Child Protection Policy

1. Purpose

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

(a) how the College will respond to harm, or allegations of harm, to students under 18 years; and

(b) the appropriate conduct of the College's staff and students to comply with accreditation requirements.

2. 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 Emmanuel College and covers information about the reporting of harm and abuse.

3. References

Child Protection Act 1999 (Qld)
Education (General Provisions) Act 2006 (Qld)
Education (General Provisions) Regulation 2017
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)
Emmanuel College Blue (Suitability) Card Policy
Emmanuel College Child Protection Risk Management Strategy
Emmanuel College Child Protection Reporting Form
Emmanuel College Child Protection - Professional Boundaries Policy
Emmanuel College Formal Complaints Policy
Emmanuel College Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))
ISQ Child Protection Decision Support Trees

4. Review Date

This policy will be reviewed at least annually.

5. 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 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.

- **Section 366B of the Education (General Provisions) Act 2006 – "Designated Director of the College Board" -** Emmanuel College has delegated its obligations under sections 366 and 366A of the Education (General Provisions) Act 2006 and more particularly the obligations of the Director of a non-state school's governing body of receiving a report and giving a copy of the report to a police officer to Mrs Kerry Hands, Mobile 0419 676 683, Email: cpdd@emmanuel.qld.edu.au

6. Health and Safety

The 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).

7. Responding to Reports of Harm

When the College 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 College's Child Protection Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy[2].

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

8. 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[3].

9. Reporting Inappropriate Behaviour

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

- **Senior School**

Years 10-12 : Mrs. Lisa Gair Ph: 07 5561 4042 Email: lgair@emmanuel.qld.edu.au
Years 7-9: Mrs Belinda Maslen Ph: 07 5561 4089 Email: bmaslen@emmanuel.qld.edu.au

- **Junior School**

Mr Rod Newth Ph: 55614014 Email: rnewth@emmanuel.qld.edu.au
Mrs Carla Stanley Ph: 07 5561 4000 Email: cstanley@emmanuel.qld.edu.au[4]

10. Dealing With Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Principal who must immediately give a copy to be given to the Designated Director of the College Board. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the College Board[5]. Reports will be dealt with under the College's Formal Complaints Policy.

11. Reporting Sexual Abuse[6]

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 has been sexually abused by another person:

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

then the staff member must give a written report about the abuse or suspected abuse to the Principal or to the Designated Director of the College Board immediately.

The College's Principal or the Designated Director of the College Board must immediately give a copy of the report to a police officer.

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[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)*

When the Principal is the initial recipient of the report a copy must immediately be given to the Designated Director of the College Board.

If the first person who becomes aware or reasonably suspects sexual abuse is the College's 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 the Designated Director of the College Board 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 abuse[7].

12. Reporting Likely Sexual Abuse[8]

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 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 kindergarten aged child registered in a kindergarten learning program at the 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 the College; and
   ii. is not enrolled in the preparatory year at the College.

then the staff member must give a written report about the suspicion to the Principal or to the Designated Director of the College Board immediately. When the Principal is the initial recipient of the report a copy must be given to the Designated Director of the College Board immediately.

The College's Principal or the Designated Director of the 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 College's Principal, 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 Designated Director of the College Board 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;

[7] *Education (General Provisions) Regulation 2017 (Qld) s.68*
[8] *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

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 abuse[9].

13. Reporting Physical and Sexual Abuse[10]

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 of Families, Seniors, Disability Services and Child Safety (or another department administering the Child Protection Act 1999). 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 suspicion[11]
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 relates[12].

Regional Intake Service – South East 1300 679849 (from 9am to 5pm Monday to Friday) Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone freecall 1800 177 135 (Queensland only).

14. 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 Report[13]

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,

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

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 the school. 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 Protect[14]

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.

15. Awareness

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, the College intranet platform Schoolbox, Staff Policies and Handbooks database, College Board vault – policies section[15].

16. Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the College websites, the intranet platform Schoolbox, staff policies and handbooks database, College Board vault – policies section and will be available on request from the College administration.[16]

17. Record Keeping

Any Staff Member who has concerns about the safety or wellbeing of a Child, either suspicious or disclosed, MUST:

a) keep anecdotal records of observations, focusing on the persistence of indicators over time and the severity of effects;
b) if speaking to a child, keep questions to what/where/when;
c) take only short notes – must not investigate;
d) present such documentation to a Student Protection Officer.

Should the Principal need to interview the child further, the same procedures must be followed. Records must be kept in a locked file by the Student Protection Officer or Principal.

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

18. Training

The College will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually.[17]

All staff at induction and then annually are required to:

- Read all child protection related policies
- Undertake a critical policies quiz to test understanding
- Complete the ISQ online learning module Child Protection.

The College Board is also required to undertake annual training via completion of the ISQ online learning module Child Protection.

The College's human resources department maintains training records for all staff.

19. 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.[18]

20. Complaints Procedure

Suggestions of non-compliance with the College's processes may be submitted as complaints under the Formal Complaints Policy.[19]

21. Consequences of Breach of Policy

a) conduct found to have breached this Policy may result in criminal penalties as decided by legal process;

b) other breaches of this policy, which may not result in external legal penalties, will result internal in consequences imposed by the Principal/Board and may include:
   - apology
   - counselling
   - warning
   - demotion
   - suspension
   - standing aside
   - termination
   - expulsion (in the case of a student)

c) Where a complaint/allegation is found to have no substance, every effort will be made to re-instate the alleged offender's status and reputation.

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[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)*

Appendix 1 – Summary of Reporting Harm

Who	What Abuse	Test	Report to	Legislation
All staff	Sexual or likely sexual	Awareness or a suspicion sexually abused or likely to be sexually abused	Principal or the Designated Director of the College Board immediately, through to police immediately	EGPA sections 366 and 366A
Principal	Sexual or likely sexual	Awareness or a suspicion sexually abused or likely to be sexually abused	The Designated Director of the College Board immediately, through to police immediately	EGPA sections 366 and 366A
Teacher / Nurse	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 16
All staff	Any	Not 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 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
Any adult (includes students 18 years or older, parents/guardians and volunteers)	A child sexual offence against a child by another adult	Gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that: (a) child sexual offence is being or has been committed, and (b) at the relevant time, the child is or was: (i) under 16 years; or (ii) a person with an impairment of the mind.	Police	Criminal Code section 229BC

Appendix 2 – Report of Suspected Harm or Sexual Abuse Form

Private and Confidential Report of Suspected Harm or Sexual Abuse

Date:	College:
College Phone:	College email:

Details of Student/Child Harmed or At Risk of Harm/Abuse

Legal Name:	Preferred Name:
DOB:	Sex Description:
Year Level:	Cultural Background:
Primary language spoken:	
☐ Aboriginal ☐ Torres Strait Islander ☐ Aboriginal and Torres Strait Islander	
Does the student have a disability verified under EAP: ☐ Yes ☐ No	
Disability Category:	
Student's residential address:	
Student's phone:	
Student's personal mobile & email address:	

Family Details

Parent/caregiver 1:	Relationship to Student:
Address (if different from student):	
Phone:	
Parent/caregiver 2:	Relationship to Student:
Address (if different from student):	
Phone:	
Is the student in out of home care? ☐ Yes ☐ No	
Are there any Family Court or Domestic Violence orders in place? ☐ Yes ☐ No ☐ Unknown	

Person alleged to have caused the harm or abuse

☐ Adult family member ☐ Child family member ☐ Other adult
☐ Student/other child ☐ Unknown ☐ Staff member or contractor

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; location 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, if not the Principal:

Position: **Signature:** **Date:**

Principal: **Signature:** **Date:**

Response requested by College:

Action Taken

☐ Department of Families, Seniors, Disability Services and Child Safety
☐ Family and Child Connect
☐ Director of Professional Standards QCT

Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)
Confirm receipt of emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.