



Child Protection Policy

(OHAED) CP-POL-2025:1.0

Purpose:	<p>The purpose of this policy is to provide written processes about –</p> <ul style="list-style-type: none"> (a) how the Ohana Education Ltd schools and educational programs (all referred to from now on as <i>the school</i>) will respond to harm, or allegations of harm, to students under 18 years; and (b) the appropriate conduct of Ohana Education Ltd staff and students to comply with accreditation requirements. 	
Scope:	<p>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 with Ohana Education Ltd schools.</p>	
Status:	Approved	Supersedes: (ARC) CP-POL-2025:1.0
Authorised by:	Board Chair	Date of Authorisation: 1st Dec. 2025
References:	<p>Source of Obligation</p> <ul style="list-style-type: none"> • 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) • Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs) • Youth Justice Act 1992 (Qld) • Youth Justice Information Sharing Framework and Guidelines (Queensland Government, 2019) <p>•</p> <p>Related</p> <ul style="list-style-type: none"> • Complaints Handling and Disputes Policy • Complaints Handling Procedure • Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld)) 	

	<ul style="list-style-type: none"> • Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld)) • Child Protection Reporting Form 	
Review Date:	Annually	Next Review Date: December 2026
Policy Owner:	Board	

Definitions

- **What is a Child** - A child is an individual under 18 years.
- **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 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.
- **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

Ohana Education Ltd 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 Ohana Education Ltd receives any information alleging 'harm'¹ 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 Ohana Education Ltd

¹ *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)*

Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy².

Ohana Education Ltd acknowledges that indigenous students may need culturally appropriate assistance in this process and will endeavour to provide that to them. Some Ohana Education Ltd schools have engaged an Indigenous Liaison Officer who will be called upon to consult in these instances.

Conduct of Staff and Students

All staff, Academy Board members, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff, Academy Board members, contractors and volunteers must not cause harm to students³.

Reporting Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to⁴:

- Principal; or
- Deputy Principal (7-9); or
- Deputy Principal (10-12); or
- Head of Behaviour; or
- Senior Psychologist.

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 Ohana Education Ltd's governing body⁵. Reports will be dealt with under Ohana Education Ltd Complaints Handling Policy.

Reporting Sexual Abuse⁶

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 Ohana Education Ltd, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending Ohana Education Ltd;
- b) a kindergarten aged child registered in a kindergarten learning program at Ohana Education Ltd;
- 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 Ohana Education Ltd; and
 - ii. is not enrolled in the preparatory year at Ohana Education Ltd.

² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

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

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

then the staff member must give a written report about the abuse or suspected abuse to the Principal or to a Director of Ohana Education Ltd governing body immediately.

Ohana Education Ltd 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 Ohana Education Ltd 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 Ohana Education Ltd 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;
- 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 abuse⁷.

Reporting Likely Sexual Abuse⁸

Section 366A of the *Education (General Provisions) Act 2006* states that if a staff member reasonably suspects in the course of their employment at Ohana Education Ltd, that any of the following is likely to be sexually abused by another person:

- a) a student under 18 years attending Ohana Education Ltd;
- b) a kindergarten aged child registered in a kindergarten learning program at Ohana Education Ltd;
- 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 a Ohana Education Ltd school; and
 - ii. is not enrolled in the preparatory year at any Ohana Education Ltd school.

then the staff member must give a written report about the suspicion to the principal or to a Director of Ohana Education Ltd governing body immediately.

The Ohana Education Ltd school 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 Ohana Education Ltd school Principal, the Principal must give a written report about the suspicion to a police officer immediately

⁷ *Education (General Provisions) Regulation 2017 (Qld) s.68*

⁸ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

and must also give a copy of the report to a Director of the Ohana Education Ltd 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;
- 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 abuse⁹.

Reporting Physical and Sexual Abuse¹⁰

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 that looks after Child Safety. 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 suspicion¹¹;
- b) the child's name, age and sex descriptor;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) 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;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹².

⁹ *Education (General Provisions) Regulation 2017 (Qld) s.69*

¹⁰ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

¹¹ *Child Protection Act 1999 s.13G (2)(a)*

¹² See *Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"*

Child Safety Regional Intake Service:

ARCADIA COLLEGE - GOLD COAST

Note, a business hours (from 9am to 5pm Monday to Friday) phone number for your Regional Intake Service can be found [here](#).

Mermaid Beach Child Safety Service Centre – Shop 9, 2532 – 2540 Gold Coast Highway, Mermaid Beach. Telephone (07) 5675 4100

Gold Coast Assessment and In Home Service – 24 White Street, Nerang. Telephone: (07) 5675 4400

Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone free call 1800 177 135 (Queensland only).

OHANA ACADEMY CAIRNS

Note, a business hours (from 9am to 5pm Monday to Friday) phone number for your Regional Intake Service can be found [here](#).

Cairns Child Safety Service Centre – 107 Lake Street, Cairns, Qld 4807. Telephone (07) 4255 7200

Cairns South Child Safety Service Centre – 1 Ravizza Drive, Edmonton, Qld 4869. Telephone (07) 4255 7600

Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone freecall 1800 177 135 (Queensland only).

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.

Failure to Report¹³

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 Ohana Education Ltd schools. 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.

Failure to Protect¹⁴

¹³ *Criminal Code Act 1899 (Qld) s.229BC*

¹⁴ *Criminal Code Act 1899 (Qld) s.229BB*

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.

Awareness

Ohana Education Ltd 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 website¹⁵.

Ohana Education Ltd also promotes child safety through promoting:

- child protection pastoral care;
- student empowerment, purposeful engagement, including appropriate student behaviours, healthy respectful relationships and resilience; and
- inclusiveness of all students, including students from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander students and students with disability.

Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the Ohana Education Ltd school website and will be available on request from Ohana Education Ltd administration¹⁶.

Training

Ohana Education Ltd will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁷.

Ohana Education Ltd implements training through:

- documenting induction and annual training for ISQ child protection courses;
- printed staff meeting agendas for staff meetings that have child protection as part of the agenda
- regular child protection professional development staff meetings; and
- reviews of handling complaints.

Implementing the Processes

Ohana Education Ltd will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually¹⁸.

Complaints Procedure

Suggestions of non-compliance with Ohana Education Ltd processes may be submitted as complaints under Ohana Education Ltd's *Complaints Handling and Disputes Procedure*¹⁹.

¹⁵ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

¹⁶ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

¹⁷ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

¹⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

¹⁹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)