's child protection processes being published on its website, staff, students and parents are made aware of the processes through the school newsletter, staff induction, annual refresher training, student assemblies and through information available from college reception.

## ACCESSIBILITY OF PROCESSES

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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>16</sup>.

## TRAINING

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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>17</sup>. A record of attendance by staff in induction training and annual refresher training will be maintained by the school. The school maintains useful tools such as flowcharts to assist staff in training.

## IMPLEMENTING THE PROCESSES

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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>18</sup>.

## ESCALATION OF REPORTING PROCEDURE

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The school follows the IntoWork Australia Escalation of Reporting Procedure to ensure appropriate escalation of reporting of incidents and occurrences to the appropriate level of management or board within its governance structure.

## COMPLAINTS PROCEDURE

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Suggestions of non-compliance with the school's processes may be submitted as complaints under ATCNB's Complaints Policy<sup>19</sup>.

Note: Reporting under this policy fulfils 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.

## POLICY REVIEW

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

## NOTES

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- <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> *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*
- <sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(d)*
- <sup>11</sup> *Child Protection Act 1999 s.13G (2)(a)*
- <sup>12</sup> *See Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"*
- <sup>13</sup> *Criminal Code Act 1899 (Qld) s.229BC*
- <sup>14</sup> *Criminal Code Act 1899 (Qld) s.229BB*
- <sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*
- <sup>16</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*
- <sup>17</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*
- <sup>18</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*
- <sup>19</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*