



# The Kooralbyn International School's Child Protection Policy

<b>Purpose:</b>	The purpose of this policy is to provide a policy as part of The Kooralbyn International School'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.	
<b>Scope:</b>	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 The Kooralbyn International School and covers information about the reporting of harm and abuse	
<b>Status:</b>	Approved	<b>Supersedes:</b> 2015 Child Protection Policy
<b>Authorised by:</b>	School Governing Body Chairperson	<b>Date of Authorisation:</b> January 2018
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Regulation 2006 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2001 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2001 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Regulations 2011 (Qld)</a></li> </ul>	
<b>Related Policies</b>	<ul style="list-style-type: none"> <li>• The Kooralbyn International School's Dispute Resolution/Complaints Handling Policy</li> <li>• The Kooralbyn International School's Dispute Resolution/Complaints Handling Procedure</li> <li>• The Kooralbyn International School's Child Risk Management Strategy</li> </ul>	

	<p>(for the <i>Working with Children (Risk Management and Screening ) Act 2000 (Qld)</i>)</p> <ul style="list-style-type: none"> <li>• The Kooralbyn International School's Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> January 2019
<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; 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

## Health and Safety

The school has written processes in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation<sup>1</sup>.

## Responding to Reports of Harm

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

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

<sup>2</sup> *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)*

Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>3</sup>.

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

### **Reporting Inappropriate Behaviour**

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

Geoff Mills (Principal) or

John Juett (Student Counsellor)

### **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 Dispute Resolution/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 of the school's governing body must immediately give a copy of the report to a police officer.

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

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)*

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

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 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 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:-

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<sup>7</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68*

<sup>8</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

- 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 abuse<sup>9</sup>.

### 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<sup>10</sup>.

### 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 website<sup>11</sup>.

### 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.

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<sup>9</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68A*

<sup>10</sup> *Child Protection Act 1999 (Qld) s.13G (2)*. There is no such regulation at 12 December 2014.

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

## **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>12</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>13</sup>.

## **Complaints Procedure**

Suggestions of non-compliance with the school's processes may be submitted as complaints under The Kooralbyn International School's Complaints Policy (Students and Parents)

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

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