



Child Protection Policy

Saint Stephen's College

Purpose

The purpose of this policy is to provide written processes about the health and safety of the Saint Stephen's College staff and students and about the appropriate conduct of the College's staff and students. This policy forms a part of Saint Stephen's College's written processes about how the College will respond to harm, or allegations or harm, to students under 18 years old, and the appropriate conduct of the College's staff and students, to comply with legislative requirements.

Scope

This policy applies to all people who access the College campus or Childcare Centre and covers information about the reporting of harm and abuse.

Responsibility

College Board

Adopted: March 2021 Next Review: March 2022

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 well-being.
 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.
- A **volunteer** is a person other than a member of the College, staff or a student, who is involved in any College activity from time to time or at any time, and specifically includes any volunteer who is a parent of a student.

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 remove or reduce any likely harm. This is set out in the College's Child Protection Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

References

- [Child Protection Act 1999 \(Qld\)](#)
- [Child Protection Regulation 2011 \(Qld\)](#)
- [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 \(Risk Management and Screening\) Regulations 2020 \(Qld\)](#)
- Saint Stephen's College Child Protection Risk Management Statement
- Saint Stephen's College Child Protection Protocols
- Decision Trees for Reporting Reasonable Suspicions of Harm or Abuse
- Saint Stephen' College Child Harm Report Form
- Saint Stephen's College Complaints and Dispute Resolution Policy

Principles

The College will uphold the following principles under this Policy:

- Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential;
- The recognition that people who are subjected to abuse are harmed by it;
- The welfare and best interests of the student will always be a primary consideration;
- An expectation that students to show respect to its staff and volunteers and to comply with safe practices;
- All employees must ensure that their behaviour towards and relationships with students reflect proper standards of care for students, and are not unlawful;
- Sexual acts by an adult employee or volunteer with a student who is a child will always constitute sexual abuse;
- Respond diligently to a report of suspected or actual harm, or risk of harm to a student;
- Reprisals against students or others making a complaint will not be tolerated;
- Student management practices will be administered with respect and in a manner which maintains the student's dignity;
- Act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct;
- Anybody within the College who becomes aware or reasonably suspects that a student is being harmed must report it to the College in accordance with the College's Procedures for Reporting Harm; however, the College will take appropriate disciplinary action against any person (including a student or a parent of a student) who makes a knowingly false allegation against any such employee or volunteer;
- Disciplinary action will be taken against employees who harm others, and appropriate action against volunteers who harm others; and
- Will cooperate with state authorities in resolving allegations of harm.

Health and Safety

The College will take appropriate precautions to protect students from harm as far as it is reasonably able. The safety, wellbeing and best interests of our students are of primary importance. The College will ensure the health and safety of staff in accordance with relevant workplace health and safety legislation and the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*.

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. The College will ensure that relevant adults will have a current and appropriate positive notice (“blue card”) as required by *Working with Children (Risk Management and Screening) Act 2000 (Qld)* or that they are registered teachers.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality (any discussion must be limited to persons within the reporting line). The College is unable to promise absolute confidentiality since its policies will require disclosing, internally and/or externally, certain details involved in responding to any complaint. Moreover, State authorities can compel people to give evidence about actions under the Policy and to produce documents (Section 366(5-6) of the *Education [General Provisions] Act 2006*).

Criminal Law

Where there are allegations of criminal misconduct (including, but not limited to, any form of sexual abuse) involving a student of the College, the allegations must be referred to the police by the Principal or Chairman of the College Board, as required by legislation.

Criminal Liability for Failure to Report or Protect a Student from Sexual Abuse

Section 229BC of the Queensland Criminal Code requires any adult to report to police a belief, on reasonable grounds, of sexual abuse of a child. Penalties of up to 3 years imprisonment may be imposed for failure to report.

The legislation provides a limited range of reasons an adult may use as a reasonable excuse not to make a report. Adults making a written report for police through the Principal or College Board Chairman, will receive written confirmation the report has been lodged as required. This is to provide evidence the obligations of the person making the report under this section of the Criminal Code have been met.

Section 229BB of the Queensland Criminal Code imposes penalties of up to 5 years imprisonment for actions or omissions of individuals, associated with the College, who knows there is a significant risk of a child sexual offence and fails to protect a child in their care from sexual abuse.

‘Accountable Persons’ are those adults who have the power or responsibility to reduce or remove the risk of a sexual offence to a child under their care, supervision or control of an institution (the College). ‘Accountable Persons’ may include directors of the Board, College staff, volunteers, contractors or service providers engaged by the College to provide activities for College students.

Defamation

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation or breach of confidence. (Section 22 of the *Child Protection Act, 1999*; Section 366 (5-6) or Section 366A (7-9) of the *Education (General Provisions) Act 2006*; however, a person (including a student or a parent of a student) who makes a knowingly false or a malicious or vexatious report will not be protected by those provisions of those Acts and may risk action for defamation and/or disciplinary action.

Promptness

All steps under the Policy should be carried out promptly. The College will keep the alleged victim and the alleged perpetrator informed of progress.

Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to one of the Child Protection Officers.

Child Protection Officers

Students or guardians should contact one of the Pastoral Care Team to report any reasonable suspicions of child harm or abuse. The College Child Protection Officers include:

- a) The Dean of Wellbeing, Kathy Dendy. Office Student Welfare Centre Ph: 55738639 (kdendy@ssc.qld.edu.au);
- b) The Dean of Junior College, Leith Biggs. Office P-6 Administration Ph: 5573 8630 (lbiggs@ssc.qld.edu.au);
- c) Kellie Solomons, Early Learning Centre Director Ph: 5573 8653 (ksolomons@ssc.qld.edu.au);
- d) Katrina McLachlan, Assistant Dean of Junior College. Office P-6 Administration, Ph: 5573 8619 (kmclachlan@ssc.qld.edu.au);
- e) Years 7-12 Heads of Year, their offices are located in the Student Welfare Centre (Phone 5573 8633):
Mick Skehan (mskehan@ssc.qld.edu.au), Sarah Standage (sstandage@ssc.qld.edu.au),
Gavin Neuper (gneuper@ssc.qld.edu.au), Shelley Haines (shaines@ssc.qld.edu.au),
Sam Cleary (scleary@ssc.qld.edu.au), Karen Doyle (kdoyle@ssc.qld.edu.au).

Dealing with Information about Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Principal or the Chairman of the College Board. The staff member should consult with a child protection officer to prepare the report. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform the Chairman of the College Board immediately in writing. Concerns about the application of this policy will be dealt with through the College Complaints and Dispute Resolution Policy. This policy is located on the College website.

Reporting Sexual Abuse under the Education (General Provisions) Act 2006

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

The staff member must give a written report about the abuse or suspected abuse to the Principal or to the Chairman of the College Board immediately.

If the staff member who becomes aware or reasonably suspects sexual abuse is the Principal, a copy of the report must be given immediately to the Chairman of the College Board.

The Principal or the Chairman must give a written report about the suspicion to a police officer immediately.

A report under this section must include the particulars required by s.68 of the *Education (General Provisions) Regulation 2006* which are currently:

- (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;
- (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 under the Education (General Provisions) Act 2006

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 kindergarten aged child registered in a kindergarten learning program at the College;
- (c) A person with a disability who:
 - (i) under s.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.

The staff member must give a written report about the suspicion to the Principal immediately.

If the staff member who becomes aware or reasonably suspects likely sexual abuse is the College Principal, a copy of the report must be given immediately to the Chairman of the College Board.

The Principal or Chairman must give a written report about the suspicion to a police officer immediately.

A report under this section must include the particulars required by s.68 of the *Education (General Provisions) Regulation 2006* which are currently:

- (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 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 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.

Section 13H of the Act allows teachers (and other listed professionals) to confer with a colleague to determine if the situation qualifies as a reportable suspicion. The College nurse or teachers must confer

with the Principal and, if a reportable suspicion is confirmed, must give a written report to the Principal to immediately provide 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 or teacher 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; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge.

Teachers should complete the prescribed form available from members of the Pastoral Care Team.

Gold Coast Child Safety Regional Intake Service Ph: 1300 679 849 After Hours Ph: 1800 177 135

Accessibility and Awareness of Policy

This policy is accessible on the College website and will be available on request from the College Administration. Each new staff member will be made aware of the policy as part of their induction. Staff and students will regularly be made aware of the availability of the policy on the College website.

Training

The College will train new staff in processes relating to the health, safety and conduct of staff and students as a part of their induction, which involves written acknowledgement of key policies and procedures. Staff and Associated Persons will receive refresher training annually prior to the commencement of the school academic year. Subsequent training may be provided as determined by the College.

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. This responsibility is delegated to the Director of Operations.

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.

Complaints Procedure

Allegations of non-compliance with the College's processes may be submitted as complaints under the College Complaints and Dispute Resolution Policy to Bob Nicol, Director of Operations (bnicol@ssc.qld.edu.au).

Policy Review

Child Protection Policy and procedures will be reviewed annually by the Director of Operations. Last review completed March 2021.

Useful Contacts

Commission for Children and Young People	(07) 3247 5525
College of Teacher Registration	(07) 3377 4777
Department of Communities	(07) 5525 5888
Police Child Protection Unit	(07) 5570 7861
Coomera Police Station	(07) 5573 6111
Regional Police Headquarters	(07) 5570 7999
Father Andrew Kinmont	(07) 5573 8600 / 0417 711 699
College Nurse	(07) 5573 8615
College Counsellor	(07) 5573 8620