



# Student Protection Policy

Review Period	Last Review	Next Review
Annually	February 2024	February 2025

## Section 1 - Purpose

To set the student safety and mandatory reporting standards at Ipswich Grammar School (**the School**).

## Section 2 - Overview

The School has an ethical and legal responsibility to ensure that all suspicions of harm to a student are reported promptly and via the appropriate procedures.

This policy, together with the procedures and other resources referred to herein, has been developed to ensure appropriate measures and processes are applied to student wellbeing.

## Section 3 - Scope

This policy applies to all the Board of Trustees, students, parents, and staff, as well as contractors, volunteers and people undertaking work experience or vocational placements at the School.

The School seeks to create an environment where staff, students and parents are encouraged to, and feel comfortable in raising concerns and reporting under this Policy.

## Section 4 – Policy

### Principles

The School is committed to:

- providing high quality, consistent and transparent documents for staff, students, the Board and affiliates of the Schools
- maintaining segregation of duties where possible, or appropriate review mechanisms to ensure clear procedures and the safety of students;
- maintaining proper child safety records and systems, and other records, in accordance with current legislation and requirements;
- establishing and maintaining measures to minimise and manage risk to student wellbeing; and
- complying with external reporting and other information provision requirements.

### Sexual Abuse of Children

All staff, contractors, and volunteers must ensure that their behaviour and relationships with students reflect proper standards of care for students. Staff, contractors, and volunteers must not cause harm to students.

The School will ensure that applicable staff, volunteers and contractors hold a positive notice (blue card) if required by the *Working with Children (Risk Management and Screening) Act 2000* (Qld) and associated regulations, prior to commencing duty.

#### Responsibilities under Criminal Code Act 1899 (Qld)

The *Criminal Code Act 1899* (Qld) (**the Criminal Code**) 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

Under section 229BC of the Criminal Code, all adults must report sexual offences committed or has been committed against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Adults include students 18 years or over, parents and guardians and volunteers of the School.

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 includes that a report has already been made under the *Education (General Provisions) Act 2006* (Qld) (reporting sexual abuse or likely sexual abuse) and the *Child Protection Act 1999* (Qld) (reporting significant harm or risk of significant harm) as per this policy.

### Failure to Protect

Under section 229BB of the Criminal 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.

### Reporting Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to any of the following: Headmaster, Deputy Headmaster, Dean of Students, School Counsellor, the relevant Head of Year, Head of Junior School, or the Director of Boarding.

### Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it in accordance with the School's reporting process (**Student Protection Procedures**). Where the Headmaster is the subject of the report of inappropriate behaviour, the staff member must inform the Chair of the Board.

If an incident involves a teacher at the School, in accordance with section 76 of the *Education (Queensland College of Teachers) Act 2005* (Qld), the Headmaster of the School will report, as soon as practicable after the School starts to deal with the allegation, to the Queensland College of Teachers any investigations into allegations of harm caused, or likely to be caused, to a student because of the conduct of a relevant teacher at the School.

### Reporting Sexual Abuse

Section 366 of the *Education (General Provisions) Act 2006* (Qld) state 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 student under 18 years attending the School;
- a kindergarten aged child registered in a kindergarten learning program at the School;
- a person with a disability who:
  - under section 420(2) of the *Education (General Provisions) Act 2006* (Qld) is being provided with special education at the School; and
  - is not enrolled in the preparatory year at the School;

then the staff member must immediately give a written report about the abuse or suspected abuse to the Headmaster or the Chair of the Board. In this regard, the reporting functions assigned to the director of the school's governing body under section 366 and 366A the *Education (General Provisions) Act 2006* (Qld) have been delegated to the Chair of the Board.

The School's Headmaster or Chair of the Board must immediately give a copy of the report to a police officer.

If the first person to become aware is the School's Headmaster, the Headmaster must give a written report about the abuse, or suspected abuse to a police officer immediately and must also immediately give a copy of the report to the Chair of the Board. See section *Mandatory reporting of Physical and Sexual Abuse* for reporting requirements of the Headmaster to external services.

A report under this section must include the following particulars:

- the name of the person giving the report (the first person);
- the student's name and sex descriptor;
- the student's age;
- details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person; and
- details of the abuse or suspected abuse.

A report under this section must also include any of the following information of which the first person is aware:

- the identity of the person who has abused, or is suspected to have abused, the student; and

- 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* (Qld) 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 is likely to be sexually abused by another person:

- a student under 18 years attending the school;
- a kindergarten-aged child registered in a kindergarten learning program at the School;
- a person with a disability who:
  - under section 420(2) of the *Education (General Provisions) Act 2006* (Qld) is being provided with special education at the School; and
  - is not enrolled in the preparatory year at the School.

then the staff member must immediately give a written report about the suspicion to the Headmaster or the Chair of the Board. Again, the reporting functions assigned to the director of the School's governing body under the section 366 and 366A the *Education (General Provisions) Act 2006* (Qld) have been delegated to the Chair of the Board.

The Headmaster or the Chair of the Board must immediately give a copy of the report to a police officer.

If the Headmaster becomes aware or reasonably suspects likely sexual abuse, the Headmaster must immediately give a written report about the suspicion to a police officer and must also immediately give a copy of the report to the Chair of the Board. See section *Mandatory reporting of Physical and Sexual Abuse* for reporting requirements of the Headmaster to external services.

A report under this section must include the following particulars:

- the name of the person giving the report (the first person);
- the student's name and sex descriptor;
- details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person.

A report under this section must also include any of the following information of which the first person is aware:

- the student's age.
- the identity of the person who has abused, or is suspected to be likely to abuse, the student; and
- the identity of anyone else who may have information about suspected likelihood of abuse.

## Reporting Harm (not from physical or sexual abuse)

When the School 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 to minimise any likely harm to the extent it reasonably can. This is set out in the ***School's Student Risk Management Policy***. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

## Mandatory Reporting of Physical and Sexual Abuse

If a doctor, a registered nurse, a teacher or any other mandatory reporter defined under Section 13E (1) of the *Child Protection Act 1999* (Qld) (**mandatory reporter**), forms a '*reportable suspicion*' about a child in the course of their engagement in their profession, they must make a written report to Child Safety (and specifically, to the chief executive).

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

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

The mandatory reporter, where appropriate, should confer with the Headmaster in preparing a written report (*Child Protection Act 1999* (Qld)).

The written report must:

- state the basis on which the person has formed the reportable suspicion; and
- include the information contained in the *Child Protection Regulations 2023* (Qld), to the extent of the person's knowledge.

Under the *Child Protection Regulations 2023* (Qld), the report must include:

- the child's name, age and sex descriptor;
- details of how to contact the child (e.g., the child's current address or the name and address of the school the child attends);
- 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 to which the reportable suspicion relates; and
- particulars of the identity of any other person who may be able to give information about the harm which the reportable suspicion relates.

## Responsibilities

The Headmaster, the Board of Trustees and School Counsellor are responsible for reporting child safety concerns based on this policy to the appropriate external organisation.

The Headmaster or the Board of Trustees are responsible for:

- reporting concerns to the appropriate external authority: Police, Child Safety and/or Family and Child Connect and the Queensland College of Teachers, if applicable; and
- maintenance, review, and coordination of the implementation of this policy and associated procedures and guidance.

All staff are responsible for reporting any behaviours or concerns that may constitute child abuse internally to the Headmaster.

A mandatory reporter must confirm the Headmaster has provided the report to Child Safety on their behalf. If a mandatory reporter does not reasonably suppose that the Headmaster has provided the report to Child Safety, they must make the report directly to Child Safety.

Staff are responsible for:

- complying with this policy and relevant supporting procedures and resources; and
- maintaining and respecting the confidential nature of child protection reporting.

## Awareness and Accessibility of Processes

The School will inform staff, students, and parents of its processes relating to Child Protection via the publication of this policy and the School's Student Risk Management Policy. Processes relating to Student Protection are accessible on the School website and will be available on request from the School's administration.

Students and parents will be made aware of this policy in the respective Student and Parent Handbooks.

Each new staff member will be made aware of the policy as part of their induction when starting at the School.

## Training

The School ensures all staff and members of the Board of Trustees are trained in processes relating to Child Protection on their induction. This training is renewed annually with evidence of this training provided to the Board of Trustees.

A compliance report will be prepared by the second Board meeting of the year.

## Complaints Procedure

Suggestions of non-compliance with the School's processes may be submitted as complaints under the School's Complaint Handling Policy.

## Review

The School will ensure compliance with legislation relevant to Child Protection and review this policy annually.

## Section 5 – Procedures, Resources and References

### Resources

Refer to the following documents and resources which are established in accordance with this policy:

- Student Protection Procedures;
- Student Risk Management Policy;
- Work and Health and Safety Policy (for the *Work Health and Safety Act 2011*(Qld));
- Staff Conduct, Performance and Capacity Policy
- Complaint Handling Policy; and
- Blue Card (Working with Children) Policy.

### References

Documents referenced within this document are outlined below:

- [Child Protection Act 1999 \(Qld\)](#);
- [Child Protection Regulation 2023 \(Qld\)](#);
- [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 \(Qld\)](#);
- [Education \(Queensland College of Teachers\) Act 2005 \(Qld\)](#);
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#);
- [Working with Children \(Risk Management and Screening\) Regulation 2020 \(Qld\)](#); and
- [Criminal Code Act 1899 \(Qld\)](#).

## Section 6 - Definitions

*For the purposes of this Policy, the following definitions apply:*

Harm	<p>Section 9 of the <i>Child Protection Act 1999</i> (Qld) - defines "Harm", to a child, as any detrimental effect of a significant nature on the child's physical, psychological, or emotional wellbeing.</p> <ul style="list-style-type: none"><li>• It is immaterial how the harm is caused;</li><li>• Harm can be caused by:</li><li>• physical, psychological, emotional abuse, or neglect; or</li><li>• sexual abuse or exploitation.</li><li>• Harm can be caused by:</li><li>• a single act, omission, or circumstance; or</li><li>• a series or combination of acts, omissions, or circumstances.</li></ul>
Child in need of protection	<p>Section 10 of the <i>Child Protection Act 1999</i> (Qld) - A "child in need of protection" is a student who:</p> <ul style="list-style-type: none"><li>• has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and</li><li>• does not have a parent able and willing to protect the child from the harm.</li></ul>

Sexual Abuse	<p>Section 364 of the <i>Education (General Provisions) Act 2006</i> (Qld) - "Sexual abuse", in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:</p> <ul style="list-style-type: none"> <li>the other person bribes, coerces, exploits, threatens, or is violent toward the relevant person;</li> <li>the relevant person has less power than the other person; and</li> <li>there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.</li> </ul>
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## Section 7 – Document Information

A complete list of the documents' metadata including author information, and approval and review dates is recorded in SharePoint. A summary of the current change is provided in the table below:

Version	Details of Change
1.0	New policy
2.0	Minor format changes
3.0	Minor format changes
4.0	Minor format changes
5.0	Review date change
6.0	Updates to Policy
7.0	Updates to due to regulatory changes