

<b>Purpose:</b>	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.	
<b>Scope:</b>	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>Status:</b>	Approved	<b>Supersedes:</b> Previous Policy
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> April 2023
<b>References:</b>	<ul style="list-style-type: none"> <li>• <u><i>Child Protection Act 1999 (Qld)</i></u></li> <li>• <u><i>Education (General Provisions) Act 2006 (Qld)</i></u></li> <li>• <u><i>Education (General Provisions) Regulation 2017 (Qld)</i></u></li> <li>• <u><i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i></u></li> <li>• <u><i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i></u></li> <li>• <u><i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i></u></li> <li>• <u><i>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</i></u></li> <li>• <i>Criminal Code Act 1899 229BB and 229BC</i></li> <li>• <i>Noosa Pengari Steiner School Complaints Handling Policy</i></li> <li>• <i>Noosa Pengari Steiner School Complaints Handling Procedure</i></li> <li>• <i>Noosa Pengari Steiner School Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))</i></li> <li>• <i>Noosa Pengari Steiner School Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))</i></li> <li>• <i>ISQ Child Protection Decision Support Tree for Principals, Teachers, Non-Teaching Staff</i></li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> April 2024
<b>Policy Owner:</b>	School Board	

## 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
    - 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.

## 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>.

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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)*

## Policy Statement

Noosa Pengari Steiner School (NPSS) is committed to ensuring the protection of the wellbeing of children and their childhoods. NPSS believes that harm to children can and should be minimised and works reflectively and continuously to ensure that the children in our care are as safe as they can possibly be.

As an institution we recognise the absolute importance of maintaining a healthy and safe environment for the children in our care, and towards that end our staff receive rigorous and ongoing workplace training and professional development regarding our shared reporting responsibilities around child protection.

NPSS acknowledges the duty of care that exists between a school and its students, and our staff strive to respect and honour that duty with the full support of our Board.

Our regular reviews of our respective communication processes and pathways have been designed to ensure the protection of all children within our school, and timely intervention and support where needed.

## Conduct of Staff and Students

All staff, contractors and volunteers must ensure 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 student should report the behaviour to:

- Well-Being Officer: Liz Blomkamp
- School Principal: Francis Klugman<sup>4</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 governing body<sup>5</sup>. Reports will be dealt with under the school's Complaints Handling Policy.

## 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.

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<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)*

then the staff member must give a written report (see Appendix 6) about the abuse or suspected abuse to the principal or to a director of 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 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 (see Appendix 6) 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;

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<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)*

- 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>

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.

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 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) the basis on which the person has formed the reportable suspicion<sup>11</sup>;
- b) the child's name and sex;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) 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;
- g) 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>.

Child Safety Regional Intake Service 1300 679 849

## Responsibilities under Criminal Code Act 1899 (Qld)

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 including students who are 18 years and over, parents/guardians and volunteers at the school; must report sexual offences against a child by another adult to police as soon

<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68A*

<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> See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

<sup>13</sup> See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

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. 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

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 the school's website<sup>15</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>16</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>17</sup>. Evidence of training will include certification from ISQ Child Protection training module, staff training register and staff induction process.

### 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>18</sup>.

### Complaints Procedure

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

#### APPENDICES

1. NPSS COMMUNICATIONS PATHWAYS FOR PARENTS
2. NPSS COMMUNICATIONS PATHWAYS FOR STAFF
3. NPSS CHILD PROTECTION DECISION SUPPORT TREE FOR NON-TEACHING STAFF
4. NPSS CHILD PROTECTION DECISION SUPPORT TREE FOR PRINCIPALS
5. NPSS CHILD PROTECTION DECISION SUPPORT TREE FOR TEACHERS
6. NPSS CHILD PROTECTION REPORTING FORM

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<sup>14</sup> See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

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

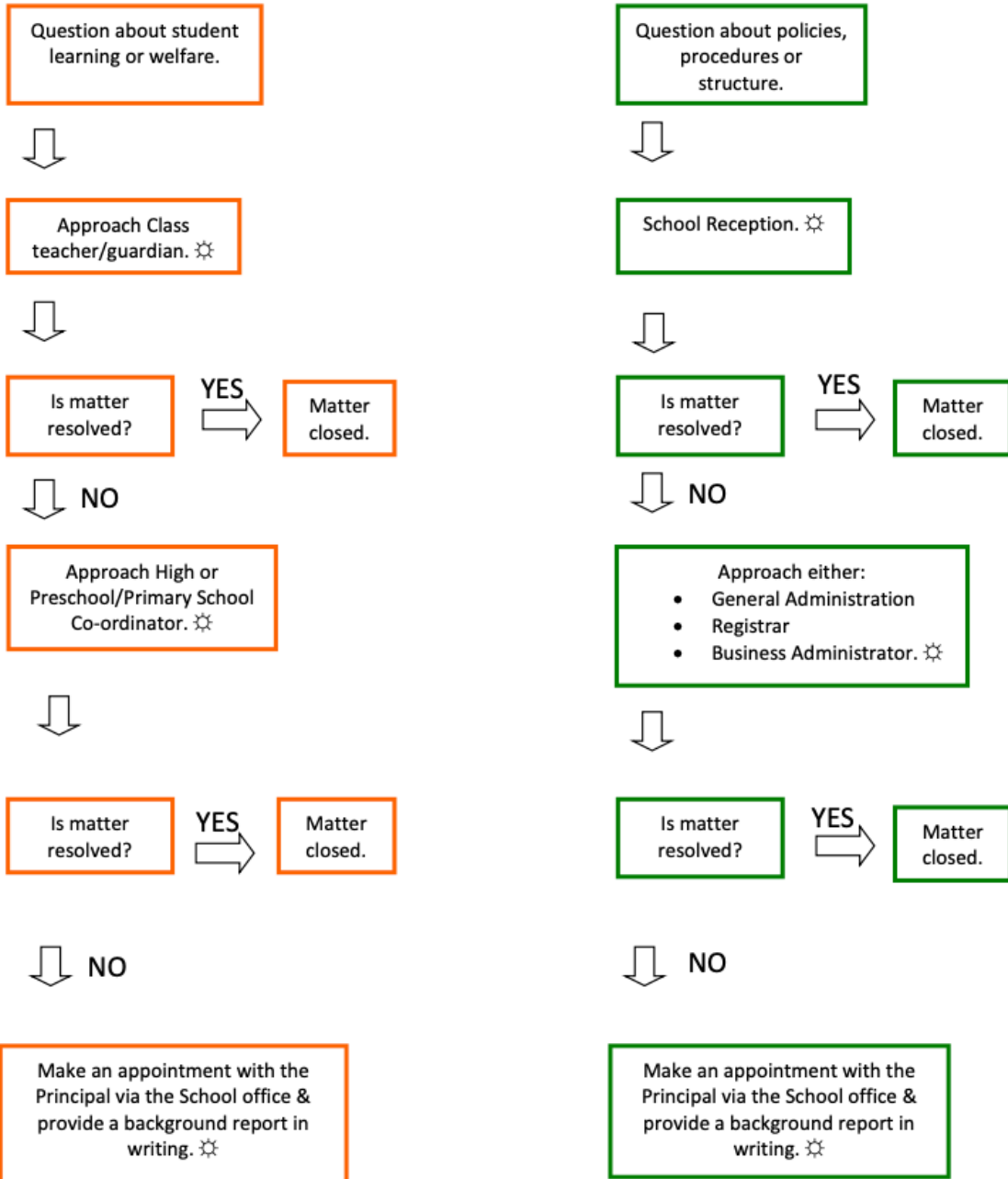
<sup>16</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

<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)*

## Noosa Pengari Steiner School Communication Pathways For Parents

What is the nature of your question?



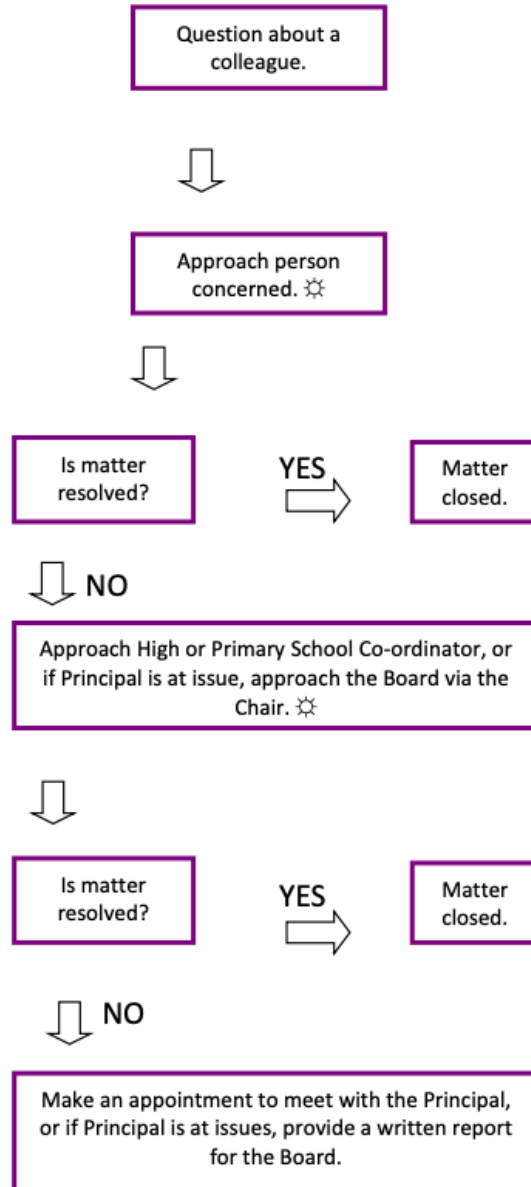
If issues are unresolved at the end of this process, they can progress to the School Board.

⚙️ Feel free to bring a support person.

Updated April 2019

## Noosa Pengari Steiner School Communication Pathways For Staff

What is the nature of your question?



⚙️ Feel free to bring a support person

Updated April 2019



I am a Teacher\* at a school



## Child Protection Decision Tree FOR TEACHERS

\* Teacher means an approved teacher under the Education (Queensland College of Teachers) Act 2005 employed at a school

During the course of my engagement I have become aware or formed a reasonable suspicion that a child has been harmed or is likely to be harmed.

Complete the school report form

A student is being sexually abused or is likely to be sexually abused or is the victim of a child sexual offence.  
*s366 and 366A of EGPA; and Criminal Code 229BC*

NO

YES

A student is being harmed due to physical, psychological or emotional abuse or neglect, or that a child is likely to be harmed in such a way.  
*s13E of CPA and s16(2)(a) of Accreditation Regulation*

Report to the Principal or a Director of the school's governing body **immediately**.  
The Principal or a Director of the school's governing body will report this to the police **immediately**.

SIGNIFICANT HARM TEST FULFILLED?  
The child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.

Check if a report also needs to be made to Child Safety under the CPA

YES

NO

PARENT TEST FULFILLED?  
The child may not have a parent, willing and able, to protect them from harm.

Principal may refer to FaCC with or without consent under the CPA

YES

NO

SIGNIFICANT HARM/PARENT TEST  
You can confer with your Principal when applying these tests and [use the Online Child Protection Guide](#)

Report to Child Safety as soon as reasonably practical.  
*CPA and/or school policy*

CPA: Child Protection Act 1999  
EGPA: Education (General Provisions) Act 2006  
FaCC: Family and Child Connect  
QCT: Education (Queensland College of Teachers) Act 2005  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

Disclaimer: This resource is intended as a guide only and should not replace a school's written processes for responding to harm.

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I am the Principal or Board Director of a school.



# Child Protection Decision Tree

## FOR PRINCIPALS AND BOARD DIRECTORS

During the course of my engagement, I have become aware (complete the school report form), or I have received a report from a staff member or volunteer, that there is a reasonable suspicion that a child has been harmed or is likely to be harmed.

A student is being sexually abused or is likely to be sexually abused, or is the victim of a child sexual offence.  
*s366 and 366A of EGPA; and Criminal Code 229BC*

NO

A student is being harmed due to physical, psychological or emotional abuse or neglect, or that a child is likely to be harmed in such a way.  
*s13E of CPA and s16(2)(a) of Accreditation Regulation*

YES



**Immediately** report to police and give a copy to the school's governing body

SIGNIFICANT HARM TEST FULFILLED?  
The child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.  
Use the Online Child Protection Guide

Check if a report also needs to be made to Child Safety under the CPA

YES

NO

PARENT TEST FULFILLED?  
The child may not have a parent, willing and able, to protect them from harm.  
Use the Online Child Protection Guide



Principal may refer to FaCC with or without consent under the CPA

IS THE HARM BEING CAUSED BY A TEACHER?  
If so, you have additional notification obligations under the OCT Act.

YES

NO



Report to Child Safety as soon as reasonably practical.  
*CPA; and/or school policy*

CPA: Child Protection Act 1999  
EGPA: Education (General Provisions) Act 2006  
FaCC: Family and Child Connect  
OCT: Education (Queensland College of Teachers) Act 2005  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

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I am a staff member at a school, other than a teacher\*.



During the course of my engagement I have become aware or formed a reasonable suspicion that a child has been harmed or is likely to be harmed.

A student is being harmed, or is likely to be harmed due to:

Sexual abuse  
Physical abuse  
Psychological/emotional abuse  
Neglect.

Or is the victim of a child sexual offence.  
EGPA s.366 & 366A; Criminal Code s.279B/C;

Complete the school report form



**Immediately** give the report to the Principal or a Director of the school's governing body.

If the report relates to sexual abuse or likely sexual abuse the Principal or a Director of the school's governing body will report this to the police immediately under the EGPA

They will also assess if a report to Child Safety or a referral to FaCC is required, as soon as is reasonably practicable, under the CRA and/or School Policy

## Child Protection Decision Tree

FOR  
NON-TEACHING  
STAFF

\*Teacher means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school

CRA: Child Protection Act 1999  
EGPA: Education (General Provisions) Act 2006  
FaCC: Family and Child Connect  
QCT: Education (Queensland College of Teachers) Act 2005  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

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**Private and Confidential (Submit to Principal)**

**Report of Suspected Harm or Sexual Abuse**

Date:
School:
School Phone:
School Email:
School Address:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Sex:
Year Level:	Cultural Background:
Primary language spoken:	
Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/>	
Does the student have a disability verified under EAP: Yes <input type="checkbox"/> No <input type="checkbox"/>	Disability Category:
Student's Residential Address:	Phone:
	Student's Personal Mobile:

FAMILY DETAILS	
Parent/caregiver 1:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W): (M):
Parent/caregiver 2:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W): (M):
Is the student in out of home care? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are there any Family Court or Domestic Violence orders in place? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	

PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE		
<input type="checkbox"/> Adult family member	<input type="checkbox"/> Child family member	<input type="checkbox"/> Other adult
<input type="checkbox"/> Student/other child	<input type="checkbox"/> Unknown	

**PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE** (Attach extra pages if necessary).

**Details of any harm and/or sexual abuse to the student** – please include: Time and date of the incident; location of the incident, source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.

Please indicate the identity and particulars of anyone else who may have information about the harm or abuse

Additional information provided as an attachment YES  NO

Name of staff member making report if not the Principal:

Position:	Signature:	Date:
Principal:	Signature:	Date:

Principal's email address:

Response requested by school:

**ACTION TAKEN**

Form was emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Child Safety, Youth and Women
	<input type="checkbox"/>	Family and Child Connect

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)

**Confirm receipt of emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.**