

Child Protection Policy



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1. Policy

The purpose of this policy is to provide a policy as part of Sheldon 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 accreditation requirements.

2. Scope

Applies to 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 Sheldon College and covers information about the reporting of harm and abuse.

3. Reference

- [Child Protection Act 1999 \(Qld\)](#)
- [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 \(Qld\)](#)
- Sheldon College Dispute Resolution/Complaints Handling Policy
- Sheldon College Dispute Resolution/Complaints Handling Procedure
- Sheldon College Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))
- Sheldon College Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))

4. Work Procedure

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
 - 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 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).

Responding to Reports of Harm

When the College receives any information alleging 'harm'¹ 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 Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy².

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 students³.

Reporting Inappropriate Behaviour

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

- Mrs Jo Todd (Director of Wellbeing) or
- Ms Kate Mortimer (Principal)

Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Principal.

¹ 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)

² Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)

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)



Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the College Board⁵. Reports will be dealt with under the College's Complaints Handling Policy.

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 College, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the College
- b) a pre-preparatory aged child registered in a pre-preparatory 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 College
 - ii. is not enrolled in the preparatory year at the College.

then the staff member must give a written report about the abuse or suspected abuse to the Principal or to a Director of the College Board immediately. If the Principal receives the report (as the first person), the Principal will give a report to a Director of the College Board immediately.

The College's Principal or the Director 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 College's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the Principal or any other staff member of the College). 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 College community of the delegate/s name/s their contacts, and their role in the College's processes.)

If the first person who becomes aware or reasonably suspects sexual abuse is the College'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 College's Board 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. is not enrolled in the preparatory year at the College.
 - iii. the identity of anyone else who may have information about the abuse or suspected abuse⁷.

⁵ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)

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

⁷ Education (General Provisions) Regulation 2006 (Qld) s.68



Reporting Likely Sexual Abuse⁸

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

- a) a student under 18 years attending the College
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the College
- c) a person with a disability who: -
- d) details of the abuse or suspected abuse
 - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the College
 - ii. is not enrolled in the preparatory year at the College.

then the staff member must give a written report about the suspicion to the Principal or to a Director of the College Board immediately. If the Principal receives the report (as the first person), the Principal will give a report of likely sexual abuse to a Director of the College Board immediately.

The College's Principal or the Director 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 College's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the Principal or any other staff member of the College). 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 College community of the delegate/s name/s their contacts, and their role in the College's processes.)

If the first person who reasonably suspects likely sexual abuse is the College'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 College Board 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 abuse⁹.

Reporting Physical and Sexual Abuse¹⁰

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.

⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)

⁹ Education (General Provisions) Regulation 2017 (Qld) s.69

¹⁰ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(d)



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 Principal.

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reportable suspicion¹¹;
- b) the child's name and sex;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) 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;
- g) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹².

Responsibilities under Criminal Code Act 1899 (Qld)

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 Report¹³

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. 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 Protect¹⁴

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.

Awareness

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's iLINQ staff, student and parent portal¹⁵.

¹¹ *Child Protection Act 1999 s.13G (2)(a)*

¹² See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

¹³ *Criminal Code Act 1899 (Qld) s.229BC*

¹⁴ *Criminal Code Act 1899 (Qld) s.229BB*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*



Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the College's iLINQ staff, student and parent portal and will be available on request from the College administration¹⁶.

Training

The College will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁷.

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 annually¹⁸.

Complaints Procedure

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College's Complaints Policy¹⁹.

5. Related Documents

Form SC305 Report of Suspected Harm or Risk of Harm.

¹⁶ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

¹⁷ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

¹⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

¹⁹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)



6. Document History

Revision	Issue Date	Summary of Changes
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1.0	31 Aug 12	Review
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