

## CHILD PROTECTION POLICY & PROCEDURAL STATEMENT 2017

### PURPOSE

The purpose of this Policy is to provide written processes about staff and students and about the appropriate conduct of the school's staff and students.

### 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 Noosa Pengari Steiner School, and covers information about the reporting of harm and abuse.

<b>Responsibility:</b>	School Governing Body		
<b>Point of Contact:</b>	Principal	<b>Policy Owner:</b>	School Board
<b>Status:</b>	Approved		
<b>Authorised by:</b>	School Board	<b>Date of Authorisation:</b>	23 January 2017

### References:

- [Child Protection Act 1999 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(General Provisions\) Regulation 2006 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Act 2001 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Regulation 2001 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Regulations 2011 \(Qld\)](#)

<b>Review Date:</b>	Annually	<b>Next Review Date:</b>	January 2018
<b>Supersedes:</b>	CHILD PROTECTION POLICY & PROCEDURAL STATEMENT 2016		

### DEFINITIONS AND LEGISLATION

- **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 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

## Relevant Legislation

### HEALTH AND SAFETY

The school has written policies in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation<sup>1</sup>.

### RESPONDING TO REPORTS OF HARM

When the school receives any information alleging 'harm'<sup>2</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>3</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>4</sup>.

### REPORTING INAPPROPRIATE BEHAVIOUR

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

(a) Well-being Officers: Liz Blomkamp and/or Sandra Quinlan

or

(b) Principal: Michael Layden<sup>5</sup>

### 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 board<sup>6</sup>. Reports will be dealt with under the school's Dispute Resolution Policy.

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<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(1)*

<sup>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(8)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3) and s.10(4)*

<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3)*

## REPORTING SEXUAL ABUSE<sup>7</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 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 board immediately.

The School's Principal or the director of the school's Board must immediately give a copy of the report to a police officer.

If the staff member 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 abuse<sup>6</sup>.

## REPORTING LIKELY SEXUAL ABUSE

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; 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.

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<sup>6</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68*

<sup>7</sup> *Education (General Provisions) Regulation 2006 (Qld) s.105 (a)*

*(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 366A to an appropriately qualified individual (this cannot be the Principal or any other staff member of the school). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function.)*

If the staff member who becomes aware or 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.

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 abuse<sup>8</sup>.

## REPORTING PHYSICAL AND SEXUAL ABUSE

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

The doctor, nurse or teacher 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 or teacher 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 knowledge<sup>9</sup>.

## 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>10</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 every two years.

<sup>8</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68A*

<sup>9</sup> *Child Protection Act 1999 (Qld) s.13G (2)*. There is no such regulation at 12 December 2014.

<sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

adapted from a template supplied by ISQ, January, 2013 and relating to:

Work Health and Safety POLICY/Employment Relations POLICY/Child Protection Policy/Staff and Student Health and Safety Statement./Complaints Management Procedure/Conflict and Harassment Resolution Procedure.

## 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<sup>11</sup>.

## 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 administration<sup>12</sup>.

## COMPLAINTS PROCEDURES

Suggestions of non-compliance with the school's processes may be submitted as complaints under the Noosa Pengari Steiner School Communications Pathways document.

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<sup>11</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

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