

# 2018

## Child Protection Policy

<b>Purpose:</b>	<p>The purpose of this policy is to provide a policy as part of Hymba Yumba Community Hub’s written processes about –</p> <p style="padding-left: 40px;">(a) how the school will respond to harm, or allegations of harm, to students under 18 years; and</p> <p style="padding-left: 40px;">(b) the appropriate conduct of the school’s staff and students</p> <p>to comply with accreditation requirements.</p>	
<b>Scope:</b>	<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 at Hymba Yumba Independent School and covers information about the reporting of harm and abuse</p>	
<b>Status:</b>	Draft	<b>Supersedes:</b> Child Protection Policy 2016
<b>Authorised by:</b>	School Governing Body Chairperson	<b>Date of Authorisation:</b> 28 March 2018
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Child Protection Act 1999 (Qld)</u></a></li> <li>• <a href="#"><u>Education (General Provisions) Act 2006 (Qld)</u></a></li> <li>• <a href="#"><u>Education (General Provisions) Regulation 2017 (Qld)</u></a></li> <li>• <a href="#"><u>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</u></a></li> <li>• <a href="#"><u>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</u></a></li> <li>• <a href="#"><u>Working with Children (Risk Management and Screening) Act 2000 (Qld)</u></a></li> <li>• <a href="#"><u>Working with Children (Risk Management and Screening) Regulations 2011 (Qld)</u></a></li> <li>• HYCH Complaints Handling Policy</li> <li>• HYCH Complaints Handling Procedure</li> <li>• Hymba Yumba Independent School Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• HYCH Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> <li>• HYCH Staff Code of Conduct</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> February 2018 or when legislative changes require an amendment -whichever occurs first.
<b>Policy Owner:</b>	School Governing Body	

## 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
    - 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
  - 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

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).

## Responding to Reports of Harm

When the school receives any information alleging 'harm'<sup>1</sup> 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 policy<sup>2</sup>.

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<sup>1</sup> *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)*

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

## **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<sup>3</sup>.

## **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<sup>4</sup>.

## **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 body<sup>5</sup>. Reports will be dealt with under the school's Complaints Handling Policy

## **Reporting Sexual Abuse<sup>6</sup>**

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 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.

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

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

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

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

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<sup>7</sup>.

### **Reporting Likely Sexual Abuse**<sup>8</sup>

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
  - 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.

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;

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<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

<sup>8</sup> *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<sup>9</sup>.

### **Reporting Physical and Sexual Abuse** <sup>10</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early 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
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, teacher or early education and care professional 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, teacher or early 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) state the basis on which the person has formed the reportable suspicion
- b) include the information prescribed by regulation, to the extent of the person's knowledge<sup>11</sup>.

### **Awareness**

The school will inform staff, students and families 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>12</sup>. Staff, students and families 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'
- during staff induction and enrolment interviews

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<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68A*

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

<sup>11</sup> See *Child Protection Regulation 2011 (Qld) s.10* "Information to be included in report to chief executive"

<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

## **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 annually<sup>13</sup>.

Training is undertaken at staff induction sessions, discussed at staff meetings, mandatory professional development days and online. These days are documented by way of attendance registers, meeting agendas and minutes.

## **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 annually<sup>14</sup>.

## **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<sup>15</sup>.

## **Complaints Procedure**

Suggestions of non-compliance with the school's processes may be submitted as complaints under the HYCH Complaints Handling Policy and HYCH Complaints Handling Procedure.<sup>16</sup>

## **Form for Reporting**

Attached to this policy is a form for reporting.

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<sup>13</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

<sup>14</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

<sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

<sup>16</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*

**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:  Position:	Signature:	Date:
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"/> Sexual abuse <input type="checkbox"/> Emotional abuse  <input type="checkbox"/> Physical abuse <input type="checkbox"/> Harm	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Communities (Child Safety Services)
	<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.**