

# CHILD PROTECTION POLICY



Brisbane Montessori School (BMS) recognises the continuing connection of Aboriginal and Torres Strait Islander peoples to the Country on which we live, work, learn and grow. Our school is situated on contested space. We pay respect to the Yuggera peoples and the Turrbul peoples and their Elders, past, present and future. BMS is working towards a vision for reconciliation. We commit to creating a culturally safe and inclusive environment in which Aboriginal and Torres Strait Islander students, staff and families are empowered, and their cultural identity is respected and celebrated.

## 1. 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.

## 2. 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 Brisbane Montessori School.

<b>Status:</b>	February 2025	<b>Supersedes:</b>	March 2024
<b>Authorised by:</b>	School Board	<b>Date of Authorisation:</b>	February, 2025
<b>Review Date:</b>	Annually		
<b>Next Review Date:</b>	February 2026		
<b>Policy Owner:</b>	School Board		

### Appendix List:

**Appendix A** – Report of Suspected Harm or Sexual Abuse

**Appendix B** – Child Protection Code of Conduct Declaration

## 3. Definitions

**3.1 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. It is immaterial how the harm is caused.

- a) Harm can be caused by:
- physical, psychological or emotional abuse or neglect; or
  - sexual abuse or exploitation.

b) Harm can be caused by:

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

**3.2 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.

**3.3 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.

## 4. Policy

### 4.1. 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).

### 4.2. 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>.

### 4.3. 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>3</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)*

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

## 5. Reporting Inappropriate Behaviour

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

- Student Protection Officer (Head of Children's House; Head of Primary; or Director of Student Support); or
- Principal<sup>4</sup>

## 6. Dealing with Reports 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 and Grievance Handling Policy.

## 7. 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.

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 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 descriptor;
- 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>.

<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)*

## 8. 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 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 descriptor;
- 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>.

<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*

## 9. 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 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.

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 Children, Youth Justice and Multicultural Affairs (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 and sex descriptor;

- 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, Brisbane
  - Phone: 1300 682 254

Note: business hours are from 9am to 5pm Monday to Friday. Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone free call 1800 177 135 (Queensland only).

## 10. 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.

<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"*

## 11. 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.

## 12. 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.

## 13. 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>15</sup>.

The school's governing body ensures that staff, students and parents are made aware of the school's child protection processes. Evidence of this includes: publishing of Child Protection policies on the school website, through the school's Pathways newsletters, through staff induction

and induction checklist paperwork, in enrolment interviews, and the availability of child protection processes from the school office, when requested.

## 14. 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>.

## 15. 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>.

<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)*

The school's governing body ensures that staff are trained in implementing the school's child protection processes. Evidence of this includes: monthly board reporting from the Principal that includes a Child Protection Register and a Register of Complaints table; staff completion of child protection training register (annual training requirement), discussion at staff meetings with printed staff meeting agendas for governing body accessibility, and BMS staff induction checklist paperwork.

## 16. 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>.

## 17. Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under 7.5 Complaints and Grievance Handling Policy May 2023<sup>19</sup>.

<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)*

## 18. References:

- [\*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 \(sections 229BB and 229BC\)\*](#)
- Brisbane Montessori School Complaints and Grievance Handling Policy
- Brisbane Montessori School Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*)
- Brisbane Montessori School Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (Qld)*)

## PRIVATE AND CONFIDENTIAL

### 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 descriptor:
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 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:**

<b>Position:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Principal:</b>	<b>Signature:</b>	<b>Date:</b>

**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, Seniors and Disability Services
	<input type="checkbox"/>	Family and Child Connect
	<input type="checkbox"/>	Queensland College of Teachers

(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.**

## APPENDIX B

### CHILD PROTECTION CODE OF CONDUCT DECLARATION

Brisbane Montessori School is committed to the safety and well-being of children and young people.

Our school recognises the importance of, and responsibility for, ensuring a safe and supportive environment that respects and fosters the dignity and self-esteem of children and young people.

This Code of Conduct, together with the Child Risk Management Strategy and Child Protection Policy, aims to protect children and reduce any opportunities for child abuse or harm to occur.

All employees, contractors and volunteers involved in child-related work are required to comply with the Child Protection Policy by observing expectations for appropriate behaviour as specified below.

This Code of Conduct applies in organisational situations, including in the use of digital technology and social media.

To acknowledge an understanding of the Brisbane Montessori School expectations, an employee, contractor or volunteer is required to read and accept the below.

I will:

- Act in accordance with the Child Protection Risk Management Strategy;
- Act in accordance with the Child Protection Policy and Procedures;
- Listen and respond to the view and concerns of children, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well;
- Promote the human rights, safety and wellbeing of all children as part of my practice at Brisbane Montessori School, respecting their diverse backgrounds and support needs;
- Demonstrate appropriate personal and professional boundaries when working with children and families;
- Maintain an environment that promotes and enables children's participation and that is welcoming, culturally safe and inclusive for all children and their families;
- Involve children in choices and decision making specific to their well-being;
- Support the inclusion of children's views in the review and development of Brisbane Montessori School policies, procedures and activities relative to children and family well-being;
- Identify and mitigate risks to children's safety and well-being, adhering to practice procedures at all times;
- Respond to any concerns or complaints of child harm or abuse promptly and in line with the Child Protection Policy;
- Report all suspected or disclosed child harm or abuse as required by legislation and the Child Protection Policy; and
- Comply with the Information Privacy Act 2011 and the BMS Privacy Policy.

I will not:

- Engage in any unlawful activity with or in relation to a child;
- Engage in any activity that is likely to physically, sexually or emotionally harm a child;
- Unlawfully discriminate against any child or their family members;
- Be alone with a child unnecessarily;
- Arrange personal contact, including online contact, with children I am working with for a purpose unrelated to school activities;

- Disclose personal or sensitive information about a child, including images of a child, unless the child and their parent or legal guardian consent or unless I am required to do so by the law or by BMS policy and procedure on reporting;
- Use inappropriate language in the presence of children or show or provide children with access to inappropriate images or material;
- Use any computer, mobile phone, or video and digital camera to exploit or harass children or expose children to offensive or sexualised content;
- Work with children while under the influence of alcohol or prohibited drugs;
- Exchange personal contact details with a child such as a phone number, social networking sites or email address; or
- Ignore or disregard any suspected or disclosed child harm or abuse.

If I believe that this Code of Conduct has been breached by another person, I will:

- Act to prioritise the best interests of children;
- Take actions promptly to ensure that children are safe; and
- Promptly report any concerns to my reporting manager.

This Code of Conduct requires you to have also read and understood these BMS documents:

- Child Risk Management Strategy; and
- Child Protection Policy and Procedures.

**ACKNOWLEDGEMENT OF THIS DOCUMENT IN EMPLOYMENT HERO IS REQUIRED AND IS TAKEN AS YOUR AGREEMENT THAT YOU HAVE READ, UNDERSTOOD, AND AGREED TO COMPLY WITH THE TERMS OF THE CHILD PROTECTION CODE OF CONDUCT.**