

# Enkindle Village School

## Child Protection Policy



### 1. Statement

The safety, protection and wellbeing of all students are of fundamental importance to Enkindle Village School.

The School has a range of obligations relating to the safety, protection and welfare of students, including:

- A duty of care to ensure that reasonable steps are taken to prevent harm to students;
- Obligations under child protection legislation; and
- Obligations under work health and safety legislation.

### 2. Purpose

The purpose of this policy is to provide written processes about –

- (a) how the school will respond to harm, or allegations of harm, to students under 18 years; and
- (b) the appropriate conduct of the school's staff and students to comply with accreditation requirements.

### 3. 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 Enkindle Village School and covers information about the reporting of harm and abuse.

### 4. Principles

#### Health and Safety

Enkindle Village 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 Enkindle Village School receives any information alleging 'harm'<sup>1</sup> 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 Policy.

Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>2</sup>.

<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)*

## 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 students<sup>3</sup>.

## Reporting Inappropriate Behaviour

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

- Principal – Kiri Pearce, or
- Experienced Teacher – Katherine Harrington<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 member of the school's Management Committee<sup>5</sup>.

Reports will be dealt with under Enkindle Village 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;
- 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 member of the school's Management Committee immediately.

Enkindle Village School's principal or the Committee Member 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 Enkindle Village 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 Committee Member of the school's Management Committee.

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) 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;

<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)*

- 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 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 Committee Member of the school's Management Committee immediately.

Enkindle Village School's principal or the Committee Member must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is Enkindle Village 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 Committee Member of the school's Management Committee.

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 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.

<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)*

<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68A*

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

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 knowledge<sup>11</sup>.

### **Awareness**

Enkindle Village 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>12</sup>. Staff, students and parents will be made aware of the school's child protection processes through staff inductions, enrolment interviews and will be available from the school office.

### **Training**

Enkindle Village 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 annually<sup>13</sup>. Further information regarding these processes can be found in the school's Child Risk Management Policy.

### **Implementing the Processes**

Enkindle Village 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>14</sup>.

### **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>15</sup>.

### **Complaints Procedure**

Suggestions of non-compliance with the school's processes may be submitted as complaints under the Enkindle Village School Complaints Handling Policy<sup>16</sup>.

## **5. 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.

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

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

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

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

<sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

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

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.

## 6. Legislation

- *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)*

## 7. Supporting Documents

- Enkindle Village School Complaints Handling Policy
- Enkindle Village School Complaints Handling Procedure
- Enkindle Village School Child Risk Management Policy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*)
- Enkindle Village School Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (Qld)*)

## 8. Version Control

### **Approval Details**

Policy Sponsor	Secretary
Approval authority	Management Committee
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## Modification History

Version no.	Approval date	Implementation date	Details
2	16.08.18	16.08.18	Updated: Reporting Inappropriate Behaviour
3	30.07.2019	31.07.2019	Updated: Reporting Inappropriate Behaviour