



calvary
EARLY LEARNING CENTRE

Child Protection Policy



Policy Owner:	Calvary Christian College Board.
Status:	Draft.
Supersedes:	CCC Child Protection Policy 2016.
Authorised By:	N/A
Date of Authorisation:	N/A
Review:	This policy is to be reviewed annually. The next review will take place in 2019.

CONTENTS

<u>Purpose</u>	<u>4</u>
<u>Scope</u>	<u>4</u>
<u>References</u>	<u>4</u>
<u>Definitions</u>	<u>4</u>
<u>Health and Safety</u>	<u>5</u>
<u>Responding to Reports of Harm</u>	<u>5</u>
<u>Conduct of Staff and Students</u>	<u>5</u>
<u>Inappropriate Behaviour</u>	<u>6</u>
<u>Reporting Sexual Abuse</u>	<u>6</u>
<u>Reporting Likely Sexual Abuse</u>	<u>7</u>
<u>Reporting Physical and Sexual Abuse</u>	<u>8</u>
<u>Awareness</u>	<u>8</u>
<u>Training</u>	<u>9</u>
<u>Implementing the Processes</u>	<u>9</u>
<u>Accessibility of Processes</u>	<u>9</u>
<u>Complaints Procedure</u>	<u>9</u>

PURPOSE

The purpose of this policy is to provide a policy as part of Calvary Christian Early Learning Centre's written processes about how the Centre will respond to harm, or allegations or harm, to students under 18 years old, and the appropriate conduct of the Centre's staff and students, to comply with accreditation requirements.

PLEASE NOTE - *Should there ever be any conflict between this and other Centre policies, this Policy will prevail.*

SCOPE

Children, College 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 Calvary Christian Early Learning Centre and covers information about the reporting of harm and abuse.

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);*
- Calvary Christian Early Learning Centre Grievance Policy;
- Calvary Christian Early Learning Centre Complaints Handling Procedure;
- Calvary Christian Early Learning Centre Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*);
- Calvary Christian Early Learning Centre Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (Qld)*).

Related Policies/Documents

- Calvary Christian Early Learning Centre Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*).
- Calvary Christian Early Learning Centre Formal Complaints Policy/Procedure.
- Calvary Christian Early Learning Centre Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (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
 - 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 child 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 Centre 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 Centre 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 Centre’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.

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)*

INAPPROPRIATE BEHAVIOUR

Reporting Inappropriate Behaviour

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

- Director/Nominated Supervisor
- Principal

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 Board⁴. Reports will be dealt with under the Centre's Grievance Policy/Procedure. Formal complaints will be sent to the Office of Early Childhood and Care using the NAQITS portal

<https://public.nqaits.acecqa.gov.au/Pages/Landing.aspx>

Law and Regulation requirement reference:

Section 174(2)(c) Regulation 175(2)(d)	Any incident where the approved provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service	Approved Provider	Within 7 days
Section 174(2)(c) Regulation 175(2)(e)	Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service	Approved Provider	Within 7 days

REPORTING SEXUAL ABUSE⁵

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

- a) a student under 18 years attending the Centre;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the Centre;
- 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 Centre; and
 - ii. is not enrolled in the preparatory year at the Centre.

then the staff member must give a written report about the abuse or suspected abuse to the Principal, Director or to a member of the College Board immediately.

The Centre Director, Principal or Board Member must immediately give a copy of the report to a police officer.

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

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

PLEASE NOTE - Under section 366B of the *Education (General Provisions) Act 2006* the Board Member may delegate their function under section 366 to an appropriately qualified individual (this cannot be the Principal or any other staff member of the Centre). Board Members 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 Centre community of the delegate/s name/s their contacts, and their role in the Centre's processes.

If the first person who becomes aware or reasonably suspects sexual abuse is the Centre's Director, or the Principal they 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 the College Board.

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 abuse⁶.

REPORTING LIKELY SEXUAL ABUSE ⁷

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

- a) a student under 18 years attending the Centre;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the Centre;
- 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 Centre; and
 - ii. is not enrolled in the preparatory year at the Centre.

then the staff member must give a written report about the suspicion to the Principal or to a College Board Member immediately.

The Centre's Principal or the Board Member must immediately give a copy of the report to a police officer.

PLEASE NOTE - Under section 366B of the *Education (General Provisions) Act 2006* the Board Member may delegate their function under section 366 to an appropriately qualified individual (this cannot be the Principal or any other staff member of the Centre). Board Members 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

⁶ *Education (General Provisions) Regulation 2017 (Qld) s.68*

⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

Centre community of the delegate/s name/s their contacts, and their role in the Centre'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 the College Board.

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 abuse⁸.

REPORTING PHYSICAL AND SEXUAL ABUSE⁹

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
- 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
- b) include the information prescribed by regulation, to the extent of the person's knowledge¹⁰.

AWARENESS

The Centre 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.

⁸ Education (General Provisions) Regulation 2017 (Qld) s.68A

⁹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)

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

¹¹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

TRAINING

The Centre will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹². This will include annual training of all staff in the Calvary Team Induction in January each year, training of new staff throughout the year through an online induction process and training as required as part of the review process relating to any complaints that may arise.

IMPLEMENTING THE PROCESSES

The Centre 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 Centre website and will be available on request from the Centre administration¹⁴.

COMPLAINTS PROCEDURE

Suggestions of non-compliance with the Centre's processes may be submitted as complaints under the Complaints Handling Policy and dealt with according to the Complaints Handling Procedure.¹⁵

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

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

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

¹⁵ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)