

Child Protection Policy & Procedures

| | | |
|---|---|-----------------------------------|
| Purpose: | The purpose of this policy is to provide a policy as part of Trinity Lutheran College'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 and the relevant legislation listed below. | |
| Scope: | 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 Trinity Lutheran College and covers information about the reporting of harm and abuse including likely abuse in both offline and online environments. | |
| Status: | Approved | Supersedes 2018 |
| Approved by: | Trinity Lutheran College Council | October 2023 |
| References: Legislation Related School Policies / Procedures | <ul style="list-style-type: none"> • Child Protection Act 1999 (Qld) • Child Protection Regulation 2023 (Qld) • Education (General Provisions) Act 2006 (Qld) • Education (General Provisions) Regulation 2017 (Qld) • Education (Accreditation of Non-State Schools) Act 2017 (Qld) • Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) • Working with Children (Risk Management and Screening) Act 2000 (Qld) • Working with Children (Risk Management and Screening) Regulation 2020 (Qld) • Education (Queensland College of Teachers) Act 2005 (Qld) • Criminal Code Act 1899 (sections 229BB and 229BC) • Trinity Lutheran College Dispute Resolution/Complaints Handling Policy / Procedures • Trinity Lutheran College Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld)) • Trinity Lutheran College Code of Conduct for Staff • Trinity Lutheran College Behaviour Management Policy / Procedures • eSmart Policy P-12 • Compliance modules: SALT; Valuing Safe Communities (LEA) • Incident Management Process – Inappropriate online activity including Cyberbullying | |
| Review Date: | Annually | Next Review Date: May 2024 |
| Policy Owner: | Trinity Lutheran College Council | |

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.¹

¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.15*

Responding to Reports of Harm

When the school receives any information alleging 'harm'² to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimize any likely harm to the extent it reasonably can. This is set out in the school's Child Risk Management Strategy. Included in the consideration of how this should best be dealt with by the school, reference needs to be made to the school's Code of Conduct for Staff, the Student Relational Management Policy and Procedures, Anti-bullying and/or anti-harassment policy, and external support agencies depending on who is alleged to have caused the harm and where it is alleged to have occurred.

The incident reporting template (Appendix 1) should be completed and forwarded to the relevant staff member best placed to deal with such reports. If in doubt, the appropriate person to receive the report is the school's Principal. In instances where the Principal is the person alleged to have caused the harm, the report should be forwarded to a member of the school's governing body.

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.³ The college's Code of Conduct for staff outlines the behavioural expectations in this regard.

Reporting Inappropriate Behaviour

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

- Head of Wellbeing on each Campus
- College Counsellor on each Campus⁴
- College Pastor on each Campus

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.⁵ Reports will be dealt with under the school's Dispute Resolution/Complaints Handling Policy and/or Procedures.

² 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)

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)

Reporting Sexual Abuse⁶

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 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 the Executive Director⁷ of Lutheran Education Queensland (director@leq.lutheran.edu.au) immediately.

The school's Principal or Executive Director of Lutheran Education Queensland 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 immediately give a written report about the abuse, or suspected abuse to a police officer and a copy of the report to the Executive Director of Lutheran Education Queensland 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 abuse⁸

The reporting form attached as Appendix 1 is consistent with these requirements.

⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

⁷ *The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the Education (General Provisions) Act 2006 to the Executive Director, Lutheran Education Queensland in line with s 366B.*

⁸ *Education (General Provision) Regulation 2017 (Qld) s.68*

Reporting Likely Sexual Abuse⁹

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 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 suspicion to the Principal or to the Executive Director¹⁰ of Lutheran Education Queensland (director@leg.lutheran.edu.au) immediately.

The school's Principal or the Executive Director of Lutheran Education Queensland 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 immediately give a written report about the suspicion to a police officer and give a copy of the report to the Executive Director of Lutheran Education Queensland 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 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 abuse¹¹

The reporting form attached as Appendix 1 is consistent with these requirements.

⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

¹⁰ *The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the Education (General Provisions) Act 2006 to the Executive Director, Lutheran Education Queensland in line with s 366B*

¹¹ *Education (General Provisions) Regulation 2017 (Qld) s.68*

Reporting Physical and Sexual Abuse where the child may not have a parent able and willing to protect them from the harm.¹²

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, an early education and care professional 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, early education and care professional 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, early education and care professional or teacher should then give a copy of the report to the Principal.

A report under this section must include the following particulars 13G(2)(b): -

- a) the child's name;
- b) the child's age;
- c) the child's sex descriptor (as defined in schedule 3)
- d) details of how to contact the child;
- e) details of the harm reported and the person suspected of causing harm to the child; and
- f) the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹⁴.

The Southeast Intake Service can be contacted 1300 679 849 during business hours (from 9am to 5pm Monday to Friday). Outside of these hours, the Child Safety After Hours Service Centre can be contacted on phone freecall 1800 177 135 (Queensland only).

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

¹³ *Child Protection Act 1999 s.13G (2)(a)*

¹⁴ See *Child Protection Regulation 2023 (Qld) Act, s 13G "Information to be included in report to chief executive"*

Responsibilities under Criminal Code Act 1899 (Qld) – all Adults

In addition to the reporting requirements under the Child Protection Act 1999 and Education (General Provisions) Act 2006, all adults also have obligations under the Criminal Code Act 1899 to report to police information relating to child sexual offenses should they have reasonable belief that an adult has committed a child sexual offence.

The *Criminal Code Act 1899* 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 Report¹⁵

Under section 229BC of the Criminal Code Act 1899, all adults, (including students who are 18 years and over, parents/guardians and volunteers at the school) 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 under the *Criminal Code Act 1899* 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 Protect¹⁶

Under section 229BB of the Criminal Code Act 1899, 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. All accountable persons will commit an offence if:

- a) the adult knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child; and
- b) the alleged offender is associated with the school (or another institution) or is a regulated volunteer; and
- c) the child is under the care, supervision or control of the school; and
- d) the child is under 16 years or is a person with an impairment of the mind; and
- e) the adult has the power or responsibility to reduce or remove the risk; and
- f) the adult willfully or negligently fails to reduce or remove the risk.

If in doubt, always assume that a matter is reportable.

¹⁵ *Criminal Code Act 1899 (Qld) s.229BC*

¹⁶ *Criminal Code Act 1899 (Qld) s.229BB*

Reporting Template

A reporting template which is compliant with the relevant Regulations and consistent with Education Queensland's SP4 Form is attached as Appendix 1.

Awareness and Accessibility of the Policy and Procedures

The school will inform staff, students and parents of its procedures relating to the health, safety and conduct of staff and students in written communications to them at least twice per year and it will publish these procedures for their access on its website and are available at request in hard copy format from the school office¹⁴.

Training

The school will train its staff in procedures relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁵. A record of attendance by staff in induction training and annual refresher sessions will be maintained by the school. Additionally, staff also attend professional development opportunities centered around health and safety of students along with regular staff meetings and planning days.

Blue Cards

The college will ensure all Corporate staff obtain a valid blue card prior to commencement with the college and maintain a current Blue Card at all times as per the "no card, no start" legislation.

Implementing the Policy and Procedures

The school will ensure it is implementing procedures relating to the health, safety and conduct of staff and students by auditing compliance with the procedures annually¹⁶.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under the Complaints Handling Policy and Procedures¹⁷.

Important Contact Details

| | |
|---|---|
| Queensland Police Service | 000 (in emergency) or 5570 7861 (regional Child Protection and Investigation Unit) |
| Department of Child Safety, Youth and Women | 1800 177 135 or (07) 3235 9999 |
| Family and Child Connect | Call (07) 3441 3000 or at https://familychildconnect.org.au/ |
| Queensland College of Teachers | (07) 3377 4777 |

Appendix 1 - Private and Confidential

Report of Suspected Harm or Sexual/Likely Sexual Abuse

| |
|---------------|
| Date: |
| School: |
| School Phone: |
| School Fax: |

| DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE: | |
|--|--|
| Legal Name: | Preferred Name: |
| DOB: | Sex Identifier: |
| 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).

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; parenting and protective capacity; 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.

Please indicate the identity of anyone else who may have information about the harm or abuse

Additional information provided as an attachment YES ☐ NO ☐

Name of staff member making report to the Statutory Agency:

Signature:

Date:

Position:

Email address of reporting staff member:

ACTION TAKEN

Form was faxed or emailed to (please tick which agencies the form was sent to):

☐

Queensland Police Services (QPS)

- Call Police Link 131 444 in an emergency - immediate threat/harm.

☐

Department of Child Safety, Youth and Women. Three options:

- Online application: www.communities.qld.edu.au (File path - Childsafety/protecting children/reporting child abuse)
- Call 1300 705 201 to speak to Intake officer to give notification over the phone or for General Enquiries. Business Hours 9am-5:00pm 1300 679 849. After Hours – 1800 177 135.
- Fax form to South East Regional Intake Office 07 3884 8802.

☐

Family and Child Connect (Early Intervention) - Benevolent Society
- Call (07) 3441 3000.

(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.