



Child Protection Policy

Policy No:

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| Responsible Officer: | Executive Principal |
| Approving Authority: | CHI.L.D. Association Executive Committee |
| Policy Date: | November 2011 |
| Approval Date: | 6 February 2012 |
| Review Date: | Biennially |
| Related Policies/Procedures: | Child Protection Compliance Policy Anti-bullying policy Sexual Harassment policy Staff Wellbeing policy |

This policy document has been prepared based on a model policy devised by the Association of Independent Schools of Queensland (AISQ) to assist its member schools in formulating appropriate school policies on child protection.

Additionally, this document has been designed to satisfy a requirement of the Education (Accreditation of Non-State Schools) Regulation 2001 that schools must have written process about the appropriate conduct of their staff and students that accord with legislation applying to the care and protection of children.

1. PURPOSE

The purpose of this policy is to provide written processes about the appropriate conduct of CHI.L.D. Association including The Glenleighden School, Let's Talk Professional Centre and Let's Talk Outreach Service staff and children that accord with legislation applying in Queensland about the care and protection of children.

To ensure that all health professionals are aware of their roles and responsibilities in recognizing, reporting and responding to children and young people who have been harmed or who are at risk of harm.

1.1 SCOPE

Applies to all staff and children at CHI.L.D. Association campuses and covers information about the reporting of physical, emotional and sexual abuse and neglect; and inappropriate behaviour, harassment, and self-harm.

This policy applies to all health professionals. More specifically, it applies to those health professionals whose normal duties are likely to engage with or deliver services to children who have parental/carer roles and responsibilities in relation to children.

1.2 BACKGROUND

In accordance with the Crime and Misconduct Commission (CMC) recommendations, the Public Health Act 2005 has been amended to require all Medical Officers to immediately report any reasonable suspicion of child abuse and neglect directly to the Department of Child Safety.

1 | Version: 2

Issue Date: 11 November 2013

Date of Next Review: November 2015



Child Protection Policy

Policy No:

This policy requires all health professionals, who in the course of their normal duties formulate a reasonable suspicion that a child has been abused or neglected in their home/community environment, to immediately report their suspicion to the Department of Child Safety. This reflects the requirements of Section 22 of the Child Protection Act 1999 and also the duty of care principle.

Section 22 of the Child Protection Act 1999 provides protection from liability for any person, acting honestly, who notifies or gives information about suspicions of abuse or neglect to a child.

2. DEFINITIONS AND LEGISLATION

A child is a person under 18 years of age. Also inclusive of any person who is enrolled at The Glenleighden School or a client of the Let's Talk Professional Centre or student referred to the Let's Talk Outreach Service.

Children is the plural of child (as per above).

Harm 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;
- Sexual abuse or exploitation.

CHI.L.D. Association is inclusive of The Glenleighden School, Let's Talk Professional Centre and Let's Talk Outreach Service.

2.1 Relevant Legislation

Commission for Children and Young People and Child Guardian Act 2000 (Qld)

Commission for Children and Young People and Child Guardian Regulation 2001 (Qld)

Education (General Provisions Act) 2006 (Qld)

Education (General Provisions) Regulation 2006 (Qld)

Education (Queensland College of Teachers) Act, 2005 (Qld)

Education (Accreditation of Non-State Schools) Act 2001 (Qld)

Education (Accreditation of Non-State Schools) Regulation 2001(Qld)

Education Services for Overseas Students (ESOS) Act 2000 (Cth)

Education (Overseas Students) Act 1996 (Qld)

Health Act 1937

Child Protection Act 1999

Public Health Act 2005

Recruitment and Selection policy

Workplace Health Safety Act 1995

Industrial Relations Act 1999

3. POLICY

3.1 PRINCIPLES

The CHI.L.D. Association will uphold the following principles under this Policy:



Child Protection Policy

Policy No:

- Protecting children from harm and the risk of harm is fundamental to maximising their personal and academic potential.
- Recognises that children who are subjected to abuse are harmed by it.
- The welfare and best interests of the child will always be a primary consideration.
- Expects our children to show respect to our staff and volunteers and to comply with safe practices.
- All employees must ensure that their behaviour towards and relationships with children reflect proper standards of care for children, and are not unlawful.
- Sexual acts by an adult employee or volunteer with a child will always be sexual abuse.
- Will respond diligently to a report of suspected or actual harm, or risk of harm to a child.
- Reprisals against children or others making a complaint will not be tolerated.
- Child management practices will be administered with respect and in a manner which maintains the child's dignity.
- Will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct.
- Will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a child.
- Anybody within CHI.L.D. Association who becomes aware or reasonably suspects that a child is being harmed must report it to the Executive Principal in accordance with the Association's Procedures for Reporting Harm.
- Will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others.
- Will not permit people to work in a position if the Association believes on the basis of all information available that, if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.
- Will cooperate with state authorities in resolving allegations of harm.

3.2 GUIDELINES

In complying with these principles, CHI.L.D. Association will be guided by the following. All allegations will be listened to and dealt with in an appropriate and timely manner.

3.3 NATURAL JUSTICE



Child Protection Policy

Policy No:

The principles of natural justice will apply to decisions to be made under this Policy. The two fundamental principles of natural justice are:

- That those making a decision are not biased.
- That nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

3.4 PROCESS

It is important to make the lodging of a complaint easy.

3.5 CONFIDENTIALITY

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. CHI.L.D. Association is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions arising from the Policy and to produce documents.

3.6 CRIMINAL LAW

Where there are allegations of criminal misconduct, the allegations should be referred to the police. The Executive Principal must refer all allegations of paedophilia to the police, including those from the past, except where the alleged perpetrator is deceased.

3.7 DEFAMATION

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation.

3.8 PROMPTNESS

All steps under the Policy should be carried out promptly. The Association will keep the victim and the alleged perpetrator informed of progress.

3.9 PROTECTION

The Executive Principal will ensure that the following are undertaken in order to reduce the chance of abuse occurring:-

- Ensure that each staff member understands and fulfils their obligations under this Policy.
- Ensure that there is an acceptable reference for each staff member engaged since the commencement of this protocol, from their previous employer.



Child Protection Policy

Policy No:

- Ensure that each non-teaching staff member and volunteer who has contact with children has a current positive prescribed notice issued by the Commissioner for Children and Young People and Child Guardian¹.
- Ensure that each teaching staff member is a Registered Teacher.
- Ensure that all therapy staff are registered with appropriate boards.

3.10 SUPPORT

The Association will provide support for the victim through professional counselling if it is requested, even if any allegation is not yet proved or disproved. The Association will support the respondent to a complaint with professional counselling if it is requested until the matter has been resolved.

3.11 INTERVIEWS

There will be two representatives of the Association present at interviews, where practical. In cases of allegations of serious harm it is best not to interview a student who is a child unless a properly qualified person conducts the interview.

3.12 TEACHERS

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

3.13 THERAPISTS

If a respondent to an allegation is a registered therapist, the Association will give notification to the appropriate professional group.

3.14 PUBLIC RELATIONS

The Executive Principal will ensure that the Association is able to react quickly to allegations of harm so that accurate and relevant information is available for staff members, children and their families and for the media.

3.15 POLICE ACTION

It will usually be necessary to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. If the police do charge the respondent, it will be necessary to wait until the charges

¹ Note: the *Commission for Children and Young People and Child Guardian Act 2000 (Qld)* currently exempts volunteers who are parents of children at the school from the requirement to have prescribed notices. It is therefore a decision for the school as to whether all volunteer parents should have police checks.



Child Protection Policy

Policy No:

have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the Executive Principal from seeking advice from police regarding the duty of care to existing students which may involve the standing down of a staff member during an investigation. The police are not required to inform the Association about their investigation. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

3.16 INSURER

The Association will keep its insurer informed about developments.

3.17 PUBLICATION

The Executive Principal will ensure that this policy is published:-

- to staff members generally, at least once each year
- to each new staff member, on induction
- by reference to it in the school newsletter, at least twice each year
- by display on at least one noticeboard in the two campuses, always.

The Executive Principal will ensure that a copy of the policy is always available from the Association's administration.

3.18 REVIEW

The Association will ensure that this Policy is reviewed at least once every two years.

3.19 STAFF WELFARE

Staff will be provided with an opportunity for debriefing with a focus on acknowledging the effort and potential stress to the staff member. Provision is made through Employment Assistance Program to provide professional counselling at staff members request. Ongoing counselling may require that the individual staff member pursue support.

Staff member may be required to make statements to the policy and other protection agencies. Documents may be requested as part of the investigation and any conversations with external parties may be recorded.

Refer to the Staff Welfare Policy for additional information regarding positive mental health promotion and support.

3.20 LEGISLATED STAFF PROTECTION

As per Education (General Provisions) Act 2006 Section 366A, person is not liable for the act of communicating information, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else. To remove any doubt, it is declared that a person does not

Child Protection Policy



Policy No:

commit an offence against the Act or another Act because the person omits to do an act required under this section.

4. LOCATION OF SUSPECTED CHILD ABUSE AND RESULTING REPORTING AGENCY

Reporting to an agency is dependent on where the abuse and harm took place:

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| Abuse and harm in the home | Child Safety Services, Department of Communities |
| CHI.L.D. Association Staff cause abuse and harm | Queensland Police Service |
| Abuse and harm in other places | Queensland Police Service |

5. DEFINITIONS:

“harm”:-

- Is any detrimental effect of a significant nature on a child’s physical psychological or emotional well-being, however caused
- Can be caused by
 - Physical, psychological or emotional abuse or neglect; or
 - Sexual abuse or exploitation.