

Child Protection Policy

Policy Owner:	The Sycamore School Governing Board		
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Status:	Approved	Updated by:	Sandra Stuckey
Approved by:	The Sycamore School Governing Body	Date of Approval:	20 September 2021
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Purpose:	<p>This policy is about:</p> <ul style="list-style-type: none"> a) how the School will respond to harm, or allegations or harm, to students under 18 years old; and b) the appropriate conduct of the School's employees and students. <p>This policy is part of The Sycamore School's written processes to comply with accreditation requirements.</p>
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Scope:	<ul style="list-style-type: none"> • Students • Staff which includes: <ul style="list-style-type: none"> ○ Directors ○ Employees (full-time, part-time, permanent, fixed term and casual) ○ Contractors ○ Student teachers ○ Volunteers ○ Anyone undertaking work experience or vocational placement at the school
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References:	<ul style="list-style-type: none"> • <i>Child Protection Act 1999 (Qld)</i> • <i>Education (General Provisions) Act 2006 (Qld)</i> • <i>Education (General Provisions) Regulation 2017 (Qld)</i> • <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i> • <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i> • <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i> • <i>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</i> • <i>Criminal Code Act 1899</i> • The Sycamore School Dispute Resolution/Complaints Handling Policy • The Sycamore School Dispute Resolution/Complaints Handling Procedure • The Sycamore School Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld)) • The Sycamore School Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))
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Policy:	<p>Health and Safety</p> <p>The School has written processes in place to enable it to comply with the requirements of the <i>Work Health and Safety Act 2011 (Qld)</i> and the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>.</p>
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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 the School's Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy².

Conduct of Staff and Students

All staff must ensure that their behaviour towards and relationships with students reflects proper standards of care for students. Staff must not cause harm to students³.

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
- the Deputy Principal; or
- the Social Worker⁴.

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 the Chair of the Board.⁵ Reports will be dealt with under the School's Dispute Resolution/Complaints Handling Policy.

Reporting Sexual Abuse⁶

Section 366 of the *Education (General Provisions) Act 2006 (Qld)* states that if an 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:-
 - 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 Board immediately.

The School's Principal or the Director of the Board 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 Board immediately.

A report under this section must include the following particulars:

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)*

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)*

- 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 abuse⁷.

Reporting Likely Sexual Abuse⁸

Section 366A of the *Education (General Provisions) Act 2006 (Qld)* 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 (Qld)* 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 Board immediately.

The School's Principal or the Director of the Board 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 Board governing body immediately.

A report under this section must include the following:

- 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 abuse⁹.

Reporting Physical and Sexual Abuse¹⁰

Under Section 13E (3) of the *Child Protection Act 1999 (Qld)*, if a doctor, a registered nurse a teacher or early childhood education and care professional forms a 'reportable suspicion' about a student "in the course of their engagement in their profession", they must make a written report.

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

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

⁹ *Education (General Provisions) Regulation 2017 (Qld) s.69*

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

	<p>A reportable suspicion about a student is a reasonable suspicion that the student:</p> <ul style="list-style-type: none"> 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. <p>The doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department Child Safety, Youth Justice and Multicultural Affairs (or other department administering the <i>Child Protection Act 1999</i>). The doctor, nurse, teacher or early childhood education and care professional should give a copy of the report to the Principal.</p> <p>A report under this section must include the following particulars:</p> <ul style="list-style-type: none"> a) the child's name and sex; b) the child's age; 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 relates¹¹.
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Definitions:	<p>Section 9 of the <i>Child Protection Act 1999 (Qld)</i> - "Harm", to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.</p> <ul style="list-style-type: none"> 1. It is immaterial how the harm is caused. 2. Harm can be caused by: <ul style="list-style-type: none"> a) physical, psychological or emotional abuse or neglect; or b) sexual abuse or exploitation. 3. Harm can be caused by: <ul style="list-style-type: none"> a) a single act, omission or circumstance; or b) a series or combination of acts, omissions or circumstances. <p>Section 10 of the <i>Child Protection Act 1999 (Qld)</i> - A "child in need of protection" is a student who:</p> <ul style="list-style-type: none"> 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. <p>Section 364 of the <i>Education (General Provisions) Act 2006 (Qld)</i> - "Sexual abuse", in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:</p> <ul style="list-style-type: none"> 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.
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Implementation:	<p>Awareness</p> <p>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 in school newsletters.¹²</p>
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¹¹ See *Child Protection Regulation 2011 (Qld)* s.10 "Information to be included in report to chief executive"

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

	<p>Accessibility of Processes Processes relating to the health, safety and conduct of staff and students are available on request from the school administration¹³.</p> <p>Training The School will train its employees in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁴.</p> <p>Implementing the Processes The School will ensure it implements processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually¹⁵. The School will also ensure that it complies with The Sycamore School - Child Risk Management Strategy.</p> <p>Complaints Procedure Suggestions of non-compliance with the School's processes may be submitted as a complaint as per The Sycamore School Dispute Resolution Policy¹⁶.</p>
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¹³ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

¹⁴ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

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

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