

LEQ Child Protection Policy

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|-----------------------|---|--|
| 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 Grace Lutheran Primary School | |
| Status: | Approved v3.0 | Supersedes: V: 5 April 2023 |
| Authorised by: | School Council | Date of Authorisation: 6 March 2024 |
| 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 2020 (Qld) • Criminal Code Act 1899 (sections 229BB and 229BC) • Child Protection Regulation 2023 (Qld) • Grace Lutheran Primary School Grievance Procedure 2021 • Grace Lutheran Primary School Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>) • Grace Lutheran Primary School Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) • Grace Lutheran Primary School Child Protection Reporting Form (Appendix 2 LEQ Child Protection Policy) • Grace Lutheran Primary School Code of Conduct for Staff | |
| Review Date: | Annually | Next Review Date: March 2025 |
| Policy Owner: | School Council | |

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 child 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;
 - (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.

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)*

Reporting Inappropriate Behaviour

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

- Principal
- Assistant Principal
- Deputy Principal (Student Well-being)⁴.

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 council⁵. Reports will be dealt with under the school's Grievance 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 school, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the school;
- b) a kindergarten aged child registered in a kindergarten 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 the Executive Director⁷ of Lutheran Education Queensland (director@leq.lutheran.edu.au) immediately.

The school's principal or the Executive Director of Lutheran Education Queensland 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) 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)*

⁷ The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the *Education (General Provisions) Act 2006* to the Executive Director, Lutheran Education Queensland in line with s 366B.

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 the Executive Director Lutheran Education Queensland immediately.

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 abuse⁸.

Reporting Likely Sexual Abuse ⁹

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 kindergarten aged child registered in a kindergarten 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 the Executive Director¹⁰ Lutheran Education Queensland (director@leq.lutheran.edu.au) immediately.

The school's principal or the Executive Director Lutheran Education Queensland 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 the Executive Director Lutheran Education Queensland immediately.

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;

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

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

¹⁰ The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the *Education (General Provisions) Act 2006* to the Executive Director, Lutheran Education Queensland in line with s 366B.

- 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 abuse¹¹.

Reporting Physical and Sexual Abuse ¹²

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early childhood 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
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department of Children, Youth Justice and Multicultural Affairs (or another department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early childhood 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) the basis on which the person has formed the reportable suspicion¹³;
- b) the child's name and sex descriptor;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- g) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹⁴.

The Brisbane and Moreton Bay Child Safety Regional Intake Service can be contacted on 1300 682 254 during business hours (from 9am to 5pm Monday to Friday). Outside of these hours, the Child Safety After Hours Service Centre can be contacted on phone freecall 1800 177 135 (Queensland only).

¹¹ *Education (General Provisions) Regulation 2017 (Qld) s.69*

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

¹³ *Child Protection Act 1999 s.13G (2)(a)*

¹⁴ See *Child Protection Regulation 2023(Qld) s.4 "Information to be included in report to chief executive"*

Responsibilities under Criminal Code Act 1899 (Qld)

In addition to the reporting requirements under the Child Protection Act 1999 and Education (General Provisions) Act 2006, all adults (inclusive of parents/guardians, volunteers and students 18 years or older) also have obligations under the Criminal Code Act 1899 to report to police information relating to child sexual offences should they have reasonable belief that an adult has committed a child sexual offence.

The *Criminal Code Act 1899* includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

Failure to Report¹⁵

Under section 229BC of the Criminal Code Act 1899, all adults, inclusive of parents/guardians, volunteers and students 18 years or older must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. A reasonable excuse not to make a report under the *Criminal Code Act 1899* includes that a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) and the *Child Protection Act 1999* (reporting significant harm or risk of significant harm) as per this policy.

Failure to Protect¹⁶

Under section 229BB of the Criminal Code Act 1899, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence. Accountable persons will commit an offence if:

- a) the adult knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child; and
- b) the alleged offender is associated with the school (or another institution) or is a regulated volunteer; and
- c) the child is under the care, supervision or control of the school; and
- d) the child is under 16 years or is a person with an impairment of the mind; and
- e) the adult has the power or responsibility to reduce or remove the risk; and
- f) the adult wilfully or negligently fails to reduce or remove the risk.

If in doubt, always assume that a matter is reportable.

¹⁵ *Criminal Code Act 1899 (Qld) s.229BC*

¹⁶ *Criminal Code Act 1899 (Qld) s.229BB*

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 website¹⁷.

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 in hard copy format from the school administration¹⁸.

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 annually¹⁹. A record of attendance by staff in induction training and annual refresher sessions will be maintained by the school.

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 annually²⁰.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under the school's Grievance Procedure

Helpful Links

- Independent Schools Queensland's [Child Protection Decision Support Trees](#)
- Department of Children, Youth Justice and Multicultural Affairs [Child Protection Guide](#) resource
- [Blue Card Services resources](#)

Appendices

- Appendix 1 – Summary of Reporting Harm
- Appendix 2 – Report of Suspected Harm or Sexual Abuse Form

¹⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

¹⁸ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

¹⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

²⁰ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

Appendix 1

Summary of Reporting Harm

| Who | What abuse | Test | Report to | Legislation |
|--|---|--|--|--|
| All staff | Sexual | Awareness or a suspicion Sexually abused or likely to be sexually abused | Principal, through to police immediately | EGPA sections 366 and 366A |
| 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 |
| All staff | Physical, psychological, emotional, neglect, exploitation | Significant harm, & Parent may not be willing and able | Principal, through to Child Safety | Accreditation Regulation section 16 |
| All staff | Any | Not a level that is otherwise reportable to Child Safety, refer with consent | Principal, through to Family and Child Connect | CPA Sections 13B and 159M |
| Principal | Any | Not a level that is otherwise reportable to Child Safety, refer without consent | Family and Child Connect | CPA Sections 13B and 159M |
| Employing authority (Principal/Board) | Harm or likely harm due to the conduct of a teacher | When you start to deal with an allegation; & When you finish dealing with an allegation | Queensland College of Teachers | QCT sections 76 and 77 |
| Any member of the public | Any | Significant harm & Parent may not be willing and able | Child Safety | CPA section 13A |
| Any adult (includes students 18 years or older, parents/guardians and volunteers) | A child sexual offence against a child by an 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 and (b) at the relevant time, the child is or was— (i) under 16 years; or (ii) a person with an impairment of the mind. | Police | Criminal Code section 229BC |
| An <i>accountable person</i> means an adult who is <i>associated</i> with an institution (institution means the school). | Sexual and physical | 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 | Principal, through to police immediately | Under <i>Section 229BB of the Criminal Code Act 1899</i> : |

Appendix 2

Private and Confidential

Report of Suspected Harm or Sexual Abuse

| |
|---------------|
| Date: |
| School: |
| School Phone: |
| School Email: |

| DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE: | |
|--|----------------------------|
| Legal Name: | Preferred Name: |
| DOB: | Sex identifier: |
| Year Level: | Cultural Background: |
| Primary language spoken: | |
| Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> | |
| Does the student have a disability verified under EAP: Yes <input type="checkbox"/> No <input type="checkbox"/> | Disability Category: |
| Student's Residential Address: | Phone: |
| | Student's Personal Mobile: |

| FAMILY DETAILS | |
|--|--------------------------|
| Parent/caregiver 1: | Relationship to Student: |
| Address (if different from student): | |
| Phone: (H): | (W): (M): |
| Parent/caregiver 2: | Relationship to Student: |
| Address (if different from student): | |
| Phone: (H): | (W): (M): |
| Is the student in out of home care? Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Are there any Family Court or Domestic Violence orders in place? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> | |

| PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Adult family member | <input type="checkbox"/> Child family member | <input type="checkbox"/> Other adult |
| <input type="checkbox"/> Student/other child | <input type="checkbox"/> Unknown | |

PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary).

Details of any harm and/or sexual abuse to the student – please include: Time and date of the incident; location of the incident, source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.

Please indicate the identity of anyone else who may have information about the harm or abuse

Additional information provided as an attachment YES NO

Name of staff member making report if not the Principal:

| | | |
|------------|------------|-------|
| Position: | Signature: | Date: |
| Principal: | Signature: | Date: |

Principal's email address:

Response requested by school:

ACTION TAKEN

| | | |
|--|--------------------------|---|
| Form was emailed to (please tick which agencies the form was sent to): | <input type="checkbox"/> | Queensland Police Services (QPS) |
| | <input type="checkbox"/> | Department of Children, Youth Justice and Multicultural Affairs (Child Safety Services) |
| | <input type="checkbox"/> | Family and Child Connect |
| | <input type="checkbox"/> | Queensland College of Teachers |

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)

Confirm receipt of emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.