

POLICY

CHILD PROTECTION

Purpose of Policy

The purpose of this policy is to form part of Tec-NQ's written processes detailing how the school will respond to harm, or allegations of harm, to students under 18 years old, and the appropriate conduct of the school's staff and students, to comply with accreditation requirements.

Scope

The Child Protection Policy applies to Directors, 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 or through Tec-NQ and covers information about the reporting of harm and abuse.

Policy Statement

Tec-NQ is committed to being a child safe organisation through the prevention, identification and reporting of child abuse and neglect. This also includes the provision of support to children who have been abused, or are affected by abuse or neglect.

All members of Tec-NQ will:

- Take all actions and make decision based on the best interests on the child;
- Apply child safe principles;
- Report all concerns relating to possible child abuse and neglect; and
- Comply with the procedures relevant to their position.

The Child safe principles that apply to this policy include:

- Actions that reduce the likelihood of harm occurring to children and young people;
- Actions that increase the likelihood of any harm being discovered; and
- Appropriate responses by staff to any disclosures, allegations or suspicions of harm.

Definitions

Harm:

- **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
 - b) sexual abuse or exploitation.
 3. Harm can be caused by—
 - a) a single act, omission or circumstance
 - b) a series or combination of acts, omissions or circumstances.

A Child in need of protection:

- **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
 - b) does not have a parent able and willing to protect the child from the harm.

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Sexual Abuse:

- **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.

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 College staff member may detect an impact of harm for a child that the ordinary person may not identify.

The "Parent Willing and Able 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".

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.

Responding to Reports of Harm

When the school 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

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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 policy.

Conduct of Staff and Students

All staff, contractors and volunteers must ensure that their behaviour towards, and interactions with students, reflects proper standards of care for students. Staff, contractors and volunteers must not cause harm to students.

Reporting Inappropriate Behaviour

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

- Chief Executive Officer
- Student Support Manager
- Student Development Manager

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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. Reports will be dealt with under Tec-NQ's Complaints and Appeals 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 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 section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school
 - 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, CEO or to a director of the school's governing body immediately.

The school's Principal, CEO or the director of the school's governing body 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 school's governing body.

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 school, that any of the following is likely to be sexually abused by another person: -

- a) a student under 18 years attending the school

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- 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 section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school
 - 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.

The school's Principal or the director of the school's governing body 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 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 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.

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 education and care professional as defined by the act 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
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, teacher or education and care professional 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, teacher or 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) state the basis on which the person has formed the reportable suspicion

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- b) include the information prescribed by regulation, to the extent of the person's knowledge.

Awareness

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 on its website.

Training

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

Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the school website and will be available on request from the school administration.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as a complaint under the Tec-NQ Complaints and Appeals Policy and Procedure.

Legislation

- Working with Children (Risk Management Screening) Act 2000 (Qld);
- Working with Children (Risk Management Screening) Regulation 2011 (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 Colleges) Act 2001 (Qld);
- Education (Accreditation of Non-State Colleges) Regulation 2001(Qld);
- Child Protection Act 1999 (Qld)

Related Documents

1. Sexual Harassment and Discrimination Policy.
2. Staff Code of Conduct Policy and Procedures.
3. Tec-NQ Work Health and Safety Policy
4. Child Risk Management Procedure.
5. Privacy Policy.
6. Tec-NQ Complaints and appeals Policy & Procedure

Publication

Distributed to all staff, students and parents via Tec-NQ Website and DMS.

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Policy Release Details

Date of Policy Release: 17th November 2017

Review Date: 16th November 2018

Recommended by: Board

Approved by: Board

Signature:

Date:

Version 3

Procedure Release Details

Date of Procedure Release: 17th November 2017

Review Date: 16th November 2018

Recommended by: CEO

Approved by: CEO

Signature:

Date:

Version 4

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1. Procedure Statement

Tec-NQ is committed to the safety and wellbeing of students enrolled at the school. In accordance with sections 171 and 172 of the *Working with Children (Risk Management and Screening) Act 2000* (Qld), Tec-NQ is dedicated to eliminating and minimising risks to child safety through this Strategy which includes and refers to various other policies and procedures to effectively ensure the safety and wellbeing of children in the school's care. This Child Protection Procedure is evidence of Tec-NQ's commitment to the safety and wellbeing of children and the protection of children from harm in fulfilment of the requirements of section 3(1)(a) of the *Working with Children (Risk Management and Screening) Regulation 2011* (Qld).

Implementation

In practice, Tec-NQ's commitment to acting in accordance to the *Working with Children (Risk Management and Screening) Act* ("the Act") to ensure the safety and wellbeing of students means that it will implement the measures outlined below in points 1 - 8.

1. Code of Conduct

Tec-NQ's Staff Code of Conduct is evidence of fulfilment of the requirements of section 3(1)(b) of the Regulation.

2. Recruitment, Selection, Training and Management Procedures (

Tec-NQ is committed to recruiting, selecting, training and managing employees in such a way that limits risks to children. In particular, Tec-NQ will:

- Ensure that its recruitment and selection procedures act to reduce the risk of harm to children from employees via:
 - Accurate position descriptions, including whether the successful applicant must be a teacher registered with the Queensland College of Teachers (who has been subject to relevant police and other safety checks), whether a Blue Card is necessary for the successful applicant, the responsibilities and supervision associated with the position, the nature and environment of the service provided to children, and the experience and qualifications required by the successful applicant.
 - Advertising the position with a clear statement about the school's commitment to safe and supportive work practices and identifying that candidates will be subject to a teacher registration check or Blue Card screening, a police check, referee checks, identification verification and the requirement to disclose any information relevant to the candidates' eligibility to engage in activities including young people.
 - A selection process that includes assessing the application via an interview process and referee and other checks (as identified above) based on the accurate position description.
 - A probationary period of employment, which allows the school to further assess the suitability of the new employee and to act as a check on the selection process.

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- Ensure that its training and management procedures act to reduce the risk of harm to children from employees via:
 - Management processes that are consistent, fair and supportive.
 - Performance management processes to help employees to improve their performance in a positive manner.
 - Supportive processes for staff when they are experiencing challenges, such as mentoring, mediation, conflict resolution, coaching, additional training, and external support and counselling services.
 - An induction program which thoroughly addresses the school's policies and procedures, particularly its expectations regarding child risk management and to assist employees to understand their role in providing a safe and supportive environment for children.
 - Training new and existing staff on an ongoing basis to enhance skills and knowledge and to reduce exposure to risks, as follows:
 - the school's policies and procedures
 - identifying, assessing and minimising risks to children
 - handling a disclosure or suspicion of harm to a child.
 - Keeping a record of the training provided to employees.
 - Exit interviews to assist the school to identify broader issues of concern that may impact on the safety and wellbeing of children at the school.

This commitment is evidence of Tec-NQ's fulfilment of the requirements of section 3(1)(c) of the Regulation.

3. Handling Disclosures or Suspicions of Harm

Any of the types of concerns or reports below should be reported and managed under the Tec-NQ Child Protection Policy and Procedure, as follows:

- all staff with concerns about sexual abuse or likely sexual abuse
- teachers with concerns of sexual or physical abuse
- all staff who have received a report of inappropriate behaviour by another staff member.

In accordance with the *Child Protection Act 1999*, if a staff member, teaching or non-teaching, is aware or reasonably suspects harm has been caused to a student under 18 years and the harm has not been reported under the Child Protection Policy, the staff member must report the harm to the school's Principal.

The types of harm reported may include emotional or psychological abuse or neglect or sexual exploitation.

If the Principal is aware or reasonably suspects the harm has been caused and that the student is in need of protection, the Principal must report the harm or suspected harm to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*).

In assessing whether a student is in need of protection, the Principal will consider the

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“Significant Harm Test” and the “Parent Willing and Able Test”, as defined in the definitions of this policy and procedure, as well as utilise the Department of Communities, Child Safety and Disability Services’ Child Protection Guide resource.

To report any type of harm, all staff members should use the Report of Suspected Harm or Sexual Abuse Form in Appendix 2 of this procedure.

Furthermore, and in accordance with section 76 of the *Education (Queensland College of Teachers) Act 2005*, the Principal of Tec-NQ will report to the Queensland College of Teachers any investigations into allegations of harm caused, or likely to be caused, to a child because of the conduct of a relevant teacher at the school.

This commitment is evidence of Tec-NQ’s fulfilment of the requirements of section 3(1)(d) of the Regulation.

4. Managing Breaches of this Child Risk Management Strategy

Tec-NQ is committed to appropriately managing breaches of this Procedure in accordance with its other relevant policies as appropriate in the circumstances, such as its Child Protection Policy, Employee Code of Conduct and Complaints and Appeals Policy and Procedures.

This is evidence of fulfilment of the requirements of section 3(1)(e) of the Regulation.

5. Implementing and Reviewing the Child Protection Procedure

This process in its entirety and its related policies and procedures are evidence of fulfilment of the requirements of section 3(1)(f)(i) of the Regulations relating to implementation.

The Child Protection Procedure and the “Compliance and Monitoring” section below state Tec-NQ’s commitment to reviewing the Strategy annually and are evidence of fulfilment of the requirements of section 3(1)(f)(i) of the Regulation relating to review.

6. Blue Card Policies and Procedures

Tec-NQ’s Blue Card Policy and Register are evidence of fulfilment of the requirements of section 3(1)(f)(ii) of the Regulation.

7. High Risk Management Plans

Tec-NQ’s Risk Management Framework is evidence of fulfilment of the requirements of section 3(1)(g) of the Regulation.

8. Strategies of Communication and Support

Tec-NQ commitment to making this Child protection procedure available to students, parents and employees via its enrolment package, employee handbook, website and Document Management System (DMS) is evidence of fulfilment of the requirements of section 3(1)(h)(i) of the Regulation.

Tec-NQ is committed to training employees in relation to risks to children and will conduct this training regularly via annual formal training events, informal updates at staff meetings and

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regular discussions between managers and their staff, and this is evidence of fulfilment of the requirements of section 3(1)(h)(ii) of the Regulation.

Responsibilities

Tec-NQ is responsible for developing and implementing this Child Protection Policy and Procedure and related policies and procedures to ensure it fulfils its obligations. All employees at Tec-NQ are responsible for acting in compliance with this Child Protection Policy and Procedure and related policies and procedures.

Compliance and Monitoring

Tec-NQ is committed to the annual review of this procedure. Tec-NQ will also record, monitor and report to the school CEO and board, regarding any breaches of the policy or procedure.

In addition, Tec-NQ is committed to other various compliance and monitoring arrangements made under relevant policies and procedures.

Appendix 1

Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation	Status
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal, through to Police	EGPA, sections 366 and 366A	Unchanged
Teacher	Sexual and physical	Significant harm Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G	New
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 10	Amended
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M	New
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M	New
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A	Unchanged

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Appendix 2

Private and Confidential Report of Suspected Harm or Sexual Abuse

Date:
School:
School Phone:
School Email and/or Fax:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
Primary language spoken:	
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):
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"/>	
Are there any Family Court or Domestic Violence orders in place? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <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; location 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>
Additional information provided as an attachment YES <input type="checkbox"/> NO <input type="checkbox"/>

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

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Principal:	Signature:	Date:
Principal's email address:		
Response requested by school:		

ACTION TAKEN		
Form was faxed or emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Communities (Child Safety Services)
	<input type="checkbox"/>	Family and Child Connect

(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.