

## Child Protection Policy

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<b>Policy Number:</b>	704	
<b>Status:</b>	<b>Approved</b>	
<b>Applies to:</b>	All staff in their duty of care to students	
<b>Scope:</b>	Any incident relating to harm or potential harm to students that requires reporting by law. <b>This is a compulsory Policy.</b>	
<b>Supersedes:</b>	Previous Policy of 2012	
<b>Authorised by:</b>	Board President by Board motion	<b>Date of Authorisation:</b> 9 June 2016
<b>Review Date:</b>	Bi-annually	<b>Next Review Date:</b> June 2018
<b>Policy Owner:</b>	School Governing Body: Board of the Rudolf Steiner Education Group Brisbane (RSEGB)	

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**PURPOSE** The purpose of this Policy is to outline how the Samford Valley Steiner School will respond to harm, or allegations or harm, to students under 18 years old, including the expected conduct of the School's staff and students.

**DEFINITIONS** **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—

- 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.

**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

Director (capital D): Principal of SVSS

director (small 'd'): Board member of the School's governing body

**WHEN IT APPLIES** This Policy applies at all times when students are under the duty of care of a staff member, in attendance at the School or on School-related excursions or camps.

**PRINCIPLES** Duty of care to the children who are enrolled at or visit the Samford Valley Steiner School is a conscious priority of all staff.

**POLICY** **Health and Safety**  
The School has written processes in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation<sup>1</sup>.

**Responding to Reports of Harm**

When the School receives any information alleging 'harm'<sup>2</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 Policy and Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this Policy<sup>3</sup>.

**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>4</sup>. Staff, contractors and volunteers must not allow harm to students when they might be reasonably aware that harm could potentially occur.

**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 website<sup>5</sup>.

**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 annually<sup>6</sup>.

**Complaints Procedure**

Suggestions of non-compliance with the School's processes may be submitted as complaints under the SVSS Complaints Resolution Policy.<sup>7</sup>

<sup>1</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(1)

<sup>2</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(8): the definition of 'harm' for this regulation is the same as in section 9 of the Child Protection Act 1999 (Qld)

<sup>3</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)

<sup>4</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(2)

<sup>5</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)

<sup>6</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)

<b>REVIEW OF POLICY</b>	Annual, taking account of any relevant legislative changes. This includes a review of processes to ensure effectiveness and applicability.
<b>ACCOUNTABILITIES</b>	<p><b>The Board:</b></p> <ol style="list-style-type: none"> <li>1. Ensure that staff, students and parents are aware of the School’s Child Protection processes through annual communications.</li> <li>2. Ensure that an annual audit of compliance with the Child Protection Policy and processes is undertaken, including induction of new staff and annual training.</li> <li>3. Ensure that annual staff training for Workplace Health and Safety (WHS) occurs.</li> </ol> <p><b>The Director:</b></p> <ol style="list-style-type: none"> <li>1. Ensure all staff members are familiar with the School’s Child Protection Policy and the Child Risk Management Strategy, through appropriate induction processes and annual professional development.</li> <li>2. Ensure all staff members are familiar with the School’s Workplace Health and Safety Policy, through appropriate induction processes and annual professional development.</li> <li>3. Undertake an annual audit of compliance with processes and Policy.</li> <li>4. Report annually to the Board on compliance.</li> <li>5. Ensure 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 administration<sup>8</sup>.</li> </ol> <p><b>Staff members:</b></p> <p>All staff are required to familiarise themselves with the School’s Child Protection Policy, Child Risk Management Strategy, and Workplace Health and Safety Policy and to apply the principles and processes as required.</p>
<b>ADMINISTRATION</b>	Accurate and current information on this Policy is to be maintained on the School’s website.
<b>CONTACT</b>	Director or Board President
<b>REFERENCES</b>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Child Protection Act 1999 (Qld)</u></a></li> <li>• <a href="#"><u>Education (General Provisions) Act 2006 (Qld)</u></a></li> <li>• <a href="#"><u>Education (General Provisions) Regulation 2006 (Qld)</u></a></li> <li>• <a href="#"><u>Education (Accreditation of Non-State Schools) Act 2001 (Qld)</u></a></li> <li>• <a href="#"><u>Education (Accreditation of Non-State Schools) Regulation 2001 (Qld)</u></a></li> <li>• <a href="#"><u>Working with Children (Risk Management and Screening) Act 2000 (Qld)</u></a></li> <li>• <a href="#"><u>Working with Children (Risk Management and Screening) Regulations 2011 (Qld)</u></a></li> </ul>

<sup>7</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(7) and s.10(7A)

<sup>8</sup> Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(6)

<b>LINKED POLICIES OR DOCUMENTS</b>	<ul style="list-style-type: none"><li>• SVSS Complaint Resolution Policy and Procedure</li><li>• SVSS Child Risk Management Policy and Strategy (for the <i>Working with Children (Risk Management and Screening ) Act 2000 (Qld)</i>)</li><li>• SVSS Workplace Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li></ul>
<b>APPENDICES</b>	<ul style="list-style-type: none"><li>• Appendix 1 – Implementation Processes</li></ul>
<b>QUESTIONS</b>	Nil

## APPENDIX 1 IMPLEMENTATION: Processes

### Reporting Inappropriate Behaviour

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

- Their Class Teacher or Guardian (if appropriate); or
- An Education Administrator (EA); or
- The Director<sup>9</sup>.

### Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Director. Where the Director is the subject of the report of inappropriate behaviour, the staff member must inform a director (Board member) of the School's governing body<sup>10</sup>. Reports will be dealt with under the School's Complaint Resolution Policy.

### Reporting Sexual Abuse<sup>11</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 pre-preparatory aged child registered in a pre-preparatory 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 immediately give a written report about the abuse or suspected abuse to the Director or to a director (Board member) of the School's governing body.

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

*(Under section 366B of the Education (General Provisions) Act 2006 the directors of a School's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the Principal or any other staff member of the School). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this Policy and informing the School community of the delegate/s name/s their contacts, and their role in the School's processes.)*

<sup>9</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3) and s.10(4)*

<sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(3)*

<sup>11</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

If the first person who becomes aware or reasonably suspects sexual abuse is the School's Director, the Director 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.

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>12</sup>.

### **Reporting Likely Sexual Abuse** <sup>13</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 pre-preparatory aged child registered in a pre-preparatory 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 immediately give a written report about the suspicion to the Director or to a director (Board member) of the School's governing body.

The School's Director or the director (Board member) of the School's governing body must immediately give a copy of the report to a police officer.

*(Under section 366B of the Education (General Provisions) Act 2006 the directors of a School's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the Director or any other staff member of the School). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this Policy and informing the School community of the delegate/s name/s, their contacts and their role in the School's processes.)*

If the first person who reasonably suspects likely sexual abuse is the School's Director, the Director 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 (Board member) of the School's governing body.

<sup>12</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68*

<sup>13</sup> *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

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>14</sup>.

### **Reporting Physical and Sexual Abuse**

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse 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 or teacher must give a written report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*). The doctor, nurse or teacher should give a copy of the report to the Director.

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 knowledge<sup>15</sup>.

<sup>14</sup> *Education (General Provisions) Regulation 2006 (Qld) s.68A*

<sup>15</sup> *Child Protection Act 1999 (Qld) s.13G (2)*. There is no such regulation at 12 December 2014.