

CHILD PROTECTION POLICY

This Policy is based on the Independent Schools Queensland, Child Protection Policy Template, February 2023.

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 responsible for 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.

Under *Section 207A of the Criminal Code Act 1899*, a **child sexual offence** means an offence of a sexual nature committed in relation to a child and includes indecent treatment of a child, carnal knowledge with or of a child, rape, incest, grooming a child, making child exploitation material or maintaining a sexual relationship with a child.

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
- Ensure staff involved in child protection matters access assistance and support programs.

- Collaborate with government/other agencies where this is in the best interests of the student. This may include sharing information according to the *Child Protection Act 1999* [Information Sharing Guidelines](#)

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 the *Work Health and Safety Act 2011 (Qld)* and *Working with Children (Risk Management and Screening Act 2000 (Qld)*. 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*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.

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 students².

The school's *Code of Conduct (Staff) Policy; Volunteer Management Policy; Professional Boundaries 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.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)*

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 Jonathan Kotzur, Relationship Facilitator; or
- Mrs Karyn Bjelke-Petersen, Principal.³

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 Council⁴. Reports will be dealt with under the School's *Complaints Handling Policy*.

6. Reporting Sexual Abuse⁵

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 Director⁶ 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 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

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and 16(3)*

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

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

⁶ 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.

- 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 abuse⁷.

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

7. 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 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 Director⁹ 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 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 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 abuse¹⁰.

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

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

⁸ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

⁹ 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.

¹⁰ *Education (General Provisions) Regulation 2017 (Qld) s.69*

8. Reporting Physical and Sexual Abuse where the child may not have a parent able and willing to protect them from the harm¹¹

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.

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 Children, Youth Justice and Multicultural Affairs (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) the child's name and sex;
- b) the child's age;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) 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;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹².

Contact: South Burnett Child Safety Service Centre
180 – 182 Haly St, Kingaroy Q 4610
(07) 4164 0900

For emergencies outside of working hours, contact the Child Safety After Hours Service Centre on freecall 1800 177 135.

9. Responsibilities under Criminal Code Act 1899 (Qld) – all Adults

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 Report¹³

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.

¹¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(d)*

¹² See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

¹³ *Criminal Code Act 1899 (Qld) s.229BC*

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 Protect¹⁴

Under section 229BB of the *Criminal Code Act 1899*, all adults (inclusive of parents/guardians, volunteers and students 18 years or older) 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. All adults (inclusive of, but not limited to parents/guardians, volunteers and students 18 years or older) 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.

St John's Lutheran School have developed a range of strategies, policies and procedures to ensure the safety of children in their care, including:

- Child Risk Management Strategy
- Child Protection Policy (this policy)
- Duty of Care Policy
- Excursions, Camps and Tours Policy
- Professional Boundaries Policy
- Screening Adults in Child Related Activities Policy
- Volunteer Management Policy
- Complaints Handling Policy.

10. 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.

11. 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.

¹⁴ *Criminal Code Act 1899 (Qld) s.229BB*

12. 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, as part of staff induction processes and it will publish these procedures for their access on its website and in hard copy format at the school office¹⁵.

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.

13. 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 annually¹⁶. A record of attendance by staff in induction training and annual refresher sessions will be maintained by the School.

14. 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 annually¹⁷.

15. 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*.¹⁸

16. 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 Children, Youth Justice and Multicultural Affairs	1800 177 135 (Child Safety Services)
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

¹⁵ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a) and 16(4)(b)

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

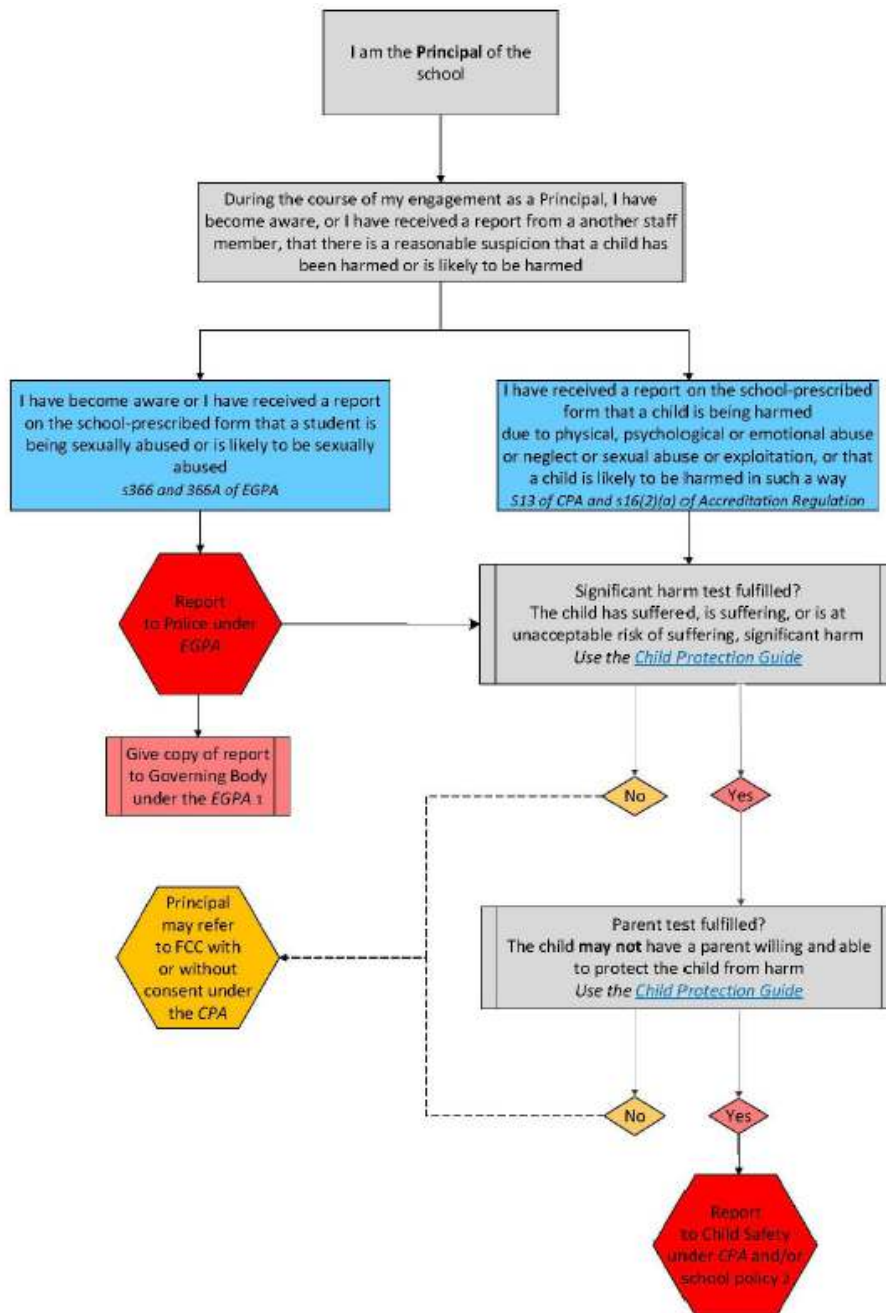
¹⁷ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

¹⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)

Legislation / References:	<ul style="list-style-type: none">• <u>Child Protection Act 1999 (Qld)</u>• <u>Child Protection Regulation 2011 (Qld)</u>• <u>Criminal Code Act 1899 (Section 229BB and 229BC)</u>• <u>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</u>• <u>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</u>• <u>Education (General Provisions) Act 2006 (Qld)</u>• <u>Education (General Provisions) Regulation 2017 (Qld)</u>• <u>Education (Queensland College of Teachers) Act 2005 (Qld)</u>• <u>Work Health and Safety Act 2011 (Qld)</u>• <u>Working with Children (Risk Management and Screening) Act 2000 (Qld)</u>• <u>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</u>
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APPENDIX 1: CHILD PROTECTION DECISION SUPPORT TREE FOR PRINCIPALS

(Independent Schools Queensland, January 2018)



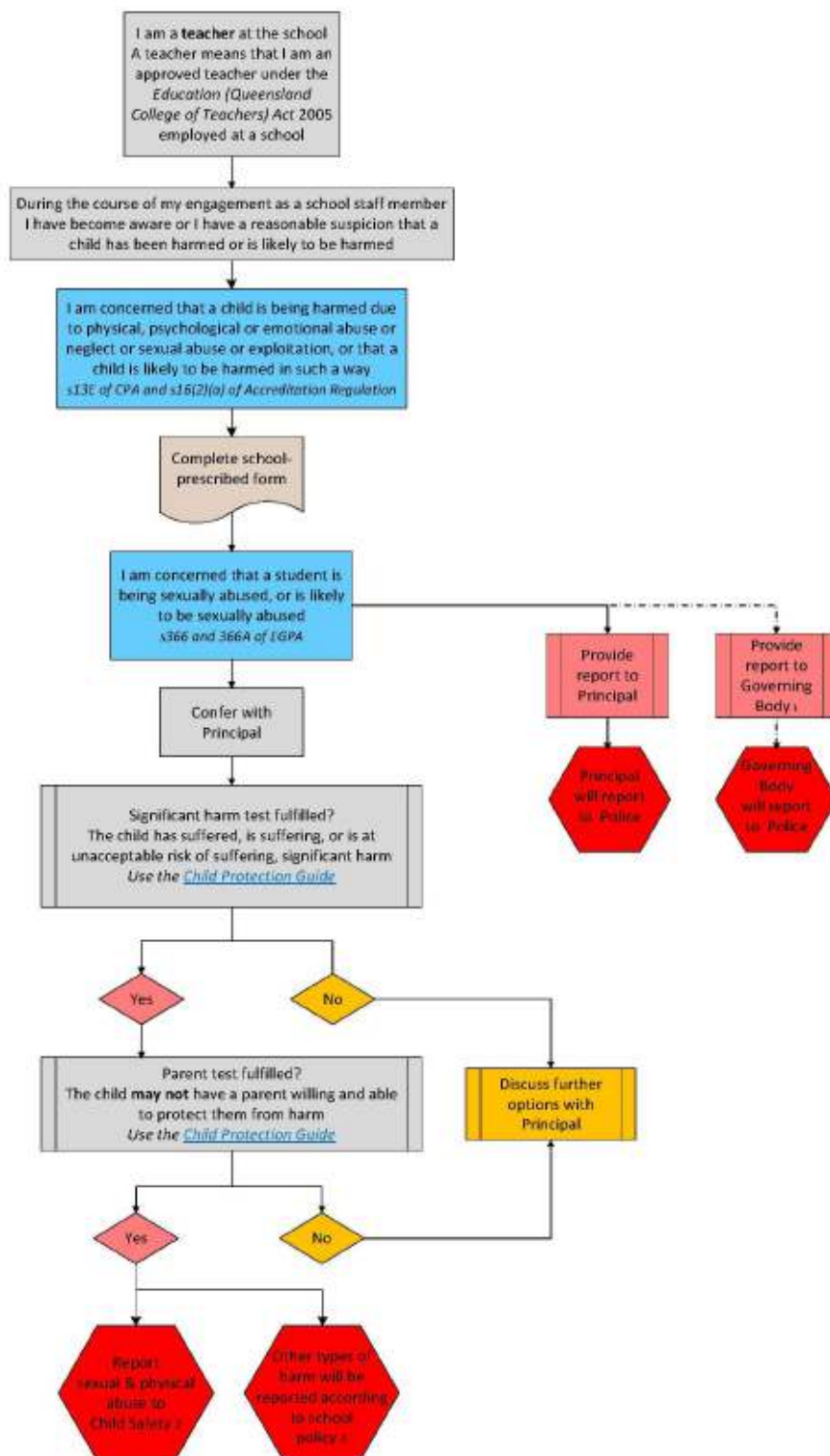
1. Under s366 and 366A of the *Education (General Provisions) Act 2006*, if the Principal is the first person to become aware that a student is being sexually abused or is likely to be sexually abused, they must give a report to the Police and a copy the report to a director of the school's governing body.

2. Under s16(2)(a) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, the school must have processes for responding to allegations or incidents of emotional or psychological abuse or neglect. Most schools' policies will nominate the Principal as the person who will make reports to Child Safety; however, you must refer to your school's own policy.

For further information or if you have any questions please contact us: 3228 1515

APPENDIX 2: CHILD PROTECTION DECISION SUPPORT TREE FOR TEACHERS

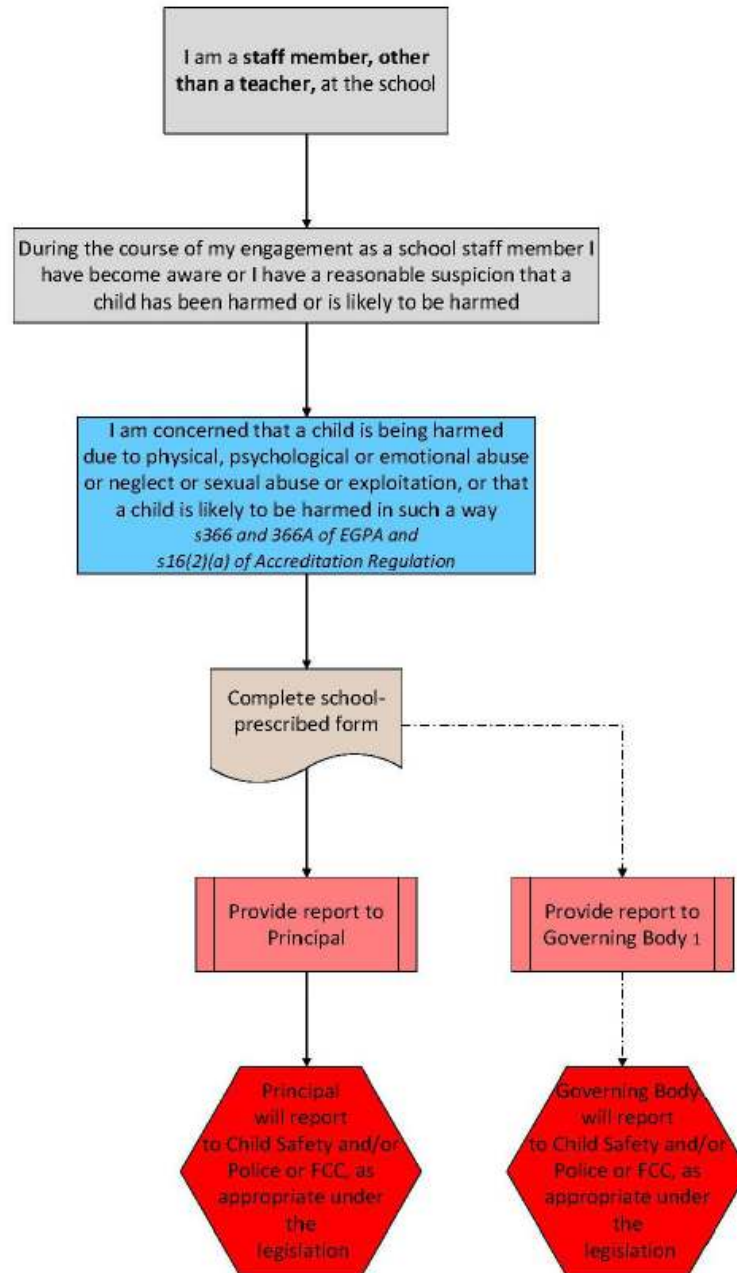
(Independent Schools Queensland, January 2018)



- Under s366 and 366A of the Education (General Provisions) Act 2006, a school staff member may provide a report about sexual abuse or likely sexual abuse to a director of the school's governing body rather than to the Principal.
- Under s13G(3)(b) of the Child Protection Act 1999, a teacher's personal responsibility to report sexual and physical abuse to Child Safety is discharged if they know, or reasonably suppose, that Child Safety is aware of the matter.
- Under s16(2)(a) of the Education (Accreditation of Non-State Schools) Regulation 2017, the school must have processes for responding to allegations or incidents of emotional or psychological abuse or neglect. Most schools' policies will nominate the Principal as the person who will make reports to Child Safety; however, you must refer to your school's own policy.

APPENDIX 3: CHILD PROTECTION DECISION SUPPORT TREE FOR NON-TEACHING STAFF

(Independent Schools Queensland, January 2018)



1. Under s366 and 366A of the *Education (General Provisions) Act 2006*, a school staff member may provide a report about sexual abuse or likely sexual abuse to a director of the school's governing body rather than to the Principal.

APPENDIX 4

Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation	Status
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal, through to Police	EGPA, sections 366 and 366A	Unchanged
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	Unchanged
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16	Amended
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M	Unchanged
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M	Unchanged
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A	Unchanged