

## 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 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

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, School Council members and people undertaking work experience or vocational placements at St John's Lutheran School.

## DEFINITIONS

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 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.

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.

## 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 to enable it to comply with the requirements of the *Work Health and Safety Act 2011 (Qld)* and *Working with Children (Risk Management and Screening Act 2000 (Qld)*.

### 2. Responding to Reports of Harm

When the school receives any information alleging *harm*<sup>1</sup> 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 policy<sup>2</sup>.

### 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 students<sup>3</sup>.

### 4. Reporting Inappropriate Behaviour

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

- Mr Steven Lake, Deputy Principal; or
- Mrs Karyn Bjelke-Petersen, Principal.<sup>4</sup>

### 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 Council<sup>5</sup>. Reports will be dealt with under the School's *Complaints Handling Policy*.

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<sup>1</sup> *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)*

<sup>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

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

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and 16(3)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

## 6. Reporting Sexual Abuse <sup>6</sup>

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 Director<sup>7</sup> of Lutheran Education Queensland ([director@leq.lutheran.edu.au](mailto: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 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 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
- 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 abuse<sup>8</sup>.

## 7. Reporting Likely Sexual Abuse <sup>9</sup>

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

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<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

<sup>7</sup> 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.

<sup>8</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

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

- 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 Director<sup>10</sup> Lutheran Education Queensland ([director@leq.lutheran.edu.au](mailto: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 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 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 abuse<sup>11</sup>.

## 8. Reporting Physical and Sexual Abuse<sup>12</sup>

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<sup>13</sup>.

The doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department of Child Safety, Seniors and Disability Services (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 suspicion<sup>14</sup>; and

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<sup>10</sup> 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.

<sup>11</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

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

<sup>13</sup> *Child Protection Act 1999 s.13E(2)*

<sup>14</sup> *Child Protection Act 1999 s.13G (2)(a)*

- 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 relates<sup>15</sup>.

The written report may also be completed online through the Department of Child Safety, Seniors and Disability Services utilising the following link:

[Child Safety Services online reporting form](#)

#### **Department of Child Safety, Seniors and Disability Services Contact Details:**

The South-West (Darling Downs) Regional Intake Service, Toowoomba can be contacted on **1300 683 390** during business hours (from 9am to 5pm Monday to Friday).

Outside of these, the **Child Safety After Hours Service Centre** on freecall **1800 177 135** (Queensland only).

## **9. Responsibilities under Criminal Code Act 1899 (Qld)**

### **Failure to Report<sup>16</sup>**

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 Protect<sup>17</sup>**

Under 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.

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<sup>15</sup> See *Child Protection Regulation 2023 (Qld) s.4 "Information to be included in report to Chief Executive"*

<sup>16</sup> *Criminal Code Act 1899 (Qld) s.229BC*

<sup>17</sup> *Criminal Code Act 1899 (Qld) s.229BB*

## 10. Awareness

St John's Lutheran 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 website<sup>18</sup>.

## 11. 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 administration<sup>19</sup>.

## 12. Training

St John's Lutheran 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 annually<sup>20</sup>. A record of attendance by staff in induction training and annual refresher sessions will be maintained by the school.

## 13. Implementing the Processes

St John's Lutheran School will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually<sup>21</sup>.

## 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*.<sup>22</sup>

## 15. Important Contact Details and Helpful Links

Queensland Police Service	000 (in emergency – child in immediate danger) or 4160 4900 (Kingaroy) or Police Link on 131 444
Department responsible for child safety	1800 177 135 (Child Safety Services)
South-West Regional Intake Service	1300 683 390
Family and Child Connect	13 32 64 or at <a href="https://familychildconnect.org.au/">https://familychildconnect.org.au/</a>
Queensland College of Teachers	(07) 3377 4777

### Helpful Links

- Independent Schools Queensland's [Child Protection Decision Support Trees](#)
- [Blue Card Services resources](#)

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<sup>18</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

<sup>19</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

<sup>20</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

<sup>21</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

<sup>22</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)

## Appendices

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

<b>Legislation / References:</b>	<ul style="list-style-type: none"><li>• <a href="#"><i>Child Protection Act 1999 (Qld)</i></a></li><li>• <a href="#"><i>Child Protection Regulation 2023 (Qld)</i></a></li><li>• <a href="#"><i>Criminal Code Act 1899 (Section 229BB and 229BC)</i></a></li><li>• <a href="#"><i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i></a></li><li>• <a href="#"><i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i></a></li><li>• <a href="#"><i>Education (General Provisions) Act 2006 (Qld)</i></a></li><li>• <a href="#"><i>Education (General Provisions) Regulation 2017 (Qld)</i></a></li><li>• <a href="#"><i>Education (Queensland College of Teachers) Act 2005 (Qld)</i></a></li><li>• <a href="#"><i>Work Health and Safety Act 2011 (Qld)</i></a></li><li>• <a href="#"><i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i></a></li><li>• <a href="#"><i>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</i></a></li></ul>
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## APPENDIX 1 SUMMARY OF REPORTING HARM

Who	What abuse	Test	Report to	Legislation
<b>All staff</b>	Sexual	Awareness or a suspicion  Sexually abused or likely to be sexually abused	Principal or ED of LEQ, through to police immediately	EGPA sections 366 and 366A
<b>Principal</b>	Sexual	Awareness or a suspicion  Sexually abused or likely to be sexually abused	Police immediately and copy to ED of LEQ immediately	EGPA sections 366 and 366A
<b>Teacher  Nurse (if school has a nurse)</b>	Sexual and physical	Significant harm; &  Parent may not be willing and able	Confer with principal, report to Child Safety	CPA sections 13E and 13G
<b>All staff</b>	Physical, psychological, emotional, neglect, exploitation	Significant harm, &  Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulation section 16
<b>All staff</b>	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
<b>Principal</b>	Any	Not a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA Sections 13B and 159M
<b>Employing authority (Principal/Board)</b>	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
<b>Any member of the public</b>	Any	Significant harm &  Parent may not be willing and able	Child Safety	CPA section 13A
<b>Any adult (includes students 18 years or older, parents/guardians and volunteers)</b>	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



**Appendix 2: Report of Suspected Harm or Sexual Abuse**  
**Private and Confidential**

Date:
School:
School Phone:
School Fax:

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 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 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 faxed or emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Child Safety, Seniors and Disability Services (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.**