



RIVERMOUNT COLLEGE

Realising the Potential Within

8.01.01 CHILD PROTECTION POLICY

PURPOSE OF POLICY

The purpose of this is to provide a policy as part of Rivermount College'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 Rivermount College and covers information about the reporting of harm and abuse.

RESPONSIBILITY

Principal reporting to the Board of Directors

LEGISLATION 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 2011 \(Qld\)](#)
- Dispute Resolution Policy & Procedure 03.17.01**
- Child Risk Management Strategy 08.01.02** re the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*
- Work Health and Safety Policy 08.12.01** re the [Work Health and Safety Act 2011 \(Qld\)](#)

HEALTH AND SAFETY

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The College has written policies 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)*.

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; and
- c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

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 behavior 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

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)*

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

- (a) Class Room Teacher; or
- (b) Wellbeing Coordinator / Counsellor; or
- (c) Year Level Coordinators; or
- (d) Heads of School; or
- (e) Principal⁴.

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 College's governing body⁵. Reports will be dealt with under the College's *Dispute Resolution Policy and Procedure*.

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; and
 - 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 College Principal or to a Director of the College's governing body immediately.

The College Principal or a Director of the College'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 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 a Director of the College'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 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;

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

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)*

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- iii. the identity of anyone else who may have information about the abuse or suspected abuse⁷.

REPORTING LIKELY SEXUAL ABUSE⁸

Section 366A 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 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:
 - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the College; and
 - 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's governing body immediately.

The College Principal or a Director of the College's Governing Body must immediately give a copy of the report to a police officer.

If the staff member who becomes aware or 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's governing body.

A report under this section must include the 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, a teacher or an early 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

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

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

⁹ *Education (General Provisions) Regulation 2017 (Qld) s.68A*

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

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- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, teacher or early education and care professional 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, teacher or early 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) 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 knowledge¹¹.

AWARENESS

The College will inform staff, students and parents/guardians 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 website¹².

The Governing Body of the College ensures that staff, students and parents/guardians are made aware of the College's child protection processes by way of the Staff Handbook, Student Handbook and College website.

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 annually¹³.

The Governing Body of the College ensures that all staff are trained in the implementation of the College's child protection processes by way of professional development sessions, the College Staff Handbook which requires a signed declaration that this document has been read, and the College website.

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 annually¹⁴.

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 administration¹⁵.

COMPLAINTS PROCEDURE

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College *Dispute Resolution Policy & Procedure*.¹⁶

¹¹ See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s. 16(4)(d)*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s. 16(4)(b)*

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

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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
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
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
Any Member of the Public	Any	Significant Harm Parent may not be willing and able	Child Safety	CPA, Section 13A	Unchanged

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