

Child Protection Policy

POLICY: CHILD PROTECTION POLICY	CATEGORY: CAMPUS MANAGEMENT
Document Number: SCC-CMA-104P	Applies To: Employees, Students and Volunteers
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Rationale

The purpose of this policy is to provide written processes about the health and safety of the Shalom Christian College staff and students and about the appropriate conduct of the school's staff and students that accord with legislation applying in Queensland about the care and protection of children.

Scope

Applies to staff, students and volunteers at Shalom Christian College and covers information about the reporting of harm and likely sexual abuse.

Responsibility

Shalom Christian College Board

Point of Contact

Principal

DEFINITIONS AND LEGISLATION

Student: A student is any person regardless of age who is enrolled at the school

What is harm?

Harm is defined in section 9 of the Child Protection Act 1999 ("the Act") as:

- Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- It is immaterial how the harm is caused.
- Harm can be caused by—
 - a) A single act, omission or circumstance; or
 - b) A series or combination of acts, omissions or circumstances.

Harm means damage or injury caused by abuse to a child's body, to a child's emotional state or to a child's psychological state. Abuse may be physical abuse, sexual abuse, emotional abuse or neglect. Harm is the effect or impact on the child of the abuse. Abuse can be defined as an action such as: hitting; punching; fondling; and exposure to domestic violence or scapegoating; or it can be inaction such as failure to provide medical care; or failure to provide appropriate stimulation.

The "Significant Harm Test"

When considering the significance of harm under mandatory reporting obligations, the Act provides guidance under section 13C.

The matters that the person may consider include—

- a) Whether there are detrimental effects on the child's body or the child's psychological or emotional state—
 - I. That are evident to the person; or
 - II. That the person considers are likely to become evident in the future
- b) In relation to any detrimental effects to the child the reporter may consider:
 - I. Their nature and severity; and
 - II. The likelihood that they will continue, and
- c) The child's age.

The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have. This recognises that a school staff member may detect an impact of harm for a child that the ordinary person may not identify.

Child Protection Policy

What is Sexual abuse?

Under the Education (General Provisions) Act 2006 s364, sexual abuse 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.

What is physical abuse?

According to Child Safety, physical abuse occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse can include:

- Hitting
- Shaking
- Throwing
- Burning
- Biting
- Poisoning

Physical abuse is not determined by how bad the mark or injury is, but rather by the act itself that causes injury or trauma to the child.

What is psychological emotional abuse?

According to Child Safety, psychological or emotional abuse occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. It can include emotional deprivation due to persistent:

- Rejection
- Hostility
- Teasing/bullying
- Yelling
- Criticism
- Exposure of a child to domestic and family violence

What is neglect?

According to Child Safety, neglect occurs when a child's basic necessities of life are not met, and their health and development are affected. Basic needs include:

- Food
- Housing
- Health care
- Adequate clothing
- Personal hygiene
- Hygienic living conditions
- Timely provision of medical treatment
- Adequate supervision

Who is a parent?

The parent of a child generally means the child's birth mother or father, or adoptive parents. Under the Act:

1. A parent of a child is the child's mother, father or someone else having or exercising parental responsibility for the child.
2. However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.
3. A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
4. A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.

What is Family and Child Connect?

Family and Child Connect (FCC) is a service which provides an identifiable and easily accessible central referral point for families and professionals to access family services.

What is a referrer?

A referrer is anyone who contacts FCC to refer a child or family for support and assistance. For schools, this person will most commonly be the Principal.

Child Protection Policy

What is a Reportable Suspicion?

A reportable suspicion is one where a teacher has a reasonable suspicion that a student has suffered, is suffering, or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the student from harm.

What are the two tests to be used when forming a reportable suspicion?

The key tests when forming a “reportable suspicion” are as follows:

1. The student must have suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by the physical or sexual abuse (known at the “Significant Harm Test”); and
2. The student may not have a parent able and willing to protect them from the harm (known as the “Parent Test”).

The “Parent Test”

A parent may be willing to protect a child, but not have capacity to do so and therefore they are not considered “able”. This includes situations such as where the parent’s inability is due to factors such as intellectual impairment or ill health.

Alternatively, a parent may have the capacity to protect a child (able), but may choose not to do so (not willing). This might include situations where parents choose an ongoing relationship with a person who is abusing their child and are thus “unwilling” to protect the child.

If there is considered to be at least one parent “able” and “willing” to protect the child, the child is considered to not be in “need of protection”.

These definitions are intended to provide guidance about circumstances in which sexual behaviour should be reported.

The following additional advice is offered to assist staff members:

- Sexual abuse can be physical, verbal or emotional. It may involve physical contact with another person, but not necessarily so;
- Activity between peers may also be abusive, especially if the relationship is coercive, forceful, degrading or threatening;
- The involvement of any staff member, or volunteer, within a school in sexual activity with, or exploitation of, a student attending the school, is always to be regarded as sexual abuse.

Relevant Legislation

Child Protection Reform Amendment Act 2014 (“The CPRA Act”)

Education and Training Legislation Amendment Act 2011

Commission for Children and Young People and Child Guardian Act 2000 (Qld)

Commission for Children and Young People and Child Guardian Regulation 2001 (Qld)

Education (General Provisions) Act 2006 (Qld)

Education (General Provisions) Regulation 2006 (Qld)

Education (Queensland College of Teachers) Act, 2005 (Qld)

Education (Accreditation of Non-State Schools) Act 2001 (Qld)

Education (Accreditation of Non-State Schools) Regulation 2001(Qld)

Education Services for Overseas Students (ESOS) Act 2000 (Cth)

Education (Overseas Students) Act 1996 (Qld)

Directors of Schools Governing Body: Members of Shalom Christian College Board

PRINCIPLES

The Shalom Christian College will uphold the following principles under this Policy:

- At Shalom Christian College, the welfare and best interests of the child will always be a primary consideration;
- Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential;
- The Shalom Christian College recognises that people who are subjected to abuse are harmed by it;
- Shalom Christian College expects our students to show respect to our staff and volunteers and to comply with safe practices;

Child Protection Policy

- Sexual acts by an adult employee or volunteer with a student who is a child will always be sexual abuse;
- Shalom Christian College will respond diligently to a report of suspected or actual harm, or risk of harm to a student;
- Reprisals against students or others making a complaint will not be tolerated;
- Student management practices will be administered with respect and in a manner which maintains the student's dignity;
- Shalom Christian College will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct;
- Shalom Christian College will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a student;
- Anybody within Shalom Christian College who becomes aware or reasonably suspects that a student is being harmed must report it to the College in accordance with the Legislation and the School's Procedures for Reporting Harm;
- Shalom Christian College will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others;
- Shalom Christian College will not permit people to work in a position if the College believes on the basis of all information available that, if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed;
- Shalom Christian College will cooperate with state authorities in resolving allegations of harm;
- Employees of Shalom Christian College must not, under any circumstances, engage in physical or emotional abuse or engage in sexual conduct of any nature with a student of the College. It is irrelevant whether the conduct is consensual or non-consensual, or condoned by parents or caregivers. The age of the student is also irrelevant.

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.

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.

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.

INAPPROPRIATE BEHAVIOUR

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

- a) Head of Primary;
- b) Head of Secondary;
- c) Head of Boarding;
- d) Deputy Principal;
- e) Principal.

DEALING WITH INFORMATION ABOUT 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 director of the governing body of the school.

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.

Child Protection Policy

If the principal is aware or reasonably suspects the harm has been caused, the principal must report the harm or suspected harm to an authorised officer (e.g. child safety officer) in the Department of Communities (or other department administering the Child Protection Act 1999) or to a police officer.

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

REPORTING SEXUAL ABUSE 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 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 s.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.

If the staff member 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 particulars required by s.68 of the *Education (General Provisions) Regulation 2006* which are currently:-

- (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;
- (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.

REPORTING LIKELY SEXUAL ABUSE UNDER EDUCATION (GENERAL PROVISIONS) ACT 2006

Section 366A 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 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 s.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.

If the staff member who becomes aware or 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 particulars required by s.68 of the *Education (General Provisions) Regulation 2006* which are currently:-

- (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;

Child Protection Policy

- (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 abuse the student;
 - (iii) the identity of anyone else who may have information about the suspected likelihood of abuse.

REFERRING TO FAMILY & CHILD CONNECT

If a school staff member (teaching or non-teaching) has a concern about a student that does not meet the "threshold" required to report to Child Safety, a referral to Family and Child Connect may be made.

This is also the case if a school considers that a student is likely to become in need of protection if no preventative support is provided to the student or student's family.

ACCESSIBILITY OF POLICY

This policy is accessible on the school website and will be available on request from the school administration. Each new staff member will be made aware of the policy as part of their induction.

AWARENESS OF POLICY

Staff will be made aware of this policy at regular in-service workshops, the College intranet and the College website.

Students will be made aware of this policy at the beginning of each term through pastoral care classes.

Parents and other community members will be made aware of the policy by its display on the school website.

FORM FOR REPORTING

A standard form for reporting purposes is attached to the Shalom Christian College Child Protection Reporting Procedure.

Child Protection Policy

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).
<p>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.</p>
<p>Please indicate the identity of anyone else who may have information about the harm or abuse</p>
<p>Additional information provided as an attachment YES <input type="checkbox"/> NO <input type="checkbox"/></p>

Name of staff member making report to the Statutory Agency if not the Principal:	Signature:	Date:
Position:		
Principal:	Signature:	Date:

Child Protection Policy

Principal's email address:			
Response requested by school:			

ACTION TO BE TAKEN (Tick the Appropriate suspected harm/risk of harm type below)			
<input type="checkbox"/>	Sexual abuse		<ul style="list-style-type: none"> - If person alleged to have caused harm lives outside the home refer to Child Protection Investigation Unit - If the person alleged to have caused the harm lives in the home with the young person refer to Department of Child Safety Intake
<input type="checkbox"/>	Physical abuse		Fax or email this form to: <ul style="list-style-type: none"> - Queensland Police Services (QPS) - Child Protection Investigation Unit - Ph. 07 4759 9743 - Fax: 07 4721 3854 - Department of Communities (Child Safety Services) - Department of Child Safety Intake - Ph. 1300 706 147 - Fax: 07 4799 7273
<input type="checkbox"/>	Emotional Abuse		
<input type="checkbox"/>	Harm		

(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.