



## Child Protection Policy

### PURPOSE OF THE POLICY

The purpose of this policy is to provide a policy as part of St James Lutheran College's written processes about how the school will respond to harm, or allegations of harm, to students under 18 years old, and the appropriate conduct of the school's staff and students, to comply with accreditation requirements and the relevant legislation listed below.

#### 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 St James Lutheran College and covers information about the reporting of harm and abuse.

#### Responsibility

School Council

#### Point of Contact

Principal

### LEGISLATION

- [Child Protection Act 1999 \(Qld\)](#)
- [Child Protection Regulation 2011 \(Qld\)](#)
- [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 \(Risk Management and Screening\) Regulation 2020 \(Qld\)](#)
- [Education \(Queensland College of Teachers\) Act 2005 \(Qld\)](#)

### RELATED SCHOOL POLICIES / PROCEDURES

- *St James Lutheran College Dispute Resolution / Complaints Handling Policy / Procedures*
- *St James Lutheran College Child Risk Management Strategy (for the Working with Children (Risk Management and Screening ACT 2000 (QLD))*
- *St James Lutheran College Work Health and Safety Policy (for the [Work Health and Safety Act 2011 \(Qld\)](#))*
- *St James Lutheran College Code of Conduct for Staff*
- *St James Lutheran College Behaviour Management Policy / Procedures*

### 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; 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

### HEALTH AND SAFETY

The school has written processes 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. Included in the consideration of how this should best be dealt with by the school, reference needs to be made to the school’s Code of Conduct for Staff, the Student Behaviour Management Policy and Procedures, Anti-bullying and/or anti-harassment policy, and external support agencies depending on who is alleged to have caused the harm and where it is alleged to have occurred.

<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.15*

<sup>2</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)*

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The incident reporting template (Appendix 1) should be completed and forwarded to the relevant staff member best placed to deal with such reports. If in doubt, the appropriate person to receive the report is the school's Principal. In instances where the Principal is the person alleged to have caused the harm, the report should be forwarded to a member of the school's governing body.

### 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>. The school's Code of Conduct for Staff outlines the behavioural expectations in this regard.

### REPORTING INAPPROPRIATE BEHAVIOUR

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

- Principal or
- Head of the relevant sub-school<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 Dispute Resolution/Complaints Handling Policy and/or Procedures.

### 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;

<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>The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the *Education (General Provisions) Act 2006* to the Executive Director, Lutheran Education Queensland in line with s366B.

<sup>8</sup>*Education (General Provisions) Regulation 2017 (Qld) s.68*

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then the staff member must give a written report about the abuse or suspected abuse to the Principal or to the Executive Director<sup>7</sup> of Lutheran Education Queensland ([director@leq.lutheran.edu.au](mailto:director@leq.lutheran.edu.au)) immediately.

The school's Principal or Executive Director of Lutheran Education Queensland 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 immediately give a written report about the abuse, or suspected abuse to a police officer and a copy of the report to the Executive Director of Lutheran Education Queensland.

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>8</sup>.

The reporting form attached as Appendix 1 is consistent with these requirements.

### REPORTING LIKELY SEXUAL ABUSE<sup>9</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 the Executive Director<sup>10</sup> of Lutheran Education Queensland ([director@leq.lutheran.edu.au](mailto:director@leq.lutheran.edu.au)) immediately.

The school's Principal or the Executive Director of Lutheran Education Queensland 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 immediately give a written report about the suspicion to a police officer and a copy of the report to the Executive Director of Lutheran Education Queensland.

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;

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- iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>11</sup>.

The reporting form attached as Appendix 1 is consistent with these requirements.

### REPORTING PHYSICAL AND SEXUAL ABUSE WHERE THE CHILD MAY NOT HAVE A PARENT ABLE AND WILLING TO PROTECT THEM FROM THE HARM <sup>12</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, an early education and care professional 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.

<sup>9</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

<sup>10</sup> *The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the Education (General Provisions) Act 2006 to the Executive Director, Lutheran Education Queensland in line with s 366B.*

<sup>11</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68A*

<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(d)*

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, early education and care professional 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, early education and care professional or teacher should then 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>13</sup>.

### REPORTING TEMPLATE

A reporting template which is compliant with the relevant Regulations and consistent with Education Queensland's SP4 Form is attached as Appendix 1.

### AWARENESS AND ACCESSIBILITY OF THE POLICY AND PROCEDURES

The school will inform staff, students and parents of its procedures relating to the health, safety and conduct of staff and students in written communications to them at least twice per year and it will publish these procedures for their access on its website and in hard copy format at the school office<sup>14</sup>.



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### TRAINING

The school will train its staff in procedures relating to the health, safety and conduct of staff and students on their induction and will refresh training ANNUALLY<sup>15</sup>. A record of attendance by staff in induction training and annual refresher sessions will be maintained by the school.

### IMPLEMENTING THE POLICY AND PROCEDURES

The school will ensure it is implementing procedures relating to the health, safety and conduct of staff and students by auditing compliance with the procedures annually<sup>16</sup>.

### COMPLAINTS PROCEDURE

Suggestions of non-compliance with the school's processes may be submitted as complaints under St James Lutheran College Complaints Policy.<sup>17</sup>

<sup>13</sup> *Child Protection Regulation 2011 s.10(a) to (f).*

<sup>14</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a) and 16(4)(b)*

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

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

<sup>17</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*



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### IMPORTANT CONTACT DETAILS

Queensland Police Service	000 (in emergency) or 4128 5333
Department of Child Safety, Youth and Women	1800 177 135 or (07) 3235 9999
Family and Child Connect	13 32 64 or at <a href="https://familychildconnect.org.au/">https://familychildconnect.org.au/</a>
Queensland College of Teachers	(07) 3377 4777

To report harm and suspected harm please follow the link below

<https://secure.communities.qld.gov.au/cbir/home/ChildSafety#>

### POLICY RELEASE DETAILS

***Date of Policy***

January 2021

***Approved by School Governing Board***

February 2021

***Review Date***

Annually – Reviewed, February 2022





<b>PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE</b> (Attach extra pages if necessary).
<b>Details of any harm and/or sexual abuse to the student</b> – please include: Time and date 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; parenting and protective capacity; 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.
<b>Please indicate the identity of anyone else who may have information about the harm or abuse</b>
<b>Additional information provided as an attachment</b> YES <input type="checkbox"/> NO <input type="checkbox"/>

<b>Name of staff member making report to the Statutory Agency:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Position:</b>		
<b>Email address of reporting staff member:</b>		

ACTION TAKEN		
Form was faxed or 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 faxed or emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.**