

# Trinity College Gladstone Child Protection Policy

<b>Purpose:</b>	The purpose of this policy is to provide a policy as part of Trinity College Gladstone’s written processes about how the College will respond to harm, or allegations of harm, to students under 18 years old, and the appropriate conduct of the College’s staff and students, to comply with accreditation requirements.	
<b>Scope:</b>	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 Trinity College Gladstone and covers information about the reporting of harm and abuse.	
<b>Status:</b>	Approved	Supersedes: All Previous Policies
<b>Authorised by:</b>	Trinity College Gladstone Board	Date of Authorisation: 29 April 2024
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>• <a href="#">Child Protection Regulation 2023</a></li> <li>• <a href="#">Child Protection Reform &amp; Other Legislation Amendment Act 2022</a></li> <li>• <a href="#">Domestic &amp; Family Violence Protection Act 2012</a></li> <li>• <a href="#">Birth, Deaths and Marriages Registrations Act 2023</a></li> <li>• <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>• <a href="#">Education (Queensland College of Teachers) Act, 2005 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</a></li> <li>• Trinity College Gladstone Dispute Resolution Policy &amp; Procedure</li> <li>• Trinity College Gladstone Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))</li> <li>• Trinity College Gladstone Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))</li> </ul>	
<b>Related Policies</b>		
<b>Review Date:</b>	Annually	Next Review Date: May 2025
<b>Policy Owner:</b>	Trinity College Board	

## Definitions

The words "child" and "student" are interchangeable and when used in relation to Child Protection matters mean any student enrolled at Trinity College Gladstone, regardless of age.

"Harm", to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

- It is immaterial how the harm is caused.
- Harm can be caused by -
  - physical, psychological or emotional abuse or neglect; or
  - sexual abuse or exploitation
- Harm can be caused by -
  - a single act, omission or circumstance; or
  - a series or combination of acts, omissions or circumstances.

"**Sexual abuse**", in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –

- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person
- the relevant person has less power than the other person
- there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

"**Abuse**" (according to Child Safety) can be defined as an action such as physical, sexual, emotional or neglect e.g. hitting, punching, fondling, and exposure to domestic violence or 'scapegoating' (made to bear the blame for others or suffer in their place); it can be inaction such as failure to provide medical care; or failure to provide appropriate stimulation.

"Physical abuse" (according to Child Safety) occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse can include-

- hitting
- shaking
- throwing
- burning
- biting
- poisoning

Physical abuse is not determined by how bad the mark or injury is, but rather the act itself that causes injury or trauma to the child.

"Psychological or emotional abuse" (according to Child Safety) occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. It can include emotional deprivation due to persistent:

- rejection
- hostility
- teasing/bullying
- yelling
- criticism
- exposure of a child to domestic and family violence

“Neglect” (according to Child Safety) occurs when a child’s basic necessities of life are not met, and their health and development are affected. Basic needs include:

- food
- housing
- health care
- adequate clothing
- personal hygiene
- hygienic living conditions
- timely provision of medical treatment
- adequate supervision

“Child in need of protection” is a child who—

- has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- **does not have a parent able and willing to protect the child from the harm.**

“Reportable suspicion” is where a teacher, doctor or nurse-

- has a reasonable suspicion that a student has suffered, is suffering, or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse; and
- may not have a parent able and willing to protect the student from harm.

“Significant Harm Test” is where you consider the significance of harm under mandatory reporting obligations, with regards to –

- a) Whether there are detrimental effects on the child’s body or the child’s psychological or emotional state –
  - i) that are evident to the person; or
  - ii) that the person considers are likely to become evident in the future
- b) any detrimental effects to the child, the reporter may consider
  - i) their nature and severity; and
  - ii) the likelihood that they will continue, and
- c) the child’s age.

“Parent Test” for need of protection, fails where:

1. a parent may be willing to protect a child, but not have capacity to do so and therefore they are not considered “able”. This includes situations such as where the parent’s inability is due to factors such as intellectual impairment or ill health.
2. Alternatively, a parent may have the capacity to protect a child (able) but may choose not to do so (not willing). This might include situations where parents choose on ongoing relationship with a person who is abusing their child and are thus “unwilling” to protect the child.

## **Policy**

### **Facilitating reports of Harm**

The College endeavours that all students are able to be safe. In order to ensure that the College is able to report and take other action steps to ensure student safety, The College encourages students to discuss 'harm' or concerns with staff, and to do so with any staff member whom they feel comfortable. In particular, the College identifies Student Protection Officers on posters which are displayed around the College, and makes our chaplains, as non-teaching staff, available and accessible. A number of staff, including the Student Protection Officers, receive additional training in manner and how to have appropriate conversations to have with students.

### **Conduct of Staff and Students**

All staff/employees, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff/employees, contractors and volunteers must not cause harm to students.

### **Reporting Inappropriate Behaviour**

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

- Principal
- Deputy Principal
- Head of Secondary
- Head of Primary
- Chaplains
- Year Level Coordinators

### **Dealing with Information about 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 Director of the College Board. Reports will be dealt with under the College's Dispute Resolution Policy.

### **Reporting Sexual Abuse or likely Sexual Abuse**

Section 366 and 366A of the Education (General Provisions) Act 2006 (Qld) 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 student under 18 years attending the College
- a Kindergarten aged child registered in an approved Kindergarten program at the College (e.g. Kindy)
- a person with a disability who: -
  - under s.420(2) of the Education (General Provisions) Act 2006 (Qld) is being provided with special education at the College; and
  - is not enrolled in the preparatory year at the College

The staff member, as a mandatory reporter, must give a written report about the abuse or suspected abuse to the College's Principal or to any Director of the College Board immediately. This is best completed as a filled in Report of Suspected Harm or Risk of Harm report. The College Principal or the Director of the College Board must immediately give a copy of the report to the police. The College Principal or the Director of the College Board will then provide a written report to the staff member who made the written report details of the action taken.

If the first person who becomes aware or reasonably suspects sexual abuse is the College's Principal, the Principal, as a mandatory reporter, 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 any Director of the College Board immediately.

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

- the name of the person giving the report (the first person);
- the student's name and sex
- details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused
- details of the abuse or suspected abuse
- any of the following information of which the first person is aware: -
  - the student's age
  - the identity of the person who has abused, or is suspected to have abused, the student
  - the identity of anyone else who may have information about the abuse or **suspected abuse**.

### **Reporting Likely Sexual Abuse**

"Likely" is not defined in the legislation and will take its ordinary meaning. "Likely" has been judicially considered as having a degree of probability that is greater than "possible" but less than "certain". For a consequence to be likely, it must be substantial and real and not remote.

As in the existing legislation, a person who makes a report under these provisions is protected from any criminal, civil or administrative liability, including defamation, and is relieved of their obligations of confidence.

### **Reporting Physical and Sexual Abuse**

Under Section 13E (3) of the Child Protection Act 1999 (Qld), if a doctor, a registered nurse or 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: -

- has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
- may not have a parent able and willing to protect the child from the harm.

Note: In coming to a reportable suspicion it is advisable for a staff member to consult with the Principal or his delegate, however it is important to note that once a reportable suspicion has been formed, the teacher, as a mandatory reporter, must ensure a copy of the report has

been given to the Chief Executive of the Department of Child Safety, Seniors and Disability Services (or other department administering the Child Protection Act 1999 (Qld)).

The staff member, as a mandatory reporter, must give a written report about their reportable suspicion to the College's Principal or to any Director of the College Board immediately. This is best done as a completed Report of Suspected Harm or Risk of Harm report. The College Principal or the Director of the College Board must immediately give a copy of the report to the Department of Child Safety, Seniors and Disability Services (or another department administering the Child Protection Act 1999 (Qld)). The College Principal or Director of the College Board will then provide a written report to the staff member who made the written report details of the action taken.

If a teacher, as a mandatory reporter, believes a report submitted to the Principal or Director of the College Board has not been submitted to the relevant authority, teachers, as mandatory reporters, they must give a written report about their reportable suspicion to the Department of Child Safety, Seniors and Disability Services (or other department administering the Child Protection Act 1999 (Qld)).

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

- state the basis on which the person has formed the reportable suspicion; and
- include the information prescribed by regulation, to the extent of the person's knowledge.

### **Offence for failure to Protect**

Under section 229BB the Criminal Code Act 1899 (Qld), it is a criminal offence when any adult in Queensland, including students 18 years or older, parents/guardians and volunteers, who have the power or responsibility to reduce or remove the risk and wilfully or negligently fail to protect a child from a sexual offence. A child is considered anyone who is under 16 years of age, or a person under 18 with an impairment of the mind. The maximum penalty for failing to protect a child from a sexual offence is five (5) years imprisonment.

### **Offence for failure to Report**

Under section 229BC of the Criminal Code Act 1899, it is a criminal offence when any adult in Queensland, including students 18 years or older, parents/guardians and volunteers, fails to report to the Queensland Police Service (Police) a reasonable belief that a child sexual offence is being, or has been, committed against a child by another adult. This means that as an adult, you must report to the Police if you reasonably believe (or should reasonably believe) that a child is being, or has been, the victim of sexual abuse. A child is considered anyone who is under 16 years of age, or a person under 18 with an impairment of the mind. The maximum penalty for failing to report is three (3) years imprisonment.

### **Awareness**

The College will inform staff, students and parents of its processes relating to the health, safety and conduct of the staff and students in communications to them and it will publish these processes on its website.

## **Health and Safety**

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

## **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 annually.

## **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 annually.

## **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 administration.

## **Action Against a Staff Member**

If the respondent to the report is a staff member, the Principal, with regard to duty of care towards other students, may take action such as suspending a staff member or commencing a formal child protection investigation. In an extreme case when the risk is deemed to be unacceptable, this may include instant dismissal. Such action may precede the finalisation of court proceedings.

If a respondent to an allegation is a registered teacher, the College will give notification to the College of Teachers, if required to do so under the Education (Queensland College of Teachers) Act, 2005 (Qld).

## **Reporting to the Governing Body**

A summary of Mandatory Reports must be included as part of the Monthly Reporting to the Governing Body.

## **Failure to protect a child from child sexual offence**

A mandatory reporter commits a crime if they fail to report under the requirements set out in the Education (General Provisions) Act 2006 (Qld) and may be subject to prosecution under The Criminal Code 1899 (current as at June 2022) under sections 229BB and 229BC. The Board and College take mandatory reporting seriously and work in accordance with the relevant Acts.

## **Complaints Procedure**

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

## **Related Documents**

Report of Suspected Harm or Risk of Harm

