



COOLUM BEACH CHRISTIAN COLLEGE

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Child Protection Policy

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.	
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 Coolum Beach Christian College and covers information about the reporting of harm and abuse	
Status:	Approved	Supersedes:
Authorised by:	School Governing Body Chairperson	Date of Authorisation: February 2021
References:	<ul style="list-style-type: none">• 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)• Coolum Beach Christian College Complaints Handling Policy• Coolum Beach Christian College Complaints Handling Procedure• Coolum Beach Christian College Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)• Coolum Beach Christian College Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)	
Review Date:	Annually	Next Review Date: February 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
 - 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 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 the school 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 school’s Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy².

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)*

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.

Reporting Inappropriate Behaviour

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

- Mrs Tracey Shields
- Mr Christophe Parenty⁴.

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 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 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**);
- 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;

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

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)*

- 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.

A. UPDATE on 229BC

On 14/9/2020 the Queensland Government passed The Criminal Code (Child Sexual Offences Reform) and other Legislation Act, 2020. This update included Section 229BC.

Section 229BC: Failure (of an adult in Queensland), to report (to police), belief, on reasonable grounds, of sexual abuse to a child

B. DETAIL

Section 229BC Failure to report belief of child sexual offence committed in relation to child

- (1) This subsection applies to an adult if –
 - (a) the adult gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult; and
 - (b) at the relevant time, the child is or was –
 - (i) under 16 years; or
 - (ii) 18 years with an impairment of the mind.
- (2) If, without reasonable excuse, the adult fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed, the adult commits a misdemeanour.

Maximum penalty – 3 years imprisonment.

- (3) For subsection (1), it does not matter that the information was gained by the adult during, or in connection with, a religious confession.

Religious confession means a confession made by a person to a member of the clergy in the member's professional capacity according to the ritual of the member's church or religious denomination.

- (4) The definition of child sexual offence under this Act means an offence of a sexual nature committed in relation to a child, including
 - Rape and sexual assault offences and more recent additions, including
 - The making, distribution and possession of child exploitation material (including child sex dolls).

C. Further specifics of Section 229BC.

- Section 229BC applies to **ALL adults** in Queensland (including all school staff and all pastors).

⁷ Education (General Provisions) Regulation 2017 (Qld) s.68

- **Section 229BC(1)** states that the belief needs to be on **reasonable grounds**...not absolute.
- **Section 229BC(b)** states that **the child's relevant age** (for an adult to be required to report) is when the child is under **16**, or under **18** years of age **if the child has an impairment**.
- **Section 229BD(2)** states that the report must be made as soon as **reasonably practicable**.
- **Section 229(2)** states that the adult may raise the defence that the failure to report was because there was **a reasonable excuse, and further**
- Without the applicability of a reasonable excuse **the adult will be guilty of amisdemeanour**.
- **Section 229BC(3)** states that this offence applies **even if the information was gained in connection with a religious confession**.
- **Section 229BC(2)** states that the (maximum) criminal penalty for this failure is 3 years imprisonment
- . The adult's reasonable belief (which mandates the reporting to police) **coverscurrent and past sexual abuse of a child**.

D. Non-State Schools and the new Criminal Offences

a). The new criminal offences will be applicable **to all Queensland adults** (whether associated with Non-State Schools or not). Non-State Schools and staff have long been aware of their specific mandatory obligations to respond to and report on child abuse under numerous child-protection acts, including:

- The Accreditation (Non-State Schools) Act and Regulations 2017 (Reg 16),
- The General Provisions Act 2006 and
- The Child Protection Act 1989, (the latter pertaining to teaching staff)

b). These earlier Acts remain current and compliance remains necessary.

NB. Under these earlier Acts the age of children the subject of a mandatory reporting obligation has been and remains up to 18 (not 16).

E. Penalties

Under the earlier Acts, the penalties for failure (except for the perpetrator), are civil monetary penalties.

Under the new Criminal Offences, penalties for individuals who are found to have committed offences include jail time.

These new obligations impose INDIVIDUAL responsibility on every adult in Queensland to comply with Section 229BC of The Criminal Code (Child Sexual Offences Reform) and other Legislation Act, 2020, or

risk bearing criminal penalties including jail time for failure to do so.

Reporting Likely Sexual Abuse⁸

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 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 is suspected to be likely to sexually 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
- 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

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)*

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 knowledge¹¹.

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 website¹².

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 annually¹³.

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 annually¹⁴.

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 administration¹⁵.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under Complaints Handling Policy.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 2017 (Qld) s.16(4)(b)*

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