

SECTION **CHILD PROTECTION**

ITEM: **CHILD PROTECTION POLICY**

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RESPONSIBILITY: College Board Chair

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## 1. PURPOSE

The purpose of this policy is to provide Brisbane Christian College's written processes about:

- how the College will respond to harm, or allegations or harm, to students under 18 years old; and
- 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 Brisbane Christian College.

## 3. SOURCES

- [Child Protection Act 1999 \(Qld\)](#)
- [Child Protection Regulation 2023](#)
- [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 \(Risk Management and Screening\) Act 2000 \(Qld\) Working with Children \(Risk Management and Screening\) Regulation 2011 \(Qld\)](#)
- [Criminal Code Act 1899 \(Sections 229BB and 229BC\)](#)

## 4. DEFINITIONS

**4.1 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.

**4.2 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.

**4.3 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.

## **5. POLICY**

### **5.1 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)*.

### **5.2 Responding to Reports of Harm**

When the College 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 College'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>.

### **5.3 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>.

### **5.4 Reporting Inappropriate Behaviour**

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

- (a) Any teacher the student trusts, College Pastor or College Counsellor; and /or
- (b) Head of Campus or Principal<sup>4</sup>.

### **5.5 Dealing with Report of Inappropriate Behaviour**

A staff member who receives a report of inappropriate behaviour must report it to the Principal.

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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)*

<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)*

Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform the College Board Chair<sup>5</sup>. Reports will be dealt with under the College's *G-006 Complaints Handling Policy*.

### **5.6 Reporting Sexual Abuse<sup>6</sup> under Education (General Provisions) Act 2006**

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 a director of the College's governing body immediately.

The College's Principal or a director of the College'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 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 a 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 descriptor;
- c) details of how to contact the child;
- 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: -
  - 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 any other person who may be able to give information about the abuse or suspected abuse<sup>7</sup> to which the report relates.

### **5.7 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 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.

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<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)*

<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)*

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

The College's Principal or a director of the College'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 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 a 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 descriptor;
- c) details of how to contact the child;
- 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: -
  - 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 any other person who may be able to give information about suspected likelihood of abuse<sup>9</sup> to which the report relates.

### **5.8 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 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*). At Brisbane Christian College, this report is made via the College Principal who will provide the reporting teacher with written confirmation that the report has been appropriately lodged.

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

- a) the basis on which the person has formed the reportable suspicion<sup>11</sup>;
- 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<sup>12</sup>.

Child Safety Regional Intake Service:

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<sup>9</sup> Education (General Provisions) Regulation 2017 (Qld) s.69

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

<sup>11</sup> Child Protection Act 1999 s.13G (2) (a)

- Brisbane and Moreton Bay 1300 682 254
- Ipswich (West Moreton) 1800 316 855
- South East 1300 679 849

Child Safety After Hours Service Centre 1800 177 135 (Queensland only)

## **5.9 Responsibilities Under the 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.

### **5.10 Failure to Report<sup>13</sup>**

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 College. 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.

### **5.11 Failure to Protect<sup>14</sup>**

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.

### **5.12 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 the website accessible to staff and parents<sup>15</sup>.

The College ensures that staff, students and parents are made aware of the College's Child Protection processes through annual staff training sessions, College website and Online Learning Hub for parents and students, Staff Inductions and Family Group times with students.

### **5.13 Accessibility of Processes**

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

### **5.14 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<sup>17</sup>.

All College staff undertake annual Child Protection training during Professional Development sessions held every January. Throughout the year, all newly recruited staff undertake Child Protection training as part of

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

<sup>13</sup> *Criminal Code Act 1899 (Qld)* s.229BC

<sup>14</sup> *Criminal Code Act 1899 (Qld)* s.229BB

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

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

<sup>17</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)* s.16(4)(c)

their induction to the College. Training records are maintained as evidence of compliance with mandatory training requirements.

#### **5.15 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<sup>18</sup>.

#### **5.16 Complaints Procedure**

Suggestions of non-compliance with the College's processes may be submitted as complaints under the *G-006 Complaints Handling Policy*<sup>19</sup>.

### **6. RELATED POLICIES AND DOCUMENTS**

- CPP-000 Child Protection Risk Management Strategy
- G-006 Complaints Handling Policy
- G-006.1 Complaints Handling Procedures
- WHS-001 Work Health and Safety Policy
- Brisbane Christian College Child Protection Reporting Form and Anecdotal Records

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<sup>18</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

<sup>19</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*