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| <b>POLICY</b>              | Child Protection Policy |   |                   |  |                    |  |
| <b>POLICY CODE</b>         | A                       |   |                   |  |                    |  |
| <b>RESPONSIBILITY</b>      | Board                   |   |                   |  |                    |  |
| <b>POLICY RELEASE DATE</b> | January 2017            |   |                   |  |                    |  |
| <b>REVIEWED AT LEAST</b>   | <b>Annually</b>         | X | <b>Biennially</b> |  | <b>Triennially</b> |  |
| <b>VERSION NUMBER</b>      | 1.04                    |   |                   |  |                    |  |

## PURPOSE

To provide written processes about the health and safety of A.B. Paterson College staff and students, and about the appropriate conduct of College staff and students that accord with legislation applying in Queensland about the care and protection of children.

## SCOPE

This policy applies to all staff, students, visitors, and volunteers at A.B. Paterson College and A.B. Paterson Early Childhood Centre. It covers information about the reporting of harm and likely sexual abuse; and inappropriate behaviour, harassment, and self-harm. This policy applies to all employees, volunteers, parents/carers, students, and people visiting the school.

For the purposes of this policy, references to 'students' include all persons enrolled and attending at the school, or who are attending the Early Childhood Centre.

Commencing 1 July 2017, section 13E of the Child Protection Act 1999 shall extend the mandatory reporting requirements to include Early Childhood Education and care professionals. Consequently, the decision has been made to extend the scope of reporting requirements *immediately* such that any reference to the responsibility of a "teacher" in this policy shall also extend to all early childhood educators.

## POLICY

### Associated Legislation

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

*Education (General Provisions Act) 2006 (Qld) (as amended)*

*Education (General Provisions) Regulation 2006 (Qld) (as amended)*

*Education (Queensland College of Teachers) Act 2005 (Qld) (as amended)*



*Education (Accreditation of Non-State Schools) Act 2001 (Qld) (as amended)*

*Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) (as amended)*

*Education (Accreditation of Non-State Schools) Transitional Regulation 2013 (Qld) (as amended)*

*Education Services for Overseas Students Act 2000 (Cth) (as amended)*

*Education (Overseas Students) Act 1996 (Qld) (as amended)*

*Child Protection (Offender Reporting) Act 2004 (Qld) (as amended)*

*Child Protection Act 1999 (Qld) (as amended)*

*Child Protection (Mandatory Reporting – Mason’s Law) Amendment Act 2016*

## **Definitions**

Employee means a person engaged to carry out work at A.B. Paterson College for financial reward.

Harm is defined in section 9 of the Child Protection Act 1999 (“the Act”) as:

- 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—
  - a) A single act, omission or circumstance; or
  - b) A series or combination of acts, omissions or circumstances.

Harm may be caused by (without limitation) physical abuse, psychological abuse, sexual abuse or exploitation, emotional abuse or neglect.

References to “teacher” in this policy includes staff members who are registered teachers, or hold permission to teach pursuant to the Education (Queensland College of Teachers) Act 2005, AND staff who are early childhood educators.

References to ‘students’ include all persons enrolled and attending at the College, or who are attending the Early Childhood Centre.

## **Principles and guidelines**

### **Principles:**

A.B. Paterson College and its employees and volunteers will uphold the following principles under this Policy:

- Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential.
- The College recognises that people who are subjected to abuse are harmed by it.
- At A.B. Paterson College, the welfare and best interests of the student will always be a primary consideration.
- A.B. Paterson College expects its students to show respect to all staff and volunteers and to comply with safe practices.



- All employees must ensure that their behaviour towards and relationships with students reflect proper standards of care for students, are not unlawful, and comply with A.B. Paterson College Child Protection Policy.
- Sexual acts or grooming behavior that may be a precursor to sexual abuse by an adult employee or volunteer with a student, will always be sexual abuse.
- A.B. Paterson College will respond diligently to a report of suspected or actual harm, or risk of harm to a student.
- Reprisals against students or others making a complaint will not be tolerated.
- Student management practices will be administered with respect and in a manner which maintains the student's dignity.
- A.B. Paterson College will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct.
- A.B. Paterson College will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a student.
- Any staff member or volunteer within A.B. Paterson College who becomes aware or reasonably suspects that a student is being harmed must report it to the School in accordance with the College's Procedures for Reporting Harm.
- A.B. Paterson College will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others or do not report harm or suspected harm.
- Pending investigation, A.B. Paterson College will not permit people to work in a position if the College believes on the basis of all information available, that if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.
- A.B. Paterson College will co-operate with relevant authorities in resolving allegations of harm.

### **Guidelines**

This Policy should be read in conjunction with the "Overview of Child Protection Policy – Information for Parents" and "Overview of Child Protection Policy – Information for Students."

In complying with these principles, A.B. Paterson College will be guided by the following:

### Natural Justice

The principles of natural justice will apply to decisions to be made under this Policy. The two fundamental principles of natural justice are:

- That those making a decision are not biased.
- That nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

### Process

It is important to make the lodging of a complaint easy.



### Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. A.B. Paterson College is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. Authorities can compel people to give evidence about actions under the Policy and to produce documents.

Where notifications are made pursuant to the Child Protection Act (Qld) 1999, those notifications will be kept with the utmost confidentiality pursuant to section 186 of the Act.

### Criminal Law

Where there are allegations of behaviour towards a student of the College (including a child in the early learning centre) that may constitute criminal conduct, the allegations will be referred to the police. Specifically, the Principal will refer all allegations of, or suspicion of, criminal acts, including sexual abuse, sexual assault, or grooming behaviour to the police.

### Defamation

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation.

### Promptness

All steps under the Policy will be carried out promptly. The College will keep the victim and the alleged perpetrator informed of progress to the extent that they are able to do so.

### Protection

The Principal will ensure that the following are undertaken in order to reduce the chance of harm occurring:

- Ensure that each staff member understands and fulfils their obligations under this Policy;
- Ensure that there is an acceptable reference for each staff member engaged since the commencement of this protocol, from his/her previous employer;
- Ensure that each non-teaching staff member and volunteer who has contact with children, and who requires a positive suitability notice, has a current positive suitability notice issued by Blue Card Services.
- Ensure that each teaching staff member is a Registered Teacher;
- Ensure that this Policy and documents supporting this policy, are provided to, and explained to all staff during their induction process, together with training them in relation to implementation of the policy;
- Ensure that this Policy and documents supporting this Policy are reviewed in staff professional development sessions once per year, including training on how to implement the processes required by this Policy;
- Ensure that copies of the Overview of Child Protection Policy – Information for Parents is published on the website and in the parent handbook; and



- Ensure that all year level coordinators ensure that at least once per year, it is discussed with students (at an age appropriate level and in an appropriate manner), that there is a Child Protection Policy, and how to report concerns, and where to find the “Overview of Child Protection Policy – Information Leaflet for Students” document on the school website.
- Ensure that this policy is published on the school website, and publicly available.

### Support

A.B. Paterson College will provide support for the victim through professional counselling if it is requested, even if any allegation is not yet proved or disproved. A.B. Paterson College will support the respondent to a complaint with professional counselling if it is requested until the matter has been resolved.

### Interviews

Where practical, there will be two representatives of the College present at interviews. In cases of allegations of serious harm, the College may choose to delay an interview to allow a properly qualified person to conduct the interview.

### Teachers

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).

### Public Relations

The Principal will ensure that, through this policy, the College is able to react quickly to allegations of harm so that accurate and relevant information is available for staff members, students and their families and for the media where necessary and appropriate.

### Police Action

The Principal will, after taking advice from its legal advisers and the police, decide whether to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. The Principal will seek advice from its legal advisers and the police regarding the duty of care to existing students which may involve the standing down of a staff member during an investigation. (The police are not required to inform the College about their investigation.)

### Insurer

The College will keep its insurer informed about developments where appropriate.



### Publication

The Principal will ensure that this policy is published:

- to staff members generally, at least once each year;
- to each new staff member, on induction;
- by reference to it in the school newsletter; and
- to staff through the Staff Portal.

The Principal will ensure that a copy of the full policy is always available upon request from the Principal's Office, and available on the College website.

Copies of the "Overview of Child Protection Policy – Information for Parents" and "Overview of Child Protection Policy – Information for Students" documents are available on the College website at all times.

### Review

The College will ensure that this Policy is reviewed at least once every year, and more frequently if required to give effect to legislative amendment.

### **Requirements for dealing with allegations of harm:**

#### **Reasonable suspicion of harm**

- It is College policy that all suspected harm to a student is reported to the Principal forthwith. This is to ensure that the Principal can take immediate steps to protect a student from harm if necessary.
- It is College policy that the Principal, will contact the relevant authority to report where necessary and appropriate.
- Teachers and nurses, as mandatory reporters, must provide a written report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (as amended) upon forming a "reasonable suspicion" that the child:
  - o Has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
  - o May not have a parent able and willing to protect the child from the harm

unless they believe that the Department of Communities, Child Safety and Disability Services has *already* been made aware of the matter.

In forming their view, staff are encouraged to confer with the Principal, to ensure that all information relevant to the decision is available and included in the report to the Department, and to ensure that the Principal may take appropriate (immediate) action to deal with suspected harm or risk of harm to a child if required to protect a child.

As a teacher, the Principal also has a mandatory reporting responsibility upon forming a reasonable suspicion, as set out above. If during the process of conferring the Principal



and/or teacher form a reportable suspicion, it would usually be the case that the Principal will make a written report to the Department and Police as may be appropriate incorporating both the information received from the teacher and the Principal, and provided the staff member receives prompt written confirmation from the Principal that all relevant information been reported (including showing the teacher a copy of the report made), the staff member is not required to separately report. This is because there would be reason to believe that the Department had been made aware of the matter already.

Nothing in the above is intended to prevent a mandatory reporter (teacher or nurse) from fulfilling their duties under the Child Protection Act.

You have 'reasonable grounds' to suspect harm if:

- A child or young person tells you they have been harmed
- Someone else, for example another child, a parent, or staff member, tells you that harm has occurred or is likely to occur
- A child or young person tells you they know of someone who has been harmed (it is possible they may be referring to themselves)
- You are concerned at significant changes in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries, or
- You see the harm happening

Disclosures of harm may sound like:

- "I think I saw ..."
- "Somebody told me that ..."
- "Just think you should know ..."
- "I'm not sure what I want you to do, but ..."

Any disclosure of harm is important and must be acted upon, regardless of whether:

- The harm to a child or young person has been caused by a person from within or outside the College community, or
- The child or young person disclosing the harm to you is from within or outside your organization.

It is not possible to conclusively list the types of observations that may give rise to suspect harm. It is expected that you will use your professional judgment, training and experience. When in doubt, the College expects staff to err on the side of caution and report the suspicions.



### The “Significant Harm Test”

When considering the significance of harm under mandatory reporting obligations, the Act provides guidance under section 13C.

The matters that the person may consider include—

- 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.

The person’s consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have. This recognises that a school staff member may detect an impact of harm for a child that the ordinary person may not identify.

### The “Parent Test”

A parent may be willing to protect a child, but not have capacity to do so and therefore they may not be 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 an 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”.

### What is sexual abuse?

Under the Education (General Provisions) Act 2006 s364, sexual abuse 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.

For clarity, any grooming behavior that may be a precursor to a sexual act is a form of sexual abuse and is unacceptable.



### **Staff obligations:**

Where the Principal is away or on leave, they may nominate a delegate to be the Acting Principal for a period. In such circumstances, the Principal's function is to be performed by their delegate, the Acting Principal.

Where an employee has concerns or is unsure whether or not observations should be cause for concern, it is a mandatory requirement of this policy that they report their concerns to the Principal or their delegate. Where staff have concerns, it is important that they feel free to confer with the Principal to share information relevant to their assessment as to whether there is suspicion that a child has suffered, is suffering or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse, and whether there is a parent willing and able to protect the child.

A student may tell any staff member of any concerns they have, including in relation to them not feeling safe, or concerns about the behaviour of another person (including by a staff member).

If a student tells a staff member of a concern they have, any concerns which appear to relate to inappropriate behaviour of another staff member are to be immediately notified to the Principal or their delegate via preparation of a Record of Communication.

Staff are to use their professional judgment in relation to appropriate escalation of concerns which do not relate to inappropriate behaviour of a staff member or abuse or harm of children.

Where concerns about inappropriate behaviour of another staff member are notified to the Principal, the Principal will then take such steps as they may consider appropriate. Concerns escalated to the Principal in relation to safety or harm of a student are to be dealt with in accordance with this policy.

Where staff form a reasonable suspicion that a student is being sexually abused, or is likely to be sexually abused, or has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse, staff must ensure a report is made to the Principal or a director as soon as possible. The report can be initially by communicating verbally with the Principal or a director without delay, and then providing a ROC (Record of Communication) on the usual ROC form to the Principal or a director as soon as possible after the initial report. The purpose of reporting verbally to the Principal is to ensure steps can be taken immediately to ensure the student's safety without delay. It is expected that the ROC will be provided as soon as possible thereafter.

Reports to a director are to be directed to the Company Secretary, who will ensure that a Director is provided with the material immediately and ensure that a Director is immediately available to respond to the report. To be clear, the Company Secretary is only acting in a capacity as a "mailbox" to ensure that the report receives the immediate



attention of one of the Directors – usually the Chairman or Deputy Chairman of the Board, or in the alternative a member of the Policy and Risk Committee.

The Principal, director or delegate, on behalf of the employee who made the original observation, will report the matter to the Queensland Police Service (and where necessary and appropriate, Department of Communities) in writing, on the “Report of Suspected Harm or Risk of Harm” form immediately, and will confirm with the employee in writing once the report is made. It may be that a verbal report is made initially, with a written report to follow in circumstances of urgency (for example, where the delay in preparing a written report is likely to expose a student to additional risk of harm). Where the Principal (or their delegate) or a director makes a report, they will inform the Teacher in writing that they have done so.

A teacher, whilst having a mandatory reporting obligation in circumstances where they consider there is a reportable suspicion, is not required to separately report where they know on reasonable grounds (such as written confirmation from the Principal) that the report has been made already (pursuant to the Child Protection Act 1999). If they are not aware that a report has been made already, then a teacher is required to comply with their mandatory reporting obligations.

Immediate reporting in writing to the police by the Principal, a director or their delegate, is mandatory where there is a reasonable suspicion that a student of the school has been sexually abused or is likely to be sexually abused, or harm caused to a child, or where the information indicates a criminal offence may have taken place, such as a sexual assault. At this time the employee concerned must be available to give a first-hand account of the situation.

A copy of any written report to the Chief Executive or to Police will be provided to the directors on the Policy and Risk Committee as soon as possible.

Where reports are made to the Queensland Police Service pursuant to the Education (General Provisions) Act, such reports must include:

- The name of the person giving the report;
- The Students name and sex;
- The details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person or is at risk of being sexually abused by another person;
- Details of the alleged abuse or suspected abuse;
- The student’s age, identity of the person who has been alleged to have or suspected to have abused the student, and the identity of anyone else who may have information about the abuse or suspected abuse.



Where reports are made to the Department of Communities pursuant to the *Child Protection Act*, such report must include:

- The child’s name and sex;
- The child’s age;
- Details of how to contact the child;
- Details of the harm to which the reportable suspicion relates;
- Particulars of the identity of the person suspected of causing the child to have suffered, suffer or be at risk of suffering the harm; and
- Particulars of the identity of any person who may be able to give information about the harm.

It should be noted that the role of the employee is not an investigative one. Staff must not undertake investigations beyond satisfying themselves that they have reasonable grounds to suspect that a student has been harmed, or is at risk of harm. Neither the employee nor the Principal is obliged to obtain proof, establish the cause of harm or assess its severity.

Once a report has been made, the employee is not required to take further action, beyond the requirement to exercise a duty of care.

**Summary of Procedures for reporting harm**

**Actions required:**

| Who              | What Abuse         | Test  | Report to  |
|------------------|--------------------|---|--|
| All staff        | Sexual             | Awareness or a reasonable suspicion<br><br>Sexually abused or likely to be sexually abused<br><br>Must be of a student or pre-prep student of the College | Principal or delegate or board member.<br>Principal, delegate or board member to then report through to Police   |
| Teacher or Nurse | Sexual or physical | Has suffered, is suffering or is at an unacceptable risk of suffering significant harm<br><br>Parent may be unwilling and unable to protect               | Principal, Principal to then report through to Child Safety.<br>Teacher/Nurse is not required to report separately if they are aware that the Principal has already done so.<br><br>If it is sexual, also report to Police as per above. |



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| All Staff                | Physical, psychological, emotional, neglect, exploitation | Significant harm<br><br>Parent unwilling and unable                                | Principal, Principal to then report through to Child Safety             |
| Principal                | Any   | Not of a level that is otherwise reportable to Child Safety, refer without consent | Family and Child Connect  |
| All Staff                | Any   | Not of a level that is otherwise reportable to Child Safety, refer without consent | Principal, Principal to then report through to Family and Child Connect |
| Any member of the public | Any   | Reasonable suspicion that a child may be in need of protection (or unborn child)   | Child Safety  |

### **Complaints**

All complaints, including in relation to complaints about non-compliance with this policy or procedures pursuant to this policy, can be made in accordance with the Colleges "Complaints and Grievance Policy".

### **Overseas students**

It is College policy that no overseas student may attend the College unless residing with a responsible family member, who is therefore responsible for providing proof of relationship to the Department of Immigration for the purposes of their visa application. This policy should be read in conjunction with the CRICOS policy.

In the event that a concern or suspicion is raised in relation to harm to an overseas student, that will be reported in the normal course as set out in this policy.

### **Evidence**

The investigation of these matters is a complex and sensitive process. In the course of an investigation, officers from the child protection agencies may request permission to interview the student concerned. In order to ensure the interests of the child are protected, the student may be interviewed before the matter is discussed with the parent/caregiver.

The responsibility for informing parents/caregivers of notifications and any interviews rests with the investigating child protection agency officers, not with the Principal. Section 186(2) of the Child Protection Act 1999 requires that any information as to who has made a notification cannot be disclosed except in specific circumstances that would rarely apply to a school. For this reason, any person making an inquiry or complaint concerning an investigation or an interview must be promptly referred to the Principal who will take the appropriate action.



Copies of the notifications made will be placed in a separate file to be securely stored in the Principal's office and are not to be opened except with the approval of the Principal. Electronic files will be password protected. Copies of notifications will be redacted if they fall within the category of documents requested by subpoena to ensure that the notifier's identity, nor information that may allow a person to deduce the identity of the notifier, is made available.

Section 197A of the Child Protection Act 1999 provides that a person who gives the notification or information about suspected harm to a child is not liable, civilly, criminally or under an administrative process. It also states that merely because the person gives the notification, the person cannot be held to have breached any code of professional etiquette or ethics, or departed from accepted standards of professional conduct. Furthermore, Section 366(5) of the Education (General Provisions) Act 2006 provides similar protection with respect to reports of sexual abuse.