

Child Protection Policy

This Policy is based on the Lutheran Education Queensland Child Protection Policy.

GUIDING SCRIPTURE

Jesus said, "Let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these." (Matthew 19:14).

PURPOSE

The purpose of this policy is to provide a framework as part of St John's Lutheran School's written processes about how the school will respond to harm, or allegations of harm, to students under 18 years old, and the appropriate conduct of the School's staff and students. The policy also clarifies responsibilities necessary for compliance with accreditation requirements, mandatory reporting obligations and relevant legislation listed at the end of this policy.

SCOPE

The scope of this policy extends to 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 St John's Lutheran School and covers information about the reporting of harm and abuse.

Any person has the right to make a report directly to the Department of Child Safety, Youth and Women (Child Safety) or Queensland Police Service if they suspect a child may be in need of protection.

DEFINITIONS

Under *Section 8 of the Child Protection Act 1999*, a **child** is an individual under 18 years.

Under *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.

Under *Section 10 of the Child Protection Act 1999*, a **child in need of protection** is a student 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.

Under *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.

RESPONSIBILITIES

Employees

- Participate in mandatory child protection training upon induction and in annual updates
- Respond promptly when it is suspected or disclosed that a student has been harmed or is at risk of harm
- Adhere to procedures for reporting in relation to inappropriate behaviour, harm or sexual or physical abuse
- Comply with mandatory reporting obligations.

The Principal

- Ensure the School implements this *Child Protection Policy*
- Ensure that all employees and visitors are aware of child protection reporting obligations and processes by ensuring the completion of an appropriate level of child protection training
- Keep a record of annual staff child protection training completed
- Keep a record of visitor student protection training completed
- Implement processes to monitor and support any student subjected to or at risk of harm from any source, as appropriate
- Collaborate with government or other agencies where this is in the best interests of the student. This may include sharing information in accordance with the [Information Sharing Guidelines](#) under the *Child Protection Act 1999(Qld)*
- Ensure staff involved in child protection matters access assistance and support programs.

Governing Body (LCAQD Church Board)

Under the *Education (Accreditation of Non-State Schools) Regulation 2017*, the Governing Body must ensure:

- The school's staff and students, and students' parents and guardians, are made aware of the processes for responding to harm or allegations of harm to students; and
- The processes are readily accessible by staff, students, parents and guardians; and
- Staff are trained annually in implementing the processes; and
- The school is implementing the processes.

POLICY STATEMENT

St John's Lutheran School is committed to the safety, wellbeing and welfare of all children and young people within our School community and is dedicated to providing a safe and supportive environment where children and young people are protected from harm. All staff have a responsibility to report risk of harm concerns about children and young people, within their roles, and to provide support to children and young people.

PROCEDURES

1. Health and Safety

St John's Lutheran School has written processes in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation¹. These processes can be found in the *Work Health and Safety Policy*.

2. Responding to Reports of Harm

When the School receives any information alleging *harm*² 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.

Included in the consideration of how this should best be dealt with by the School, reference needs to be made to the following: *Code of Conduct (Staff) Policy, Relationship Management Policy, Bullying, Harassment and Discrimination Policy*, and external support agencies depending on who is alleged to have caused the harm and where it is alleged to have occurred.

The incident reporting template *Report of Suspected Harm or Sexual Abuse* should be completed and forwarded to the relevant staff member best placed to deal with such reports. If in doubt, the appropriate person to receive the report is the Principal. In instances where the Principal is the person alleged to have caused the harm, the report should be forwarded to a member of the School Council.

3. 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. The school's *Code of Conduct (Staff) Policy* and the *Child Risk Management Strategy* outlines the behavioural expectations in this regard.

¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.15*

² *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)*

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

4. Reporting by a Student of Inappropriate Behaviour

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

- Mr Jonathon Kotzur, Assistant to Principal; or
- Mrs Karyn Bjelke-Petersen, Principal.⁴

5. 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 Council⁵. Reports will be dealt with under the School's *Complaints Handling Policy*.

6. 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 Principal or Executive Director of Lutheran Education Queensland 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 Principal, the Principal must immediately give a written report about the abuse, or suspected abuse to a police officer and must also give a copy of the report to the Executive Director of Lutheran Education Queensland.

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

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and 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.

- iii. the identity of anyone else who may have information about the abuse or suspected abuse⁸.

The reporting form *Report of Suspected Harm or Sexual Abuse* is consistent with these requirements.

7. Reporting Likely Sexual Abuse⁹

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 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.

If the first person who reasonably suspects likely sexual abuse is the school's Principal, the Principal must immediately give a written report about the suspicion to a police officer and must also give a copy of the report to the Executive Director of Lutheran Education Queensland.

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 has abused, or is suspected to be likely to abuse, the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse¹¹.

The reporting form *Report of Suspected Harm or Sexual Abuse* attached as Appendix 1 is consistent with these requirements.

8. Reporting Physical and Sexual Abuse where the child may not have a parent able and willing to protect them from the harm¹²

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, an early childhood education and care professional or a teacher forms a **reportable suspicion** about a child in the course of their engagement in their profession, they must make a written report.

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.

¹¹ *Education (General Provisions) Regulation 2017 (Qld) s.68A*

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

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, early childhood education and care professional or teacher must give a written report to the Chief Executive of the Department of Child Safety, Youth and Women (or other department administering the *Child Protection Act 1999*). The doctor, nurse, early childhood education and care professional or teacher should then 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; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge¹³.

9. Reporting Harm to Queensland College of Teachers

In accordance with *section 76 of the Education (Queensland College of Teachers) Act 2005*, the Principal of St John's Lutheran School will report to the Queensland College of Teachers any investigations into allegations of harm caused, or likely to be caused, to a student because of the conduct of a relevant teacher at the School. This notice must be given as soon as practicable after starting to deal with the allegation. The School must also notify the Queensland College of Teachers of the outcome of the investigation.

10. Reporting Template

A reporting template (*Report of Suspected Harm or Sexual Abuse*) which is compliant with the relevant Regulations and consistent with Education Queensland's SP4 Form has been developed for use.

11. Awareness and Accessibility of the Policy and Procedures

St John's Lutheran School will inform staff, students and parents of its policy and procedures relating to the health, safety and conduct of staff and students in written communications to them at least twice per year and it will publish these procedures for their access on its website and in hard copy format at the school office¹⁴.

Decision support trees to assist teachers, the Principal and non-teaching staff are set out in Appendices 1, 2, 3 and 4 of this Policy. These are based on Independent Schools Queensland resources.

12. Training

St John's Lutheran School will train its staff in procedures relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁵. A record of attendance by staff in induction training and annual refresher sessions will be maintained by the School.

13. Implementing the Policy and Procedures

St John's Lutheran School will ensure it is implementing procedures relating to the health, safety and conduct of staff and students by auditing compliance with the policy and procedures annually¹⁶.

¹³ *Child Protection Regulation 2011 s.10(a) to (f)*.

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a) and 16(4)(b)*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

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

14. Complaints Procedure

Suggestions of non-compliance with the School's processes may be submitted as a complaint under St John's Lutheran School *Complaints Handling Policy*.¹⁷

15. Important Contact Details

Queensland Police Service	000 (in emergency – child in immediate danger) or 4160 4900 (Kingaroy) or Police Link on 131 444
Department of Child Safety, Youth and Women	1800 177 135 (Child Safety)
South Burnett Child Safety Service Centre	(07) 4164 0900
Family and Child Connect	13 32 64 or at https://familychildconnect.org.au/
Queensland College of Teachers	(07) 3377 4777

Communication of this Policy	<p>This Policy will be communicated in the following ways:</p> <ul style="list-style-type: none"> • On the School website • Hardcopies available at the office • In induction training with all new staff • In annual refresher training
Legislation / References:	<ul style="list-style-type: none"> • Child Protection Act 1999 (Qld) • Child Protection Regulation 2011 (Qld) • Education (Accreditation of Non-State Schools) Act 2017 (Qld) • Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) • Education (General Provisions) Act 2006 (Qld) • Education (General Provisions) Regulation 2017 (Qld) • Education (Queensland College of Teachers) Act 2005 (Qld) • Work Health and Safety Act 2011 (Qld) • Working with Children (Risk Management and Screening) Act 2000 (Qld) • Working with Children (Risk Management and Screening) Regulations 2020 (Qld)

¹⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*