

# Child Protection Policy

<b>Status</b>	Approved
<b>Effective</b>	Apr-2024
<b>Review</b>	Apr-2025
<b>Owner</b>	Principal
<b>Approver</b>	The Sycamore School Governing Body

## 1 Purpose

The purpose of this policy is to provide written processes about how The Sycamore School will respond to harm, or allegations of harm, to students under 18 years.

## 2 Scope

- Parents/Guardians/Carers
- Students
- Staff which includes:
  - *Employees (full-time, part-time, permanent, fixed term and casual)*
  - *Contractors/subcontractors and their employees*
  - *Directors*
  - *Apprentices/Trainees*
  - *Student teachers*
  - *Volunteers*
  - *Anyone undertaking work experience or vocational placement at the School*
  - *Employees of a labour hire company*

## 3 Definitions/Acronyms

<b>Board Chair</b>	The Board Chair of The Sycamore School Governing Body
<b>Child</b>	A child is an individual under 18 years.
<b>Director</b>	Director of The Sycamore School Governing Body
<b>Harm</b>	<p>Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.</p> <ol style="list-style-type: none"> <li>1. It is immaterial how the harm is caused.</li> <li>2. Harm can be caused by—           <ol style="list-style-type: none"> <li>a) physical, psychological or emotional abuse or neglect; or</li> <li>b) sexual abuse or exploitation.</li> </ol> </li> <li>3. Harm can be caused by—           <ol style="list-style-type: none"> <li>a) a single act, omission or circumstance; or</li> <li>b) a series or combination of acts, omissions or circumstances.</li> </ol> </li> </ol> <p>[Child Protection Act 1999 (Qld) s.9]</p>

<b>Child In Need Of Protection</b>	<p>A child in need of protection is a child who—</p> <p>a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and</p> <p>b) does not have a parent able and willing to protect the child from the harm.</p> <p>[<i>Child Protection Act 1999</i> (Qld) s.10]</p>
<b>Reportable suspicion</b>	<p>A <b>reportable suspicion</b> about a child is a reasonable suspicion that the child:</p> <ul style="list-style-type: none"> <li>• has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and</li> <li>• may not have a parent able and willing to protect the child from the harm.</li> </ul>
<b>Sexual Abuse</b>	<p>Sexual abuse, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances—</p> <p>(a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;</p> <p>(b) the relevant person has less power than the other person;</p> <p>(c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.</p> <p>[<i>Education (General Provisions) Act 2006</i> (Qld) s.364]</p>

## 4 Policy

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### 4.1 The Sycamore School's Responsibility

The Sycamore School is responsible for ensuring that:

- this policy is freely available to staff, parents, carers and students;
- staff, parents, carers and students are made aware of child protection processes;
- all staff are trained in child protection processes on commencement of employment or engagement with the School and then on an annual basis;
- all visiting service providers (including volunteers and external contractors such as tradespeople, guest speakers and work placement students) receive information regarding child protection processes as part of their induction and training; and
- the processes are being implemented within the School.

### 4.2 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 so as to minimise any likely harm to the extent it reasonably can. This is set out in the School's Child and Youth Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

### 4.3 Reporting Inappropriate Behaviour

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

- the Principal; or
- the Deputy Principal; or
- the Social Worker.

### 4.4 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 the Board Chair. Reports will be dealt with under the School's Complaints Handling Policy.

### 4.5 Reporting Sexual Abuse or Likely Sexual Abuse

Sections 366 and 366A of the *Education (General Provisions) Act 2006* (Qld) 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, or is likely to be, sexually abused by another person:

- a student under 18 years attending the school;
- a kindergarten aged child registered in a kindergarten learning program at the School;
- a person with a disability who:
  - under section 420(2) of the *Education (General Provisions) Act 2006* (Qld) is being provided with special education at the school; and
  - 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 a Director **immediately**.

The Principal or Director 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 Principal, the Principal must give a written report about the abuse, or suspected abuse:

- **immediately** to a police officer; and
- must also give a copy of the report to the Board Chair **immediately**.

A report under this section must include the following particulars (Education (General Provisions) Regulation 2017 s68:

- the name of the person giving the report (the first person);
- the student's name and sex ;
- details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- details of the abuse or suspected abuse;
- any of the following information of which the first person is aware:
  - the student's age;

- the identity of the person who has sexually abused, or is suspected to have sexually abused, the student;
- the identity of anyone else who may have information about the abuse or suspected abuse.

#### 4.6 Reporting Significant Harm or Risk of Significant Harm Caused by Physical or Sexual Abuse

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

- has suffered, is suffering, or is at 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 the harm. (*Child Protection Act 1999 s13E(2)*)

Under section 13E(1) of the *Child Protection Act 1999* Qld, if a doctor, a registered nurse, a teacher or an early childhood education and care professional (a **relevant person**) forms a **reportable suspicion** about a child in the course of their engagement as a relevant person, they must make a written report. The written report must be given to the Chief Executive of the Department of Child Safety, Seniors and Disability Services (or another department administering the *Child Protection Act 1999* (Qld)). The relevant person should give a copy of the report to the Principal.

A report under this section must include the following particulars (*Child Protection Regulation 2023 s4*):

- the basis on which the person has formed the reportable suspicion;
- the child's name and sex descriptor;
- the child's age;
- details of how to contact the child;
- details of the harm to which the reportable suspicion relates;
- 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;
- particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

#### 4.7 Responsibilities under Criminal Code Act 1899 (Qld)

The *Criminal Code Act 1899* (Qld) includes two offences that relate 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.

##### 4.7.1 Failure to Report

Under section 229BC of the *Criminal Code Act 1899* (Qld), 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 includes:

- belief, based on reasonable grounds, that the information has already been disclosed to the police; or
- a report has already been made under the *Education (General Provisions) Act 2006* (Qld) (reporting sexual abuse or likely sexual abuse) and the *Child Protection Act 1999* (Qld) (reporting significant harm or risk of significant harm) as outlined in this policy.

An adult who, in good faith, discloses information to the police is not liable civilly, criminally or under an administrative process for making the disclosure.

#### **4.7.2 Failure to Protect**

Under section 229BB of the Code, if an adult knows that there is a significant risk that another adult associated with an institution or is a regular volunteer will commit a child sexual offence, that adult has the power or responsibility to reduce or remove the risk of a child sexual offence being committed. A failure to protect is an offence.

## **5 Related Legislation**

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- *Child Protection Act 1999* (Qld)
- *Child Protection Regulations 2023*
- *Criminal Code Act 1899* (Qld)
- *Education (Accreditation of Non-State Schools) Act 2017* (Qld)
- *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld)
- *Education (General Provisions) Act 2006* (Qld)
- *Education (General Provisions) Regulation 2017* (Qld)
- *Working with Children (Risk Management and Screening) Act 2000* (Qld)
- *Working with Children (Risk Management and Screening) Regulations 2020* (Qld)

## **6 Related Documents**

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- Child and Youth Risk Management Strategy
- Complaints Handling Policy
- Staff Code of Conduct
- Work Health and Safety Policy
- Report of Suspected Harm or Sexual Abuse form

## 7 Procedures

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### 7.1 Regional Intake Services

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact a Child Safety Services' Regional Intake Service. You can contact the local Regional Intake Service for South East (Logan, Gold Coast and Bayside) on 1300 679 849 during business hours (from 9am to 5pm Monday to Friday).

Trained child protection workers talk to you about your concerns for the child. They will record information you provide and gather other information that may be helpful in assessing the situation. The worker will then decide the best way of responding to the information you have provided.

When you contact a Regional Intake Service to report your concerns, your details will be confidential and your identity, if provided, will be protected by law.

Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone freecall 1800 177 135 (Queensland only).

### 7.2 Training

The School will train its staff in processes relating to child protection processes on their induction and will refresh training annually. The School uses the Child Protection eLearning courses developed by Independent Schools Queensland. Training records are maintained in FACTS.

### 7.3 Awareness of Processes

The School will inform staff, parents, carers and students of its processes relating to child protection in staff briefings, staff inductions, information sessions, newsletters and handbooks.

### 7.4 Accessibility of Processes

Processes relating to child protection are readily accessible as follows.

- For staff, processes are accessible in the Policies & Procedures team SharePoint folder or on the School's website.
- For parents, carers and students, processes are accessible on the School's website and available by emailing administration [admin@sycamore.qld.edu.au](mailto:admin@sycamore.qld.edu.au) or by asking for a hard copy from administration.

## 7.5 Implementing the Processes

The School will ensure it is implementing processes relating to child protection by auditing compliance with the processes annually. The School will also ensure that it complies with its Child and Youth Risk Management Strategy.

## 7.6 Complaints

Suggestions of non-compliance with the School's policy and procedures may be submitted as complaints. The Complaints Handling Policy which accessible on the School's website provides more detail about the School's complaints process.

## 8 Document History

Version	Description of modification	Modified by	Date
1.7	Reviewed Added in definition of "Child" Updated legislative references	Vanessa Lyle	16/4/2024
1.6	Transferred to new policy template Updated to include Responsibilities under the <i>Criminal Code Act 1899</i> (Qld) Added The Sycamore School's responsibilities Combined Reporting Sexual Abuse or Likely Sexual Abuse into one section as the sections refer to the same information and processes Added information on Regional Intake Services Clarified accessibility of processes	Sandra Stuckey	15/02/2023
1.5	Review date changed to 12 months	Sandra Stuckey	20/09/2021
1.4	No change	Sonya Marshall	February 2021
1.3	Reporting Inappropriate Behaviour – Social Worker added	Ronwyn Collier	16/08/2018
1.2	No change	Nigal De Maria	31/07/2018
1.1	New policy	Nigal De Maria	13/07/2017