



St Philomena School



Child Protection Policy

Updated January 2021

Purpose:	The purpose of this policy is to provide a policy as part of St Philomena School's written processes about how the school will respond to harm, or allegations or harm, to students under 18 years old, and the appropriate conduct of the school's staff and students, to comply with accreditation requirements.	
Scope:	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 St Philomena School and covers information about the reporting of harm and abuse	
Status:	Approved	Supersedes: January 2020 version
Authorised by:	School Governing Body Chairperson	Date of Authorisation: 31 December 2015
References:	<ul style="list-style-type: none"> • Child Protection Act 1999 (Qld) • Education (General Provisions) Act 2006 (Qld) • Education (General Provisions) Regulation 2006 (Qld) • Education (Accreditation of Non-State Schools) Act 2001 (Qld) • Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) • Working with Children (Risk Management and Screening) Act 2000 (Qld) • Working with Children (Risk Management and Screening) Regulations 2011 (Qld) • St Philomena School Dispute Resolution/Complaints Handling Policy • St Philomena School Dispute Resolution/Complaints Handling Procedure • St Philomena School Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>) • St Philomena School Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) 	
Related Policies		
Review Date:	Annually	Next Review Date: January 2022
Policy Owner:	School Governing Body	

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; 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

Health and Safety

The school has written processes in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation¹.

Responding to Reports of Harm

When the school receives any information alleging 'harm'² 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 Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy³.

¹ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(1)*

² *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(8)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

³ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

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 students⁴.

Reporting Inappropriate Behaviour

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

- Michael Macahilig (secondary 07 3802 0088)
- Hannah Sloane (primary 07 3802 0088)
- Fr. Anthony McNamara (school's governing body 02 9567 1355)

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 member of the school's governing body⁵. Reports will be dealt with under the school's Dispute Resolution/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 school, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the school;
- b) a pre-preparatory aged child registered in a pre-preparatory 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 director of the school's governing body immediately.

The school's Principal or the director of the school's governing body 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 director of the school's governing body.

A report under this section must include the following particulars:-

- a) the name of the person giving the report (the ***first person***);

⁴ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3)*

⁶ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

- 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 abuse⁷.

Reporting Likely Sexual Abuse ⁸

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 pre-preparatory aged child registered in a pre-preparatory 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 director of the school's governing body immediately.

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

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 director of the school's governing body.

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.

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

⁸ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

⁹ *Education (General Provisions) Regulation 2006 (Qld) s.68A*

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.

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) 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 knowledge¹⁰.

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 website¹¹.

Training

The school will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training every year¹².

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 annually¹³.

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 administration¹⁴.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under St Philomena School Dispute Resolution/Complaints Handling Procedure.¹⁵

¹⁰ *Child Protection Act 1999 (Qld) s.13G (2)*. There is no such regulation at 12 December 2014.

¹¹ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹² *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(7) and s.10(7A)*

Private and Confidential
Report of Suspected Harm or Sexual Abuse

Date:
School:
School Phone:
School Fax:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
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"/>	

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	

PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary).
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Details of any harm and/or sexual abuse to the student – please include: Time and date 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 NO

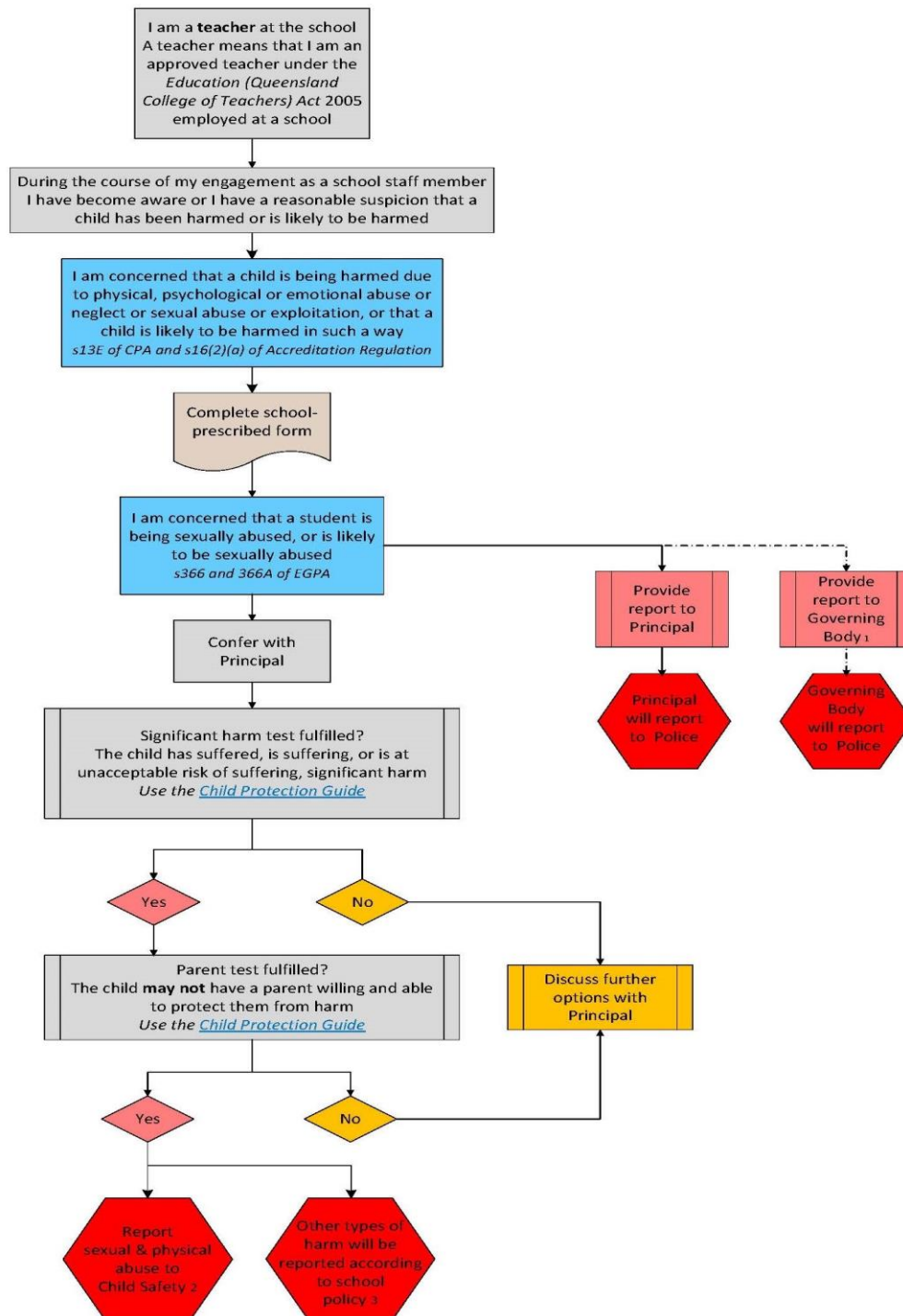
Name of staff member making report to the Statutory Agency if not the Principal: Position:	Signature:	Date:
Principal:	Signature:	Date:
Principal's email address:		
Response requested by school:		

ACTION TAKEN		
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.

Child Protection Decision Support Tree for Teachers



1. Under s366 and 366A of the Education (General Provisions) Act 2006, a school staff member may provide a report about sexual abuse or likely sexual abuse to a director of the school's governing body rather than to the Principal.
2. Under s13G(3)(b) of the Child Protection Act 1999, a teacher's personal responsibility to report sexual and physical abuse to Child Safety is discharged if they know, or reasonably suppose, that Child Safety is aware of the matter.
3. Under s16(2)(a) of the Education (Accreditation of Non-State Schools) Regulation 2017, the school must have processes for responding to allegations or incidents of emotional or psychological abuse or neglect. Most schools' policies will nominate the Principal as the person who will make reports to Child Safety; however, you must refer to your school's own policy

For further information or if you have any questions please contact ISQ at 07 3228 1515

Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation	Status
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	Unchanged
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	Unchanged
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	Amended
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	Unchanged
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	Unchanged
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A	Unchanged