



# Child Protection Policy 2022

Version CPP2022-1.0

<b>Purpose:</b>	The purpose of this policy is to provide written processes about – (a) how the College will respond to harm, or allegations of harm, to students under 18 years; and (b) the appropriate conduct of the College’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 Ohana College and covers information about the reporting of harm and abuse.	
<b>Status:</b>	APPROVED	<b>Supersedes:</b> CPP2021-1.0
<b>Authorised by:</b>	Ohana College Board	<b>Date of Authorisation:</b> 17 August 2022
<b>Authorities &amp; 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 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (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 2020 (Qld)</a></li> <li>• <a href="#">Criminal Code Act 1899</a></li> <li>• Complaints Handling Policy</li> <li>• Complaints Handling Procedure</li> <li>• Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> <li>• Child Protection Reporting Form</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> August 2023

<b>Policy Owner:</b>	Ohana College Board
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## 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 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.
- **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 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).

## 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>.

## Conduct of Staff and Students

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

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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: -

- Principal, Tahlia McGahey; or
- Assistant Principal (7-9), Byron Cracknell; or
- Assistant Principal (10-12), Abbey Walsh; or
- Senior Psychologist, Tim Fulton<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 College's governing body<sup>5</sup>. Reports will be dealt with under the College'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 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 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 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's governing body 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;

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

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

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

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

- 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 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.

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 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 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's governing body 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;
- 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 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>

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

<sup>8</sup> *Education (Accreditation of Non-State Colleges) Regulation 2017 (Qld) s.16(2)(c)*

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

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

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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 Children, Youth Justice and Multicultural Affairs (or another department administering the *Child Protection Act* 1999). The doctor, nurse, teacher or early childhood 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) 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 relates<sup>11</sup>.

Child Safety Regional Intake Service:

Note, a business hours (from 9am to 5pm Monday to Friday) phone number for your Regional Intake Service can be found [here](#).

Mermaid Beach Child Safety Service Centre – Shop 9, 2532 – 2540 Gold Coast Highway, Mermaid Beach.  
Telephone (07) 5675 4100

Gold Coast Assessment and In Home Service – 24 White Street, Nerang. Telephone: (07) 5675 4400

Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone freecall 1800 177 135 (Queensland only).

## 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 its website<sup>12</sup>.

## 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>13</sup>.

## Training

<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 Colleges) Regulation 2017 (Qld) s.16(4)(a)*

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

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>14</sup>.

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

### **Complaints Procedure**

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College's Complaints Handling Policy.

**Note:** It is intended that reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the *Criminal Code Act 1899* s.229BC<sup>16</sup>.

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

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

<sup>16</sup> *Criminal Code Act 1899 (Qld) s.229BC(4)(b)*