



# Child Protection Policy 2023

(OHA)PPACPP2023:1

<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> CPP2022-1.0
<b>Authorised by:</b>	Board	<b>Date of Authorisation:</b> 20 July 2023
<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</li> <li>• Work Health and Safety Policy</li> <li>• Child Protection Reporting Form</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> July 2024
<b>Policy Owner:</b>	Board	

## 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 a Work Health & Safety Policy in place to ensure compliance with relevant legislation.

## Responding to Reports of Harm

When the College receives any information alleging 'harm' 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 differently under obligations to report set out in this policy.

Relevant College staff acknowledge that indigenous students may need culturally appropriate assistance in this process and will endeavour to provide that to them. The College has engaged an Indigenous Liaison Officer who will be called upon to consult in these instances.

## 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. Professional boundaries must be maintained at all times. If in doubt, staff should seek assistance from a more senior member of staff.

### **Reporting Inappropriate Behaviour**

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

- Principal, Tenneille Lynham; or
- Assistant Principal, Sandra Gazzard; or
- Assistant Principal, Zach Friend; or
- Psychologist, Narissa Miller.

### **Dealing with a 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. Reports will be dealt with under the College's Complaints Handling Policy.

### **Reporting Sexual Abuse**

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;
- 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.

### **Reporting Likely Sexual Abuse**

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 there is 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 the suspected likelihood of abuse.

### **Reporting Physical and Sexual Abuse**

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 basis upon which the person has formed the reportable suspicion;
- b) the child's name and sex;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) 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;
- g) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

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](#).

Loganlea Child Safety Service Centre – 1-9 Juers Street, Kingston, Qld 4114. Telephone (07) 3094 7300

Logan Central Child Safety Service Centre – Level 1, 20-22 Blackwood Road, Logan Central, Qld 4114.  
Telephone: 07 3094 7400

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

## Responsibilities under Criminal Code Act 1899 (Qld)

The *Criminal Code Act 1899 (the Code)* 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.

### *Failure to Report*

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. A reasonable excuse not to make a report 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.

### *Failure to Protect*

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.

## **Awareness**

The College will inform staff, students, parents and carers 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. All incoming staff will receive induction regarding these issues as well as undertaking ISQ's online Child Protection modules annually.

## **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.

## **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.

## **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.

## **Complaints Procedure**

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