



Child Protection Policy

Purpose of the Policy

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,
- in order 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 Caboolture Montessori School are provided information about the reporting of harm and abuse.

Responsibility

School Board

Point of Contact

Principal

Definitions

A **child** is a person under 18 years of age.

A **student** is any person regardless of age who is enrolled at the school.

- **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 student who –
 1. has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
 2. 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 –
 1. the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
 2. the relevant person has less power than the other person;
 3. there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

Policy

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 Protection 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.

Reporting Inappropriate Behaviour

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

- the Principal, Chiray Fitton; and/or
- the Human Resources Coordinator, Psyche Clark⁴

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 governing body⁵. Reports will be dealt with under the school's Dispute Resolution Policy.

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 or a younger student attending the school;
- c) a person with a disability who:
 - under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and
 - 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 a director of the school's governing body immediately.

The school's Principal or the director must immediately give a copy of the report to a police officer.

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)

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)

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 a director of the school's governing body 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 abuse⁷.

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 or a younger student attending a 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 a director of the school's governing body immediately.

The school's Principal or the director 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 a director of the school's governing body 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 is suspected to be likely to sexually abuse the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse⁹.

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

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

9 Education (General Provisions) Regulation 2017 (Qld) s.69

Reporting Physical and Sexual Abuse¹⁰

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 suspicion¹¹;
- b) the child's name and sex;
- 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 relates¹².

Caboolture Child Safety Service: <https://www.dcssds.qld.gov.au/> 5433 6700

Note: a business hours (from 9am to 5pm, Monday to Friday) phone number for your Regional Intake Service is provided above. Outside of these hours, you can contact the Child Safety After Hours Service Centre on 1800 177 135 (Queensland only).

Responsibilities under *Criminal Code Act 1899 (Qld)*

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 Code, all adults 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 Protect¹⁴

Under section 229BB of the Code, 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.

¹⁰ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(d)

¹¹ Child Protection Act 1999 s.13G (2)(a)

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

¹⁴ 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 website¹⁵.

Staff, students and parents are made aware of the school's child protection processes: on school website, through school newsletters, staff induction, CMS Child Protection Manual, in enrolment interviews, Staff Handbook and Parent Handbook.

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 from the school administration¹⁶.

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 annually¹⁷.

The school's governing body ensures that staff are trained in implementing the school's child protection processes through: attendance register from annual training, discussion at staff meetings with printed staff meeting agendas, staff induction, review of handling of complaints.

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 annually¹⁸.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under the Dispute Resolution Policy¹⁹.

Legislation

- *Child Protection Act 1999 (Qld)*
 - *Child Protection Reform Amendment Act 2016 (Qld)*
 - *Criminal Code Act 1899 (sections 229BB and 229BC)*
 - *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)*
 - *Working with Children (Risk Management and Screening) Act 2000 (Qld)*
 - *Working with Children (Risk Management and Screening) Regulations 2020 (Qld)*
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15 Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

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

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

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

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

Appendix

Reporting flow:

Subject	If	Then
Reporting harm (Accreditation Regulation s.10)	You as a student are aware or reasonably suspect that harm has been caused by anyone to a student of the school who was under 18 at the time.	<ul style="list-style-type: none"> report it to any staff member
	You are a staff member and you are aware or reasonably suspect that harm has been caused by anyone to a student of the school who was under 18 at the time.	<ul style="list-style-type: none"> report it to the Principal keep a written record of your actions
	You are the Principal and you receive a report of harm or suspected harm to a student of the school; and you are aware of the harm having been caused or you reasonably suspect the harm to have been caused.	<ul style="list-style-type: none"> report it to the police or the Department of Child Safety keep a written record of your actions
Reporting inappropriate behaviour (Accreditation Regulation s.10)	You are a student and you wish to report behaviour by a staff member that you consider inappropriate.	<ul style="list-style-type: none"> report the behaviour to the Principal
	If the subject of the report of inappropriate behaviour is the Principal	<ul style="list-style-type: none"> report the behaviour to a member of the school's governing body
Reporting inappropriate behaviour (Accreditation Regulation s.10) (continued from above)	You, the Principal, receive the report under the preceding step.	<ul style="list-style-type: none"> interview the student interview the staff member named in the report interview any other person who may be able to provide useful information report your findings to the Principal, if you are the Dean of Students, with your recommendation for action to be taken as Principal take action on the basis of the report
Reporting Sexual Abuse (Education (General Provisions) Act s.146B)	You are: a staff member; and aware or you reasonably suspect that an employee of the school has sexually abused a student of the school who was under 18 at the time	<ul style="list-style-type: none"> give a written report about the abuse to the Principal or a member of the board of directors immediately contents of the written report are prescribed by regulation made under the Education (General Provisions) Act
	You, the Principal, or a member of the board of directors, receive a report under the preceding step	<ul style="list-style-type: none"> give a copy of the report to a police officer immediately

Information Leaflet for Parents:

Child Protection at Caboolture Montessori School

Caboolture Montessori School recognises that protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential. For this reason, the welfare and best interests of the children within our School will always be the primary consideration.

We expect our students to show respect to our staff and volunteers and to comply with safe practices and we expect all employees to ensure that their behaviour towards and relationships with students reflect proper standards of care for students, and are not unlawful. The School will respond diligently to a report of suspected or actual harm, or risk of harm to a student.

What does the School mean by harm?

Recent Queensland legislation defines harm as:

- 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; or
- Domestic or family violence.

How does the School protect students from harm?

CMS has a comprehensive Child Protection Policy, which covers the actions to be taken if a member of staff or a parent of the school becomes aware or reasonably suspects that harm has been done to a student of the school by other staff, people outside the school or by other students.

What should you do if you become aware or reasonably suspect that harm has been caused to a student of the school by a member of staff, someone outside of the school or by other students?

You should report your concerns to the Principal or to any other member of school staff.

What will happen next?

If you report your concerns to a member of staff other than the Principal, the member of staff will document and report it to the Principal immediately, or if the subject of the complaint is the Principal then the member of staff will report to the President of the MBMA Board of Directors.

What will the Principal or the President do?

If the Principal or President receives a report of harm or suspected harm to a student of the school; and he/she becomes aware of the harm having been caused or reasonably suspects the harm to have been caused then it will be reported to police immediately if the harm relates to sexual abuse; or to the Department of Child Safety if appropriate; or it may be dealt with internally if the matter does not require mandatory reporting to an outside body.

What happens about confidentiality?

Your report will be treated in a confidential manner and with respect. Knowledge of it will be limited to the Principal and those directly involved. The President may also need to be informed. It is the school's policy that confidentiality between the school and parents will be respected as much as possible and any concerns raised by parents will not rebound adversely on their children.

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. However, the school is unable to promise absolute confidentiality since the steps of the Policy will require disclosing, internally and externally, certain details involved in responding to the report. State authorities can compel people to give evidence about actions under the Policy and to produce documents. You would be fully informed if information you provided were to be passed on to a third party.

Any action, which needed to be taken under staff disciplinary procedures as a result of an allegation not requiring police intervention, would be handled confidentially within the school.

How will the School help my child?

The Principal will ensure that the following things are done to reduce the chance of harm occurring:

- Ensure that each staff member understands and fulfils their obligations under this Policy and the Policy for reporting abuse.
- Ensure that there is an acceptable reference for each staff member engaged since the commencement of this protocol, from his or her previous employer.
- Require all members of academic staff to be registered or provisionally registered with the College of Teachers (formally Board of Teacher Registration), or to have received special dispensation from the College.
- Require all non-teaching members of staff and all volunteers and contractors (including Board members), to hold a current Blue Card.
- In some cases, deemed appropriate by the School, paid or unpaid employees who work with children but are not required to hold a blue card (e.g. a parent volunteer) may be asked to consent to a criminal history check through the Queensland Police Service.
- Ensure that where volunteer parents are working with children, it will always be in the presence of academic or non-teaching staff who are cleared to work with children.

If the Principal receives a report of harm to your child, he/she will support the child by:

- responding rapidly and diligently to the report;
- reassuring the student;
- protecting the child's confidentiality as much as possible;
- offering continuous support, and providing counselling if requested.

What should I do if I require more information?

The School's complete Child Protection Policy is available at the school administration. Parents and students may have access to this policy at any time. You may also make an appointment to discuss the policy with the Principal if you wish to clarify any matters.

Information Leaflet for Students:

Every student has the right to feel safe and free from harm while at school. We expect you to respect your teachers and other students and we expect that you will receive the same respect in return. You should never allow yourself to feel unsafe without reporting it to someone you trust.

Who should I tell if I am not feeling safe at school or at home?

Any staff member. If you do not feel like talking to a member of staff you may like to write him or her letter.

What will happen if I report what is happening to a member a staff?

If the concern is worrying you, but not causing you immediate harm, then the member of staff will discuss with you ways to solve your problem. If the concern is serious and the member of staff believes that you are being harmed or in danger of being harmed, he or she will report it to the Principal.

What if I don't want the member of staff to tell the Principal?

The member of staff will try to keep your concerns confidential as much as possible. However, if the member of staff is aware or reasonably suspects that harm has been caused by anyone to a student of the school then the law says that the matter must be reported to the Principal and it may have to be reported to the Police. If the staff member has no choice about reporting what you have told them to some-one else he or she will explain to you exactly what will happen next.

Remember the most important thing is that you feel safe and free from harm. You must tell someone if you are being harmed or are afraid that you will be harmed.

Policy Release Details

Date of Policy
July 2024

Review Schedule
Annually

Next Review Date
July 2025

Version
Child Protection Policy V3.1

Supersedes
Child Protection Policy V3.0

Approved by Principal

Signature.....Date...../...../.....

Approved by Board

Signature..........Date 26 Aug 24.....

Related Policies and Documents

- Anti-bullying policy
- Blue Card Policy
- Child and Youth Risk Management Strategy Toolkit (external document)
- Child Protection Compliance Policy
- Child Protection Risk Management Strategy
- Dispute Resolution Policy
- Reporting Harm Form
- Sexual Harassment policy

Policy Distribution

Restrict Distribution – Internal Use Only	<input type="checkbox"/>	(reason)
Immediate Parent Email Distribution	<input type="checkbox"/>	Date completed:
Immediate Staff Email Distribution	<input type="checkbox"/>	Date completed:
Staff Training Required	<input type="checkbox"/>	Date completed:
Intranet	<input checked="" type="checkbox"/>	
Staff Manual	<input checked="" type="checkbox"/>	
Include in Staff Induction Training	<input checked="" type="checkbox"/>	
Parent Lounge	<input checked="" type="checkbox"/>	
Parent Manual	<input checked="" type="checkbox"/>	
Website (public)	<input checked="" type="checkbox"/>	
Other (provide details)	<input type="checkbox"/>	