

## Policy: Child Protection

Department	Teaching and Learning
Leader Responsible:	Principal
Review Cycle:	Yearly
Last Reviewed:	23 <sup>rd</sup> July 2019
Induction Cycle:	Yearly

### Introduction

It is a requirement of the *Education (Accreditation of Non-State Schools) Regulation 2001* that schools must have written processes about the appropriate conduct of its staff and students, that accord with legislation applying about the care or protection of children). This policy is written in support of this and in support that children and adults have a right to a safe and respectful environment to learn and work in. The [Child Protection Risk Compliance Policy](#) of Silkwood plays a key role in helping to identify and prevent harm coming to students at Silkwood School.

Purpose:	The purpose of this policy is to provide a policy as part of Silkwood School's written processes about how the school will respond to harm, or allegations of harm, to students under 18years old, and the appropriate conduct of the school's staff and students, to comply with accreditation requirements.
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 Silkwood School and covers information about the reporting of harm and abuse.
References:	<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="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Regulations 2011 (Qld)</a></li> </ul>
Related Policies	<ul style="list-style-type: none"> <li>• Policy: <a href="#">Dispute Resolution/Complaints Handling Policy and Procedure</a></li> <li>• <a href="#">Policy - Child Risk Management Strategy</a> (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• <a href="#">Policy - Work Health and Safety</a> (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> </ul>

Contact Numbers	Queensland Police Services (QPS) <a href="mailto:seintake@communities.qld.gov.au">-seintake@communities.qld.gov.au</a> Child Safety Notifications – (07) 38848845 or 1300679 849 Family and Child Connect Gold Coast 133264 PoliceLink – Welfare – 131 444 ISQ – (07) 32281515 Nerang Police Station – (07) 55038999
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## Definitions

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.

### What is a reportable suspicion?

In a school situation, as mandatory reporters, teachers must report to Child Safety a ‘reportable suspicion’ about a child, formed during their employment. A reportable suspicion is one where a teacher has a reasonable suspicion that a child 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 child 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 child must have suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by the physical or sexual abuse (known as the ‘Significant Harm Test’); and
2. The child may not have a parent able and willing to protect them from the harm (known as the ‘Parent Test’).

### Who is a mandatory reporter?

A mandatory reporter is an approved teacher (as defined by the Education (Queensland College of Teachers) Act 2005) and currently working at a school.

### What is 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; 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.

Abuse may be physical abuse, sexual abuse, emotional abuse, or neglect. 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. 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. Harm is the effect or impact on the child of the abuse.

### **The 'Significant Harm Test'**

When considering the significance of harm under mandatory reporting obligations, the CPA provides guidance under section 13C. In summary, 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,
- 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.

### **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'.

### **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 CPA:

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.

## 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<sup>1</sup>.

## Responding to Reports of Harm

When the school receives, any information alleging 'harm'<sup>2</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 [Silkwood School Child Risk Management Strategy](#). Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>3</sup>.

## 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<sup>4</sup>.

## Reporting Inappropriate Behaviour

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

- (a) Valerie Campbell-Hogg - *CEO*, or
- (b) Terry O'Hanlon Rose - *School Principal*

## Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour by a staff member they must report it to the School Principal. Where the School Principal is the subject of the report of inappropriate behaviour, the staff member must inform the CEO or a Director of the School Board<sup>5</sup>. Reports will be dealt with under the school's [Dispute Resolution/Complaints Handling Policy and Procedure](#)

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

<sup>2</sup> *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)*

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

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(3)*

## 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 during 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; and
  - ii. is not enrolled in the preparatory year at the school

then the staff member must give a written report (Template 1 at the end of this policy) about the abuse or suspected abuse to the School Principal or to the CEO or a Director of the School's Board immediately.

The School's Principal, CEO or the Director of the School Board must immediately give a copy of the report to a police officer.

*(Under section 366B of the Education (General Provisions) Act 2006, the directors of a school's board may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the School Principal or any other staff member of the school). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this policy and informing the school community of the delegate/s name/s their contacts, and their role in the school's processes.)*

If the first person who becomes aware or reasonably suspects sexual abuse is the school's Principal, the School Principal must give a written report (see reporting template at the end of this policy) about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to the CEO or a director of the school's board.

A report under this section must include the following: -

- 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 another person has sexually abused the student;
- 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;

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

- 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 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 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 (see reporting template at the end of this policy) about the suspicion to the School Principal or CEO or to a director of the school's board immediately.

The school's Principal or CEO or the director of the school's Board must immediately give a copy of the report to a police officer.

*(Under section 366B of the Education (General Provisions) Act 2006, the directors of a school's board may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the School Principal or any other staff member of the school). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this policy and informing the school community of the delegate/s name/s their contacts, and their role in the school's processes.)*

If the first person who reasonably suspects likely sexual abuse is the school's Principal, the School Principal must give a written report (see reporting template at the end of this policy) about the suspicion to a police officer immediately and must also give a copy of the report to the CEO or a director of the school's Board.

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>7</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68*

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

- 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 abuse<sup>9</sup>.

## Reporting Physical and Sexual Abuse

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse 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. (see Template 1)

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 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 or teacher should give a copy of the report to the School Principal.

A report under this section must include the following particulars:-

- a) state the basis on which the person has formed the reportable suspicion; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge<sup>10</sup>.

## Reporting Harm or Suspected Harm other than Sexual or Physical

You are a school staff member, including a teacher; and you have a concern about harm to a child, caused by any type of abuse, that is not sexual or physical (see guidelines above for these);

1. Complete the school's reporting *Template 1: At the end of this policy*
2. Discuss your concerns with the Principal
3. Work through the [Online Child Protection Guide](#) with the Principal
4. The Principal will report to Child Safety if the harm or suspected harm is deemed significant and the parent is unable or unwilling to help

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<sup>9</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68A*

<sup>10</sup> *Child Protection Act 1999 (Qld) s.13G (2).*

5. If it is not a Child Safety reporting matter the Principal will take one or more of the following actions that are deemed most appropriate for the situation;
  - a. Offer support at the school level; or
  - b. Seek parental consent to refer to [Family and Child Connect \(FCC\)](#) and then make the referral; or
  - c. Refer a family to [Family and Child Connect \(FCC\)](#) without consent (a principal-only power); or
  - d. If it is in relation to a staff member, other than a teacher, follow appropriate industrial relation guidelines; or
  - e. If it is in relation to a teacher follow the *Reporting investigation of harm under section 76 and 77 of the Education (Queensland College of Teachers) Act 2005*
6. Appropriate records of decisions and actions taken will be taken

## Reporting Summary

The following is a summary table to help you decide how and when to report. If you are still unsure after looking at the following information, please contact the School Principal.

Who	What Abuse	Test	Report to
All staff	Sexual	Awareness or a reasonable suspicion	School Principal, through to Police
		Sexually abused or likely to be sexually abused	
Teacher	Sexual and Physical	Significant Harm	Confer with School Principal, and report to child safety
		Parent may not be willing and able	
All Staff	Physical, Psychological emotional neglect and exploitation	Significant Harm	School Principal, through to Child Safety
		Parent may not be willing and able	
All Staff	Any	Not of a level that is otherwise reportable to child safety refer with consent	School Principal, through to Family and Child Connect
School Principal	Any	Not of a level that is otherwise reportable to child safety refer without consent	Family and Child Connect
Any member of the public	Any	Significant Harm	Child Safety
		Parent may not be willing and able	

## 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 and in the Parent Handbook<sup>11</sup>.

<sup>11</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)*

## 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 on Induction and annually<sup>12</sup>. Notifications will be made yearly if amendments have been made to the act, which will be reflected in the school's policy.

## 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<sup>13</sup>.

## 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<sup>14</sup>

## Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under [The Silkwood Complaints Policy](#).<sup>15</sup>

## Links to Supporting Documents

- [Sexual Behaviours in Children and Young People](#) - A guide for schools to IDENTIFY, UNDERSTAND and RESPOND to sexual behaviours
- [Fact Sheet Child Protection – Reporting Sexual abuse and likely sexual abuse under the Education \(general provisions\) act 2006](#)
- Child Protection Decision Making Tree - [Principal](#)
- Child Protection Decision Making Tree - [Teaching staff](#)
- Child Protection Decision Making Tree - [Non-teaching staff](#)
- [Fact Sheet: Child Protection by legislation](#)

## Reporting Template 1:

Below is a copy of the reporting template required to report all concerns mentioned above.

If you wish to make a report please click on the following link and download a copy or cut and paste the report template below.

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<sup>12</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)

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

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

<sup>15</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)



Principal@silkwood.qld.edu.au

07 56550300

Once completed email to Principal@silkwood.qld.edu.au and ceo@silkwood.qld.edu.au

Report: Student of Significant Harm, Significant Suspected Harm or Sexual Abuse	
Date:	
Name of Person making the report	
Relationship to the student	
DETAILS OF STUDENT AT RISK:	
Students Legal Name:	
Students Address	
Contact Number	Caregiver
	Students Person Mobile #
DOB:	
Year Level:	
Does the student have a disability verified under EAP	<input type="radio"/> Yes    Disability Category _____ <input type="radio"/> No
	<input type="radio"/> Aboriginal <input type="radio"/> Torres Strait Islander <input type="radio"/> Aboriginal and Torres Strat Islander
FAMILY DETAILS	
Parent(s)/caregiver (1)	
Relationship to Student:	
Address (if different to the student)	
Phone:	
Parent(s)/caregiver (2)	
Relationship to Student:	
Address (if different to the student)	
Phone:	
Is the student in out of home care	<input type="radio"/> Yes <input type="radio"/> No
PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE	
<input type="radio"/> Adult Family Member <input type="radio"/> Child Family Member <input type="radio"/> Other Adult <input type="radio"/> Student/Other Child <input type="radio"/> Unknown	

DETAILS OF CONCERN/INCIDENT	
Include all details here of what you know (include any notes from the child)	
Attach or cut and paste any correspondence currently received on the matter	
Do you have any immediate and ongoing safety concerns;	
Are there any indicators of harm;	
Please indicate the identity of anyone else who may have information about the harm or abuse	

Name of staff member making report to the Statutory Agency if not the Principal:	Position:	
	Signature:	Date:
Principal	Signature:	Date:
Principals email address: <a href="mailto:Principal@silkwood.qld.edu.au">Principal@silkwood.qld.edu.au</a>		
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) seintake@communities.qld.gov.au
	<input type="checkbox"/> Department of Communities (Child Safety Services) (07) 38848845 or 1300679 849/1300678801(School's line)
	<input type="checkbox"/> Family and Child Connect Phone: 133264
	<input type="checkbox"/> Police Link – Welfare Check ph: 131444
	<input type="checkbox"/> Other (see below)

(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.**

OTHER SCHOOLS ACTIONS:	
Date:	