



Child Protection Policy

Saint Stephen's College

Purpose:	The purpose of this policy is to provide written processes about: (a) how the College will respond to harm, or allegations of harm, to students under 18 years old; and (b) the appropriate conduct of the College's staff, students, parents/guardians and volunteers to comply with legislative requirements.		
Scope:	Employees, including full-time, part-time, permanent, fixed-term and casual employees; as well as Board Members and Directors; and contractors, volunteers and guests including anyone undertaking work experience or vocational placements. This policy includes the Early Learning Centre and Prep to Year 12 College Campus operations.		
Status:	Approved	Supersedes:	March 2023
Authorised by:	Saint Stephen's College Board	Date of Authorisation:	14 November 2023
References:	<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) • Criminal Code Act 1899 (Qld) • Saint Stephen's College Code of Conduct • Saint Stephen's College Child Protection Risk Management Strategy • Saint Stephen's College Complaint Resolution Policy • Saint Stephen's College Privacy Policy • Saint Stephen's College Work Health and Safety Policy • Saint Stephen's College Protocols for Staff/Student Interaction • Saint Stephen' College Staff Referral Form: Report of Suspected Harm or Sexual Abuse • Decision Trees for Reporting Reasonable Suspicions of Harm or Abuse 		
Review Date:	Annually	Review Date:	Next Review Date:
		November 2023	November 2024
Policy Owner:	Saint Stephen's College Board	Delegated Policy Owner:	Dean of Students

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 minimise any likely harm to the extent it reasonably can. 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.

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 has written processes in place to enable it to comply with the requirements of the *Work Health and Safety Act 2011* (Qld) 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* 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 specifically under section 366 of the *Education (General Provisions) Act 2006*.

Responsibilities under *Criminal Code Act 1899*

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 Report

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the College. 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 Protect

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

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*; Sections 366(5) and 366(6) or Sections 366A(7) and 366A(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.

Reporting 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 parent/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) Director of Early Learning Centre Ph: 07 5573 8653
- b) Dean of Junior College (Prep to Year 6) Ph: 07 5573 8630
- c) Dean of Students (Year 7 to 12) Ph: 07 5573 8639

The email address for the above Child Protection Officers is: childsafety@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 Chairperson 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 Chairperson of the College Board immediately in writing.

Reports will be dealt with under the College's Complaint Resolution Policy. This policy is located on the College website.

Delegation of College Board's Reporting Functions

The directors (collectively known as the College Board) have, by unanimous resolution, delegated the directors' function under sections 366 and 366A of the *Education (General Provisions) Act 2006* to an appropriately qualified individual, not including the College Principal or any other staff member. The College Board has delegated these responsibilities to the role of Board Chairperson.

The *Education (General Provisions) Act 2006* places obligations on all the directors of the College to receive a report and give a copy of the report to a police officer immediately about sexual abuse or likely sexual abuse of a person under 18 years in sections 366, 366A and 366B.

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 (the first person) 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 Chairperson of the College Board immediately.

If the first person who becomes aware or reasonably suspects sexual abuse is the College 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 the Chairperson of the College Board immediately.

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

The Principal or Chairperson will email the person making the written report to confirm the report has been submitted to the relevant authority.

A report under this section must include the particulars required by section 68 of the *Education (General Provisions) Regulation 2017* 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 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 sexually abused, or is suspected to have sexually 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 (the first person) 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 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 Chairperson of the College Board as the delegated authority, immediately. The Principal or Chairperson must give a written report about the suspicion to a police officer immediately.

If the first person that becomes aware or reasonably suspects likely sexual abuse is the College Principal, the College Principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report immediately to the Chairperson of the College Board.

The Principal or Chairperson will email the person making the written report to confirm the report has been submitted to the relevant authority.

A report under this section must include the particulars required by section 68 of the *Education (General Provisions) Regulation 2017* 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) 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 sexually abused, or is suspected to have sexually abused, the student;
 - (iii) the identity of anyone else who may have information about the abuse or suspected abuse.

Reporting Physical and Sexual Abuse

Under Section 13E(3) of the *Child Protection Act 1999*, if a registered nurse, a teacher or an early childhood education and care professional forms a 'reportable suspicion' about a child "in the course of their engagement in their profession", they must make a written report.

A **reportable suspicion** about a child is a reasonable suspicion that the child:

- a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
- b) may not have a parent able and willing to protect the child from the harm.

The registered nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department of Child Safety, Seniors and Disability Services (or another department administering the *Child Protection Act 1999*). The registered nurse, teacher or early childhood education and care professional should give a copy of the report to the Principal.

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reportable suspicion;
- b) the child's name, age and sex descriptor;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

Registered nurses, teachers and/or early childhood education and care professionals should complete the prescribed form available from members of the Pastoral Care Team.

Gold Coast Child Safety Regional Intake Service Ph: 1300 679 849 (Monday to Friday 9am to 5pm)
Outside of these hours, you can contact the Child Safety After Hours Service Centre on 1800 177 135 (Freecall service only available in Queensland).

Section 13H of the *Child Protection Act 1999* allows registered nurses, teachers or early childhood education and care 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, or in the case of an early childhood education and care professional, the nominated supervisor for the approved education and care service.

The conferral to the Principal or the nominated supervisor is to enable the Principal or nominated supervisor to take appropriate action to protect the child or other children from risk of harm.

Awareness of the Policy

The College 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 the College website. 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 its staff in processes relating to the health, safety and conduct of staff and students as a part of their induction and will refresh training annually.

Implementing the Processes

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

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 Complaint Resolution Policy.

Review Requirements

This document will be reviewed annually, or when an update is deemed necessary. As an example, change of process, in legislative requirements, etc.