



Child Protection Policy

2016

Purpose:	The purpose of this policy is to provide a policy as part of Hymba Yumba Community Hub's written processes about how the school will respond to harm, or allegations or harm, to students under 18 years old, and the appropriate conduct of the school's staff and students, to comply with accreditation requirements.	
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 Hymba Yumba Community Hub and covers information about the reporting of harm and abuse	
Status:	Approved	Supersedes: Child Protection Policy 2015
Authorised by:	Board Chairperson	Date of Authorisation: 17 February 2016
References:	<ul style="list-style-type: none"> • 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) 	
Related Policies	<ul style="list-style-type: none"> • Hymba Yumba Community Hub Dispute Resolution/Complaints Handling Policy • Hymba Yumba Community Hub Dispute Resolution/Complaints Handling Procedure • Hymba Yumba Community Hub Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>) • Hymba Yumba Community Hub Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) • Hymba Yumba Community Hub Staff Code of Conduct 	
Review Date:	Annually	Next Review Date: February 2017 or when legislative changes require an amendment - whichever occurs first.
Policy Owner:	School Governing Body	

1. 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 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.
- **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

2. Health and Safety

The School will protect students from harm as far as it is reasonably able. The safety, wellbeing and best interests of our students are of primary importance. The School will ensure the health and safety of staff in accordance with relevant workplace health and safety legislation¹.

3. Responding to Reports of Harm

When the School receives any information alleging 'harm'² 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 school’s Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy³.

¹ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(1)*

² *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(8)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

³ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

4. 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 students⁴.

The School will ensure that staff and volunteers have a positive notice (“blue card”) as required by the *Commission for Children and Young People and Child Guardian Act 2000* or that they are registered teachers.

5. 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 or Deputy Principal**⁵. Students will be made aware of this process by:

- access to the school’s website and intranet
- copies of policies are kept in all classrooms and can be obtained from the Administration office on request
- information around policy is shared through Bynda yarns which are held weekly with students on campus and through our fortnightly newsletter – ‘Jillem Jillem’
- the ‘Care Circle Ripple’ is posted in the Hymba Yumba student diary

6. 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 body⁶. Reports will be dealt with under the School’s Dispute Resolution/Complaints Handling Policy.

7. Reporting Harm

If a staff member is aware or reasonably suspects harm has been caused to a student who, when the harm was caused or is suspected to have been caused, was under 18 years and the harm has not been reported under any other sections of this policy, the staff member must report the harm to the School’s Principal.

If the Principal is aware or reasonably suspects the harm has been caused and that the student is in need of protection, the Principal must report the harm or suspected harm to an authorised officer (eg. child safety officer) in the Department of Child Safety (or other department administering the *Child Protection Act 1999*) or a police officer. In assessing whether a student is in need of protection, the Principal will consider the significant harm and the parent willing and able definitions outlined in Section 1 above.

Health professionals must report harm or suspected harm under s.191 of the *Public Health Act 2005*.

⁴ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3) and s.10(4)*

⁶ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3)*

8. Reporting Sexual Abuse⁷

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 pre-preparatory aged child registered in a pre-preparatory 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 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 of the school's governing body 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.

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 abuse⁸.

9. Reporting Likely Sexual Abuse⁹

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 pre-preparatory aged child registered in a pre-preparatory 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

⁷ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

⁸ *Education (General Provisions) Regulation 2006 (Qld) s.68*

⁹ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

- 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 of the school's governing body 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.

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 has abused, or is suspected to be likely to abuse, the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse¹⁰.

10. Reporting Physical and Sexual Abuse

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse or a teacher 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 or teacher must give a 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*). The doctor, nurse or teacher should give a copy of the report to the Principal.

A report under this section must include the following particulars:-

- 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.

¹⁰ *Education (General Provisions) Regulation 2006 (Qld) s.68A*

11. Awareness

The school 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 website¹¹.

12. 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 refresh training annually¹².

13. 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 annually¹³.

14. 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 administration¹⁴. Each new staff member will be made aware of the policy as part of their induction.

15. Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under the Hymba Yumba Community Hub Dispute Resolution/Complaints Handling Policy and Hymba Yumba Community Hub Dispute Resolution/Complaints Handling Procedure.¹⁵

16. Form for Reporting

Attached to this policy is a form for reporting.

¹¹ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹² *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(7) and s.10(7A)*



Private and Confidential

Report of Suspected Harm or Sexual Abuse

Date:
School:
School Phone:
School Fax:

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 a disability verified under 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):
Is the student in out of home care: Yes <input type="checkbox"/> No <input type="checkbox"/>	

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

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:	Signature:	Date:
Position:		
Principal:	Signature:	Date:
Principal's email address:		
Response requested by school:		

ACTION TAKEN (Tick the appropriate suspected harm/risk of harm type below)

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"/> Sexual abuse <input type="checkbox"/> Emotional abuse	<input type="checkbox"/>	Department of Communities (Child Safety Services)
<input type="checkbox"/> Physical abuse <input type="checkbox"/> Harm	<input type="checkbox"/>	Family and Child Connect

(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.