

CHILD PROTECTION POLICY 2020

Child Protection Policy

Purpose

The purpose of this policy is to provide written processes about –

- (a) how St. Michael's College will respond to harm, or allegations or harm, to students under 18 years old, and
- (b) the appropriate conduct of St. Michael's College staff and students,

to comply with accreditation requirements.

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. Michael's College and covers information about the reporting of harm and abuse.

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 2011 \(Qld\)](#)
- [St. Michael's College Dispute Resolution Policy](#)
- [St. Michael's College Child Risk Management Strategy \(for the Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)\)](#)
- [St. Michael's College Work Health and Safety Policy \(for the Work Health and Safety Act 2011 \(Qld\)\)](#)

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
- 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

St. Michael's College 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 St. Michael's College receives any information alleging 'harm' 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 St. Michael's College Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

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.

Reporting Inappropriate Behaviour

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

- Sister Veronica (Dean of Pastoral Care)
- Chrissy Wellwood (Deputy Principal)
- Chris Allom (Principal)

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 St. Michael's College Board of Directors. Reports will be dealt with under the St. Michael's College Dispute Resolution (Complaints) Policy

Reporting Sexual Abuse

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 St. Michael's College, that any of the following has been sexually abused by another person,

- a) a student under 18 years attending St. Michael's College
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at St. Michael's College
- 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 St. Michael's College
 - ii. is not enrolled in the preparatory year at St. Michael's College.

then the staff member must give a written report about the abuse or suspected abuse to the Principal or to a Chair of the St. Michael's College Board immediately.

The Principal of St. Michael's College or the Chair of the St. Michael's College Board 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 Principal of St. Michael's College, 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 the Chair of the St. Michael's College Board.

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.

Reporting Likely Sexual Abuse

Section 366A of the Education (General Provisions) Act 2006 states that if a staff member reasonably suspects in the course of their employment at St. Michael's College, that any of the following is likely to be sexually abused by another person,

- a) a student under 18 years attending St. Michael's College
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at St. Michael's College
- 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 St. Michael's College
 - ii. is not enrolled in the preparatory year at St. Michael's College

then the staff member must give a written report about the suspicion to the Principal or to Chair of the St. Michael's College Board immediately.

The Principal of St. Michael's College or Chair of the St. Michael's College Board must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the Principal of St. Michael's College, 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 the Chair of the St. Michael's College Board.

A report under this section must include the following particulars: -

- a) the name of the person giving the report (the first person)
- b) the student's name and sex
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person
- d) any of the following information of which the first person is aware: -
 - i. the student's age
 - ii. the identity of the person who has abused, or is suspected to be likely to abuse, the student
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse.

Reporting Physical and Sexual Abuse

Under Section 13E (3) of the Child Protection Act 1999, if a doctor, a registered nurse or a teacher forms a 'reportable suspicion' about a child in the course of their engagement in their profession, they must make a written report.

A **reportable suspicion** about a child is a reasonable suspicion that the child: -

- a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse or teacher must give a written report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the Child Protection Act 1999). The doctor, nurse or teacher should give a copy of the report to the Principal.

A report under this section must include the following particulars: -

- a) state the basis on which the person has formed the reportable suspicion

- b) include the information prescribed by regulation, to the extent of the person's knowledge.

Flow Chart for Receiving and Documenting a Disclosure

Disclosures of harm

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 your organisation, or
- The child or young person disclosing the harm to you is from within or outside your organisation.

It is crucial to have procedures in place so any disclosure from an adult, child or young person is dealt with efficiently and effectively.

What to do when a disclosure is made

- Don't panic
- Find a private place to talk
- Listen
- Believe the person, and
- Don't ask leading questions
- Do not promise to keep it a secret

It is NOT the role of the person receiving a disclosure or a report to investigate allegations of harm. He/she should only ask enough questions to confirm the need to report the matter to the Queensland Police Service or the Department of Child Safety. The safety of the child or young person is paramount. Unnecessary questions or interviews could cause distress, confusion and interfere with any subsequent investigation authorities undertake.

St. Michael's College will not:

- Conduct its own investigation to substantiate claims
- Hold its own internal hearing, or
- Attempt to mediate a settlement of the matter instead of notifying relevant authorities.

Investigations conducted by your organisation could lead to:

- The destruction of evidence by an accused person
- Intimidation of the person disclosing the information, or
- Intimidation of the child or young person being harmed (if the disclosure was made by somebody else).

Remember, when a person makes a report to the Department of Child Safety or the Queensland Police Service, his/her details are kept confidential and the person's identity is strictly protected. For more information, about what happens when a report is made go to: www.childsafety.qld.gov.au/child-protection/report-process.html.

Documenting a Disclosure

- Complete the enclosed "Report of Suspected Harm or Risk" form
- Ensure you have included: time, date and place of disclosure. As much as possible, 'word for word' what happened and what was said, including anything you said or any actions you have taken
- Submit to the Principal

Following a disclosure:

- Support and counselling will be offered to all parties involved.

Awareness

St. Michael's College 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. The St. Michael's College Child Protection Policy will be published on the St. Michael's College website and is available from reception. The St. Michael's College Child Protection Policy is provided to all staff annually and at staff/volunteer induction.

Training

St. Michael's College will train its staff/volunteers in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually.

St. Michael's College will train its staff in processes relating to Child Protection annually (at the beginning of each year) and at induction. Staff/volunteers sign an acknowledgment of understanding the St. Michael's College Child Protection Policy

The Principal reports annually, to the St. Michael's College Board of Directors, outlining when all staff completed Child Protection training.

Implementing the Processes

St. Michael's College will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually.

Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the St. Michael's College website and will be available on request from administration.

Complaints Procedure

Suggestions of non-compliance with St. Michael's College processes may be submitted as complaints under St. Michael's College Dispute Resolution (Complaints) Policy.

Policy Release Dates

Date of Policy:	Jan 2020	Supersedes:	Previous
Authorised by:	Board Chair	Date of Authorisation:	Feb 2020
Review Date:	Annually	Next Review Date:	Jan 2021
Policy Owner:	St. Michael's College Board.		

Appendices

- Appendix 1 - Summary of Reporting Harm
- Appendix 2 – Report of Suspected Harm or Sexual Abuse Form



Appendix 1

Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation	Status
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal, through to Police	EGPA, sections 366 and 366A	Unchanged
Teacher	Sexual and physical	Significant harm Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G	New
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 10	Amended
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M	New
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M	New
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A	Unchanged



Appendix 2

Private and Confidential Report of Suspected Harm or Sexual Abuse

Date:
School:
School Phone:
School Fax:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
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"/>	

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; 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 to the Statutory Agency if not the Principal: Position:	Signature:	Date:
Principal:	Signature:	Date:
Principal's email address:		
Response requested by school:		

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 Communities (Child Safety Services)
	<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.