

CHILD PROTECTION POLICY

Purpose: The purpose of this policy is to provide written processes about:

- a. How the school will respond to harm, or allegations of harm, to students under 18 years; and
- b. The appropriate conduct of the school's staff and students

to comply with accreditation requirements.

Scope: This policy and related processes apply to 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 IMPACT Community Academy.

Authorised by: ICA Board **Version No: 20240812**

References: 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)
Working with Children (Risk Management and Screening) Act 2000 (Qld)
Working with Children (Risk Management and Screening) Regulation 2020 (Qld)
Criminal Code Act 1899 (Sections 229BB and 229BC)
ICA-POL002 Complaints Handling Policy
ICA-POL006 Risk Management Policy
ICA-POL005 Work Health and Safety Policy
ICA-STRAT004 Child Risk Management Strategy
ICA002 Complaints Handling Procedure
Child Protection Reporting Form

Review Date: Annually **Next Review Date: 20250812**

Policy Owner: IMPACT Community Academy – Board of Directors

1. POLICY STATEMENT

The IMPACT Community Academy is committed to:

- Supporting students to feel and be safe through providing the care and protection necessary for their safety and wellbeing.
- All employees sharing responsibility for the protection of students.
- Employees actioning all legislated, mandatory, and required reporting processes to protect students from abuse and harm.
- Implementing child safe practices and processes.
- Annual customised training of employees who provide services to students to build their capacity to act protectively.
- Regular training of volunteers and other personnel who provide services to students to build their capacity to act protectively.
- Holding all employees to account, with respect to their obligations and responsibility to protect children.

2. DEFINITIONS

HARM

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;
 - b. sexual abuse or exploitation.
 - c. a single act, omission or circumstance; or
 - d. a series or combination of acts, omissions or circumstances.

CHILD IN NEED OF PROTECTION

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.

SEXUAL ABUSE

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.

3. HEALTH AND SAFETY

The school 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).

4. RECOGNISE AND REACT

RECOGNISE:

- Prioritise the best interest of the child as a primary consideration
- Listen to the voice of students and respond to the views and concerns of students
- Prioritise the importance of student safety, and embed, including student perspectives, in policy, procedures, and practices

REACT:

- Respond quickly and appropriately to disclosures of abuse, harm or inappropriate behaviours towards a student by employees, both actual and suspected.

5. RESPONDING TO REPORTS OF HARM

When the school 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 **ICA-STRAT004 Child Risk Management Strategy**. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy².

The school will also:

- Provide culturally sensitive and responsive learning environments
- Implement processes and systems to effectively identify and respond to student protection concerns and demonstrate accountability, including a complaints mechanism
- Engage people who are suitable to work with children and provide training and support to enhance their capacity to identify issues and concerns and act to protect students
- Seek feedback from employees, students, and parents on the effectiveness of and confidence in, this policy and related processes
- Grow a culture of transparency and accountability for compliance with student protection responsibilities

6. 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 students³.

7. REPORTING INAPPROPRIATE BEHAVIOUR

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to the principal (name TBA) or head teacher (name TBA)⁴.

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)

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)

8. 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 school's governing body⁵. Reports will be dealt with under ICA-POL002 Complaints Handling Policy and ICA002 Complaints Handling Procedure.

9. 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 school, that any of the following has been sexually abused by another person:

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

then the staff member must give a written report about the abuse or suspected abuse to the principal or to a director of the school's governing body immediately.

The school's 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 the school'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 a director of the school's governing body immediately.

- a. a report under this section must include the following particulars:
- b. the name of the person giving the report (the first person);
- c. the student's name and sex;
- d. details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- e. details of the abuse or suspected abuse;
- f. any of the following information of which the first person is aware:
- g. the student's age;
- h. the identity of the person who has abused, or is suspected to have abused, the student;
- i. the identity of anyone else who may have information about the abuse or suspected abuse⁷.

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)

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

10. 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 school, that any of the following is likely to be sexually abused by another person:

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

then the staff member must give a written report about the suspicion to the principal or to a director of the school's governing body immediately.

The school's 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 school'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 a director of the school's governing body immediately.

- a. A report under this section must include the following particulars:
 - b. the name of the person giving the report (the **first person**);
 - c. the student's name and sex;
 - d. details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
 - e. any of the following information of which the first person is aware:
 - f. the student's age;
 - g. the identity of the person who is suspected to be likely to sexually abuse the student;
 - h. the identity of anyone else who may have information about suspected likelihood of abuse⁹.

11. 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 Child Safety, Seniors and Disability Services (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. a report under this section must include the following particulars:
 - b. the basis on which the person has formed the reportable suspicion¹¹;
 - c. the child's name, age and sex descriptor;

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

⁹ Education (General Provisions) Regulation 2017 (Qld) s.68

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

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

- d. details of how to contact the child;
- e. details of the harm to which the reportable suspicion relates;
- f. 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;
- g. particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹².

DETAILS FOR CHILD SAFETY INTAKE SERVICE

Department of Communities (Child Safety Services) – Bundaberg Child Safety Service Centre

1st Floor, 46 Quay Street, Bundaberg QLD 4670

Business hours: 9am to 5pm Monday to Friday

Phone Number: 4154 9700 - Outside of business hours, you can contact the Child Safety After Hours Service Centre on phone freecall 1800 177 135 (Queensland only).

12. 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.

12.1. 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 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.

12.2. Failure to Protect¹⁴

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.

13. AWARENESS

The school will inform staff, students and parents of its processes relating to the health, safety and conduct of staff and students by publishing all relevant IMPACT Community Academy Policies and Procedures on its website. The school will also continually inform community on its child protection processes through the Academy's social media sites and other relevant publications¹⁵.

14. SUPPORT

Families and students are to be kept informed and involved in creating and maintaining safe and supportive learning communities for students and facilitating child-friendly ways for students to communicate and raise their concerns.

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

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

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

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

Employees are to be enabled through training and provision of advice through specialist consultancy services.

15. ACCESSIBILITY OF PROCESSES

Processes relating to the health, safety and conduct of staff and students are accessible on the school website and will be available on request from the school administration ¹⁶.

16. TRAINING

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

17. IMPLEMENTING THE PROCESSES

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

18. COMPLAINTS PROCEDURE

Suggestions of non-compliance with the school's processes may be submitted as complaints under ICA-POL002 Complaints Handling Policy & ICA002 Complaints Handling Procedure ¹⁹.

VERSIONS: 20240215Draft 20240812

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)