

# Northside Christian College

## POLICY & PROCEDURES

### Child Protection

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<b>Issued by:</b>	Principal's Office
<b>Issue Date:</b>	14 March 2018
<b>Approved by:</b>	College Board
<b>Location:</b>	College website, Policy database, Policy register & Parent Lounge
<b>Review Date:</b>	March 2019 and as required by legislation

#### Introduction

1. It is fundamental under biblical values and the law to ensure that all children have a secure and nurturing environment in which to grow and learn. This mandates protection from harm and the risk of harm regardless of the cause.
2. Northside Christian College (the "College") acknowledges this obligation and strives by this Child Protection Policy and other protective College Policies, which are regularly reviewed, to provide an environment supportive of the safety and welfare of the students and staff of the College Community.

#### Purpose

The purpose of this Child Protection Policy and Procedure is to provide:

1. written processes about the health and safety of College staff and students
2. written process about the appropriate conduct of the school's staff and students to comply with accreditation requirements
3. a transparent process which will be followed where matters of student protection arise.

#### Scope

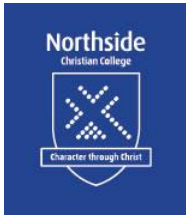
This policy applies to students and employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at the College and covers information about the reporting of harm and abuse.

#### References

- Child Protection Act 1999 (Qld)
- Education (General Provisions) Act 2006 (Qld)
- Education (General Provisions) Regulation 2006 (Qld)
- Education (Accreditation of Non-State Schools) Act 2001 (Qld)
- Education (Accreditation of Non-State Schools) Regulation 2001 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)
- Working with Children (Risk Management and Screening) Regulations 2011 (Qld)
- Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))
- College Child Risk Management Strategy
- College Complaints Policy

#### Guiding Principles

1. The College acknowledges and recognises that children have a right to be protected from harm and the risk of harm. Protection from harm and the risk of harm is fundamental to maximising a student's personal and academic potential.
2. In every preventative and/or protective action relating to harm to a student, the safety, wellbeing and best interests of a child are paramount.
3. The College acknowledges and recognises that a student's family has the primary responsibility for the student's upbringing, protection and development and therefore considers that the preferred way of ensuring a student's safety and wellbeing is through its support of the student's family.
4. Whilst the value of the student's family is to be respected, it is not to the detriment of the wellbeing and best interest of a student.



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5. 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 engage in conduct that causes harm to students, regardless of whether the child has consented to the conduct.
6. A failure to behave in accordance with proper standards may result in criminal proceedings and/or disciplinary action, including but not limited to summary dismissal.
7. The College will respond promptly and appropriately to a report of reasonably suspected or actual harm or a risk of harm to a student.
8. All persons who are subject to this Policy (see "SCOPE") must carry out all steps under this Policy promptly.
9. Behaviours (both from the student and towards the student) that can be reasonably considered to indicate that a student has suffered harm, is suffering harm, or is at an unacceptable risk of suffering harm must be reported.
10. All persons (including the respondent) involved in situations where harm to a student is disclosed or suspected, must be treated with dignity, sensitivity and respect.
11. The College will provide appropriate support to both the student who has been or is suspected of being harmed and the perpetrator of harm.
12. Students have a right not to have private information about their harm publicised (beyond these reporting requirements).
13. Principles of Natural Justice and Confidentiality will be upheld (subject to these reporting requirements).
14. Where an unacceptable risk exists (in the reasonable view of the Principal) the alleged offender must not be in contact with College students, and if appropriate will be stood down pending a response to the allegation.
15. The College will not permit a person to work in a position with the College if the College reasonably suspects that an unacceptable risk of harm would arise to a student.

### Work Health and Safety

The College has written policies in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation.<sup>1</sup>

### Defamatory Conduct

1. Given that the best interests of the child and the protection from harm takes precedence, a person who reports or discloses information about harm to another for the purpose of complying with the provisions of this policy, is generally excused from liability for defamation, provided the person has reported or disclosed this information in good faith.<sup>2</sup>
2. A person who provides notification or information about harm to another for the purpose of complying with the provisions of this policy, and acts honestly and reasonably in doing so, will generally not have breached any code of professional etiquette or ethics or departed from accepted standards of professional conduct nor can the person be liable, civilly, criminally or under an administrative process, for giving notification or information.<sup>3</sup>

### Definitions

#### 1. Harm

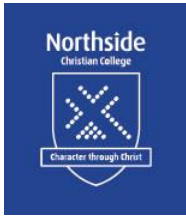
Section 9 of the Child Protection Act 1999 provides that "harm" to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

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.

<sup>1</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld), s10(1).

<sup>2</sup> Child Protection Act 1999 (Qld), s197A(4).

<sup>3</sup> Child Protection Act 1999 (Qld), s197A.



#### 2. A child in need of protection

Section 10 of the Child Protection Act 1999 CPA provides that 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.

#### 3. The ‘Significant Harm Test’

When considering the significance of harm under mandatory reporting obligations, the CPA provides guidance under section 13C. In summary, the matters that the person may consider include:

1. Whether there are detrimental effects on the child’s body or the child’s psychological or emotional state:
  - a. that are evident to the person or
  - b. that the person considers are likely to become evident in the future
2. In relation to any detrimental effects to the child:
  - a. their nature and severity, and
  - b. the likelihood that they will continue
3. 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.

#### 4. ‘Parent Willing and Able Test’

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

#### 5. Sexual Abuse

Section 364 of the Education (General Provisions) Act 2006 provides that “sexual abuse”, in relation to a child, includes sexual behaviour involving the child and another person in the following circumstances:

1. the other person bribes, coerces, exploits, threatens or is violent toward the child
2. the child has less power than the other person
3. there is a significant disparity between the child and the other person in intellectual capacity or maturity.

#### 6. Physical abuse

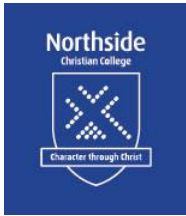
According to Child Safety, physical abuse occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse can include: Hitting; Shaking; Throwing; Burning; Biting; Poisoning.

Physical abuse is not determined by how bad the mark or injury is, but rather by the act itself that causes injury or trauma to the child.

Further definitions may be found in the ISQ document Child Protection – Useful Definitions for schools.  
<http://www.isq.qld.edu.au/child-protection>

### Role of the Child Protection Officer (CPO)

1. The College has nominated Child Protection Officers (CPO) to be available to assist a staff member with both the concern and the reporting process for concerns covered in Sections 9 to 14 below and as required by Queensland legislation, and the College recommends that staff access support offered by the CPOs.
2. When a staff member discloses the details of the matter to the CPO, both the CPO and the staff member are subject to the provisions under Section 13E(3) of the Child Protection Act 1999 (Qld), and both the CPO and staff member must make a joint report to the Principal.



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3. A staff member may give information to a CPO for any of the following purposes:
  1. for the staff member to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse
  2. for the staff member to form a suspicion about whether a child has a parent able and willing to protect the child from harm
  3. for the staff member to give a report or keep a record about giving a report
  4. for the staff member or colleague to take appropriate action to deal with suspected harm or risk of harm to a child. (Example: A teacher with a reportable suspicion about a child may give information to the Principal through the CPO at the College to enable the Principal to take appropriate action to protect the child or other children from risk of harm).

Nominated College **Child Protection Officer** (CPO) is Mrs Bev Starrenburg

#### Responding to Reports of Harm

1. When the College receives any information alleging 'harm'<sup>4</sup> to a student (other than harm arising from physical or sexual abuse), it will deal with the situation compassionately, fairly, promptly and appropriately so as to minimise any likely harm to the student to the extent it reasonably can. This is set out in the College's Child Risk Management Strategy.
2. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

#### Reporting Inappropriate Behaviour

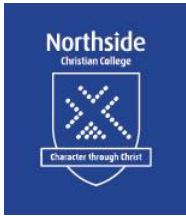
1. If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to:
  1. Child Protection Officer: Mrs Bev Starrenburg, or
  2. a Head of School (Junior, Middle or Senior).<sup>5</sup>
2. A staff member who receives a report of inappropriate behaviour must report all allegations to the Principal as soon as practicable.<sup>6</sup>
3. If a staff member has received a report from a student in respect of the behavior of another staff member that the student considers is inappropriate, the staff member must:
  - a. complete a report in the approved form (see Appendix 1: College Child Protection Reporting Form) this form is also available on google drive: document portal
  - b. provide the report to the Principal, unless the Principal is suspected to be involved in the inappropriate conduct, in which case, provide the report to the Chair of the College Council.
4. The Principal or the Chair of the College Council (as the case may be) must then promptly take appropriate action in the circumstances. This will involve:
  - a. interviewing the student who reported the behavior
  - b. interviewing the staff member named in the report as the person who has or is engaging in inappropriate behavior
  - c. interviewing any other person who may be able to provide useful information
  - d. taking reasonably appropriate action on the basis of the investigation, and
  - e. reporting to the Chair of the College Council as appropriate.
5. All College Staff involved in the reporting process must keep appropriate records of all decisions and actions taken.
6. If the "inappropriate behavior" falls within the ambit of "harm", the policy in relation to responding to harm should be adhered to as a matter of priority (see Section 9 "Responding to Reports of Harm" above).

Additional Resource: **Summary of Reporting Harm**, a document produced by ISQ, may be found in Appendix 2 and on the ISQ website. <http://www.isq.qld.edu.au/child-protection> (page 2 of Teaching staff decision tree).

<sup>4</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(8): the definition of 'harm' for this regulation is the same as in Section 9 of the Child Protection Act 1999 (Qld)

<sup>5</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(3) and s10(4)

<sup>6</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(3)



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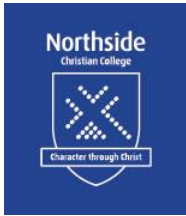
#### Reporting Sexual Abuse under the Educational (General Provisions) Act 2006

1. 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 College, that any of the following persons **have been sexually abused** by another person:
  - a. a student under 18 years attending the College
  - b. a pre-preparatory aged child registered in a pre-preparatory learning program at the College,then the staff member must give a written report about the abuse or suspected abuse to the Principal or to a Director of the College's Governing Body immediately.
2. Upon receipt of the report, the Principal may discuss the matter with the relevant staff member. The Principal must then make a report to a Police Officer.
3. All persons (including the staff member and Principal) who are involved in the reporting process must keep appropriate records of its decisions and actions.
4. Under section 366B of the Education (General Provisions) Act 2006, "all of the Directors [of the College's Governing Body] may, by unanimous decision, delegate the Directors' function [under section 366A] to an appropriately qualified individual" This individual must not be the Principal or any other staff member of the College.
5. If the staff member who becomes aware or reasonably suspects in the course of their employment at the College, any of the above persons have been sexually abused by the College's Principal, the staff member must give a written report about the abuse, or suspected abuse to the Chair of the College Board.
6. A report under this section must include the following particulars:
  1. the name of the person giving the report (the first person)
  2. the student's name and gender
  3. details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person
  4. details of the abuse or suspected abuse
  5. any of the following information of which the first person is aware:-
    - a. the student's age
    - b. the identity of the person who has abused, or is suspected to have abused, the student
    - c. the identity of anyone else who may have information about the abuse or suspected abuse.<sup>7</sup>
7. The Principal or Director of the College's Governing Body must:
  - a. ensure that a report in the approved form (see Appendix 1 College Child Protection Reporting Form) is completed
  - b. give a written report to a Police Officer immediately
  - c. notify the College's Governing Body of the report.

The College Child Protection Reporting Form may be found in Appendix 1.

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<sup>7</sup> Education (General Provisions) Regulation 2006 (Qld) s68



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#### Reporting Likely Sexual Abuse under the Education (General Provisions) Act 2006<sup>8</sup>

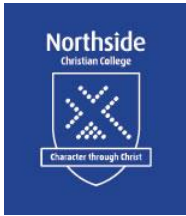
1. Section 366A of the Education (General Provisions) Act 2006 states that if a **staff member** becomes aware, or reasonably suspects in the course of their employment at the College, that any of the following is **likely to be sexually abused** by another person:
    - a. a student under 18 years attending the College
    - b. a pre-preparatory aged child registered in a pre-preparatory learning program at the College,  
then the staff member must give a written report about the suspicion to the Principal or to a Director of the College's Governing Body immediately.
  2. Upon receipt of the report, the Principal may discuss the matter with the relevant staff member. The Principal must then make a report to a Police Officer.
  3. All persons (including the staff member and Principal) who are involved in the reporting process must keep appropriate records of its decisions and actions.
  4. Under section 366B of the Education (General Provisions) Act 2006, "all of the Directors [of the College's Governing Body] may, by unanimous decision, delegate the directors' function [under section 366A] to an appropriately qualified individual". This individual must not be the Principal or any other staff member of the College.
  5. If the staff member who becomes aware or reasonably suspects in the course of their employment at the College, any of the above persons have been sexually abused by the College's Principal, the staff member must give a written report about the suspicion to the Chair of the College Board.
  6. A report under this section must include the following particulars:
    1. the name of the person giving the report (the **first person**)
    2. the student's name and gender
    3. details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person
    4. any of the following information of which the first person is aware:
      - a. the student's age
      - b. the identity of the person who has abused, or is suspected to have abused, the student
      - c. the identity of anyone else who may have information about suspected likelihood of abuse.<sup>9</sup>
- A College Child Protection Reporting Form may be found in Appendix 1.
7. The Principal or Director of the College's Governing Body must:
    1. ensure that a report in the approved form (see Appendix 1 College Child Protection Reporting Form) is completed
    2. give a written report to a Police Officer immediately, and
    3. notify the College's Governing Body of the report.

**Additional Resource: Summary of Reporting Harm**, a document produced by ISQ, may be found in Appendix 2 and on the ISQ website. <http://www.isq.qld.edu.au/child-protection> (page 2 of **Teaching staff decision tree**).

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<sup>8</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(5)(a)

<sup>9</sup> Education (General Provisions) Regulation 2006 (Qld) s68A



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#### Reporting Physical and Sexual Abuse under the Child Protection Act 1999

##### Matters involving a Reportable Suspicion (Mandatory Reporting)

1. Under Section 13E(3) of the Child Protection Act 1999, if a doctor, a registered nurse or a **teacher** (as a relevant person) forms a 'reportable suspicion' about a child in the course of their engagement in their profession, they must make a written report. The relevant person must give the 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 from time to time) of the reportable suspicion. Appendix 1 includes the College Child Protection Reporting Form which may be used for the 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.

This report must:

- 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>10</sup>.

2. The teacher must provide a copy of the report to the Principal.
3. However, under section 13G of the Child Protection Act 1999 the teacher is not required to give a report about a matter if the teacher knows or reasonably supposes that the Chief Executive is aware of the matter. Therefore when reporting matters pursuant to the Child Protection Act 1999, if the CPO or Principal has already made the report to the Chief Executive, the teacher is not obliged to make a report also. The teacher must have received written confirmation from the CPO or Principal that the Chief Executive is aware of the matter.
4. 'Teacher' is defined under the Child Protection Act 1999 as an approved teacher under the Education (Queensland College of Teachers) Act 2005 (Qld). Therefore, all teachers (including the CPO where the CPO falls within the definition of "teacher" must comply with the obligation of reporting a reasonable suspicion.
5. Section 13H of the Child Protection Act 1999 deals with conferrals with colleague and related information sharing. Under Section 13H:
  1. A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes:
    - a. for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse
    - b. for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a)
    - c. for the relevant person to give a report or keep a record about giving a report
    - d. for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child. Example for paragraph (d)— A teacher with a reportable suspicion about a child under section 13E may give information to the Principal at the school to enable the Principal to take appropriate action to protect the child or other children from risk of harm.
  2. In this section— colleague, of a relevant person, means a person working in or for the same entity as the relevant person.
6. All persons (including the teacher and Principal) who are involved in the reporting process must keep appropriate records of its decisions and actions.

#### Awareness and Training

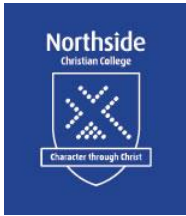
1. The College will inform staff, students and parents of its processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website.<sup>11</sup>
2. The College will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will conduct training every year and in response to changes in legislative requirements.<sup>12</sup>

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<sup>10</sup> Child Protection Act 1999 (Qld) s13G (2).

<sup>11</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(6)

<sup>12</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(6)



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#### Implementing the Processes

The 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.<sup>13</sup>

#### Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the College website, the policy database and will be available on request from the College administration.<sup>14</sup>

#### Complaints Procedure

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College's Complaints Policy and Procedures.<sup>15</sup>

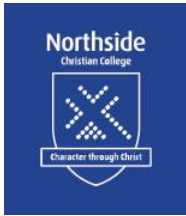
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<sup>13</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(6)

<sup>14</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(6)

<sup>15</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s10(7) and s10(7A)





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#### Appendix 1: Child Protection Reporting Form

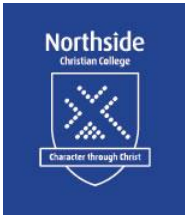
#### Private And Confidential

#### Report Of Suspected Harm Or Sexual Abuse

Date:
School: Northside Christian College
School Phone: (07) 3353 1266
School Fax: (07) 3353 4628

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 verified disability (with 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)



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Is the student in 'out of home' care:                      Yes                          No   

#### 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             | <input type="checkbox"/> Self        |

#### 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:

Name:

Position:

Signature:

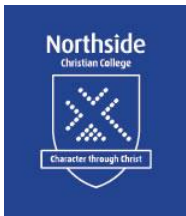
Date:

Principal:

Signature:

Date:

Principal's email address:



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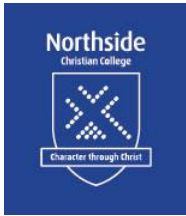
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ACTION TAKEN	
Form was faxed or emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/> Queensland Police Services (QPS)
	<input type="checkbox"/> Department of Communities (Child Safety Services)
	<input type="checkbox"/> Family and Child Connect
	<input type="checkbox"/> Welfare Support

(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.**



#### Appendix 1: Summary of Reporting Harm

### Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation
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
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
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
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
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
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A