

## TLS-01: Child Protection Policy

### Purpose:

The purpose of this policy is to provide written processes about how Ipswich Girls' Grammar School including Ipswich Junior Grammar School (the School) will respond to harm, or allegations of harm, to students under 18 years; and the appropriate conduct of the School's staff and students to comply with accreditation requirements.

### Scope:

This policy applies to all Board members, staff members, volunteers, vocational and/or work experience placements, contractors, and consultants in the course of their employment or engagement with the School.

### 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.

Note: the same definition of “harm” is used in the *Education (Accreditation of Non-State Schools) Regulation 2017 (s16(7))*.

Section 10 of the *Child Protection Act 1999*: A “child in need of protection” is a child 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.

Note: In relevant legislation, the phrase “director of the school's governing body” is used. For the School, this would mean a Trustee of the Board.

## Policy:

### Health and Safety

The school 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 school receives any information alleging “harm”<sup>1</sup> to a student 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 Risk Management Strategy.

Note: Information relating to physical or sexual abuse, including obligations to report, is set out later in this policy<sup>2</sup>.

### Conduct of Staff and Students

All Trustees, staff, contractors, consultants and volunteers must ensure that their behaviour towards, and relationships with, students reflect proper standards of care for students. Trustees, staff, contractors, consultants and volunteers must not cause harm to students<sup>3</sup>.

## Reporting

### Reporting Inappropriate Behaviour

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

- Dean of Students, Rebecca Sullivan, or Head of Junior School, Nicolee Eiby
- or
- Deputy Principal, Wendy Jurss<sup>4</sup>.

### 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 a Trustee of the Board<sup>5</sup>. Reports will be dealt with under the school’s Complaints Handling Policy.

### 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, 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;

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<sup>1</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>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

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

- 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 a Trustee of the Board immediately.

The school's Principal or the Trustee 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 school'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 Trustee of the 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. 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 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 a Trustee of the Board immediately.

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

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<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

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

If the first person who reasonably suspects likely sexual abuse is the school'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 Trustee of the 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 is suspected to be likely to sexually 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 <sup>10</sup>

Under section 13E(3) of the *Child Protection Act 1999*, if a doctor, 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 doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department of Children, Youth Justice and Multicultural Affairs (or another department administering the *Child Protection Act 1999*) stating the basis on which the person has formed the reasonable suspicion.

The doctor, 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<sup>11</sup>
- 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 relates<sup>12</sup>.

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<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

<sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

<sup>11</sup> *Child Protection Act 1999 s.13G (2)(a)*

<sup>12</sup> *Child Protection Regulation 2011: s.10 "Information to be included in report to chief executive"*

The business hours (from 9am to 5pm Monday to Friday) contact phone number for the Ipswich Regional Intake Service is 1800 316 855. Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone freecall 1800 177 135 (Queensland only).

### 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 Report<sup>13</sup>

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 Protect<sup>14</sup>

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 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<sup>15</sup>.

The communication methods utilised by the School to inform the School community are:-

- School newsletters
- School assemblies
- Staff meetings
- Parent Handbook
- Staff Handbook
- School Intranet
- School website

<sup>13</sup> *Criminal Code Act 1899 (Qld) s.229BC*

<sup>14</sup> *Criminal Code Act 1899 (Qld) s.229BB*

<sup>15</sup> *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 school website and will be available on request from the School administration<sup>16</sup>.

### Training

The School will train its Trustees and staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually<sup>17</sup>.

Staff training includes:

- Annual staff training using ISQ child protection education resources
- Discussion at staff meetings
- Staff induction processes
- Review of handling of complaints.

### 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>18</sup>.

### Complaints Procedure

Suggestions of non-compliance with the School's processes may be submitted as complaints under the School's Complaint Handling Policy and Procedure<sup>19</sup>.

Note: An adult reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the Criminal Code Act 1899 s.229BC<sup>20</sup>.

### Breaches

All staff members have a responsibility to adhere to this policy as part of their contract of employment. If you feel this policy has been breached, you should report your concern to your manager.

Please refer to the Complaints Handling Policy and/or Performance Management Policy for the process and procedures that may be followed to manage breaches of this policy.

A breach of this policy may result in disciplinary action being taken, up to and including the termination of employment.

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

<sup>17</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

<sup>18</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

<sup>19</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)s.16(5) and s.16(6)*

<sup>20</sup> *Criminal Code Act 1899: s.229BC(4)(b)*

### Related Policies and References:

- 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)
- Criminal Code Act 1899 (Qld)
- Ipswich Girls' Grammar School Complaint Handling Policy and Procedure
- Ipswich Girls' Grammar School Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))
- Ipswich Girls' Grammar School Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))
- Ipswich Girls' Grammar School, including Ipswich Junior Grammar School, Child Protection Reporting Form

### Appendices

- Appendix 1 – Child Protection: Summary of Reporting Harm from Independent Schools Queensland (ISQ)
- Appendix 2 – Report of Suspected Harm or Sexual Abuse Form
- Appendix 3 – Child Protection Decision Tree for non-teaching staff from Independent Schools Queensland (ISQ)
- Appendix 4 – Child Protection Decision Tree for Principals and Board Directors from Independent Schools Queensland (ISQ)
- Appendix 5 – Child Protection Decision Tree for Teachers from Independent Schools Queensland (ISQ)
- Appendix 6 – Child Protection Decision Tree for Volunteers from Independent Schools Queensland (ISQ).

## Appendix 1

### Child Protection SUMMARY OF REPORTING HARM

WHO	ABUSE TYPE	TEST	REPORT TO	LEGISLATION
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal, through to Police	EGPA, sections 366 and 366A
Teacher	Sexual and physical	Significant harm Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A
Any adult*	A child sexual offence against a child by another adult	Reasonable belief and, at the relevant time, the child is or was: – under 16 years; or – a person with an impairment of the mind	Police	Criminal Code section 229BC (not yet in force)

\* This obligation is fulfilled if the adult has already reported the information under any of the previous provisions, or believes on reasonable grounds that another person has done or will do so.



## Appendix 2

Private and Confidential

### Report of Suspected Harm or Sexual Abuse or likely to be Sexually Abused

Date:
School:
School Phone:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
PRIMARY LANGUAGE SPOKEN:	
Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/>	
Does the student have a disability verified under EAP: Yes <input type="checkbox"/> No <input type="checkbox"/>	Disability Category:
Student's Residential Address:	Phone:
	Student's Personal Mobile:

FAMILY DETAILS	
Parent/caregiver 1:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W): (M):
Parent/caregiver 2:	Relationship to Student:
Address (if different from student):	
Phone: (H): (W): (M):	
Is the student in out of home care: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are there any Family Court or Domestic Violence Orders in Place? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	

PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE		
<input type="checkbox"/> Adult family member	<input type="checkbox"/> Child family member	<input type="checkbox"/> Other adult
<input type="checkbox"/> Student/other child	<input type="checkbox"/> Unknown	

<b>PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE</b> (Attach extra pages if necessary).
<b>Details of any harm and/or sexual abuse to the student</b> - please include: Time and date of the incident; location of the incident; source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.
Please indicate the identity of anyone else who may have information about the harm or abuse
Additional information provided as an attachment    YES <input type="checkbox"/> NO <input type="checkbox"/>

<b>Name of staff member making report to the Statutory Agency if not the Principal:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Position:</b>		
<b>Principal:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Principal's email address:</b>		
<b>Response requested by school:</b>		

<b>ACTION TAKEN</b>		
Form was faxed or emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Communities (Child Safety Services)
	<input type="checkbox"/>	Family and Child Connect

(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.

## Appendix 3

I am a staff member at a school, other than a teacher\*



During the course of my engagement I have become aware or formed a reasonable suspicion that a child has been harmed or is likely to be harmed.

A student is being harmed, or is likely to be harmed due to:  
Sexual abuse  
Physical abuse  
Psychological/emotional abuse  
Neglect  
Or is the victim of a child sexual offence.  
*s366 and 366A of EGPA; Criminal Code 229BCs;  
13E of CPA; and s16(2)(a) of Accreditation Regulation*

Complete the school report form

### Child Protection Decision Tree FOR NON-TEACHING STAFF

\* Teacher means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school



**Immediately** give the report to the Principal or a Director of the school's governing body.

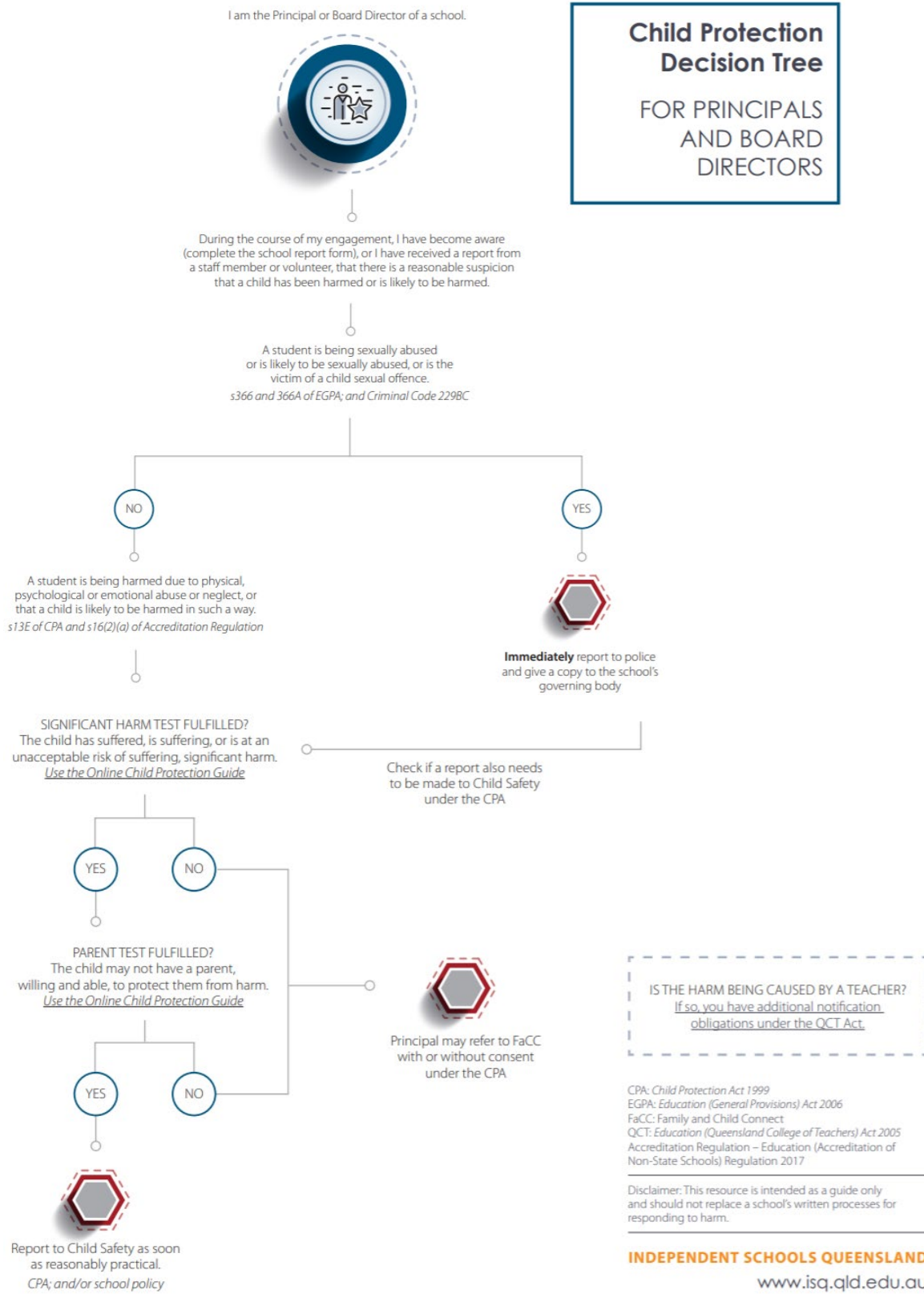


If the report relates to sexual abuse or likely sexual abuse the Principal or a Director of the school's governing body will report this to the police immediately under the EGPA



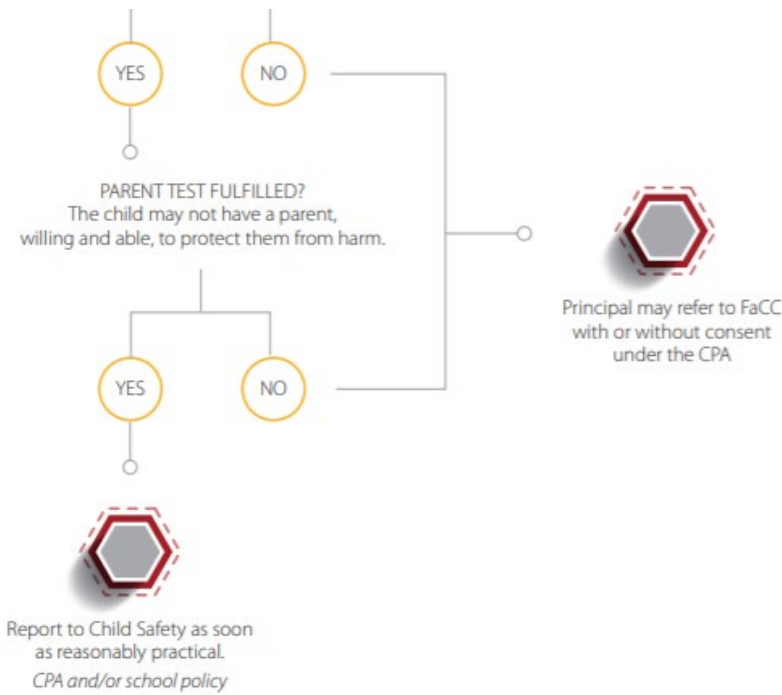
They will also assess if a report to Child Safety or a referral to FaCC is required, as soon as is reasonably practicable, under the CPA and/or School Policy

# Appendix 4



## Appendix 5





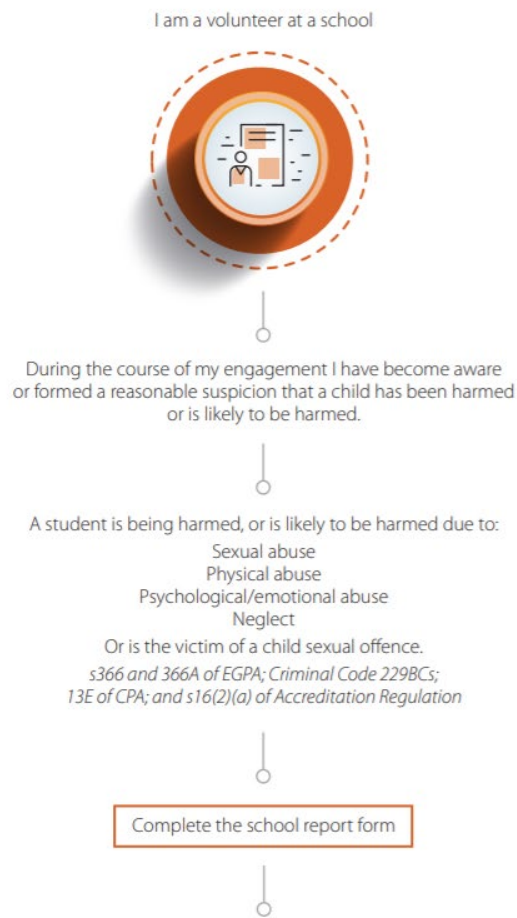
**SIGNIFICANT HARM/PARENT TEST**  
You can confer with your Principal when applying these tests and use the Online Child Protection Guide

CPA: Child Protection Act 1999  
EGPA: Education (General Provisions) Act 2006  
FaCC: Family and Child Connect  
QCT: Education (Queensland College of Teachers) Act 2005  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

Disclaimer: This resource is intended as a guide only and should not replace a school's written processes for responding to harm.

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## Appendix 6



# Child Protection Decision Tree FOR VOLUNTEERS





**Immediately** give the report to the Principal or a Director of the school's governing body.



If the report relates to sexual abuse or likely sexual abuse the Principal or a Director of the school's governing body will report this to the police immediately under the EGPA



They will also assess if a report to Child Safety or a referral to FaCC is required, as soon as is reasonably practicable, under the CPA and/or School Policy