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Policy Document

# Child Protection Policy and Procedures

<b>Child Protection Policy and Procedures</b>		<b>Policy Reference No. BUS00012</b>
<b>Policy Implementation Date:</b>  01/09/2018	<b>Review Date and Frequency:</b>  26/04/2023 Annually	<b>Responsible for Review:</b>  School Governing Body



# Child Protection Policy and Procedures

## Burnett Youth Learning Centre

## Child Protection Policy and Procedures

<b>Purpose:</b>	The purpose of this policy is to provide written processes about how the school will respond to harm, or allegations of harm, to students under 18 years; and the appropriate conduct of the school's staff and students to comply with accreditation requirements.	
<b>Scope:</b>	Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as Board Directors, contractors, volunteers and people undertaking work experience or vocational placements at the Burnett Youth Learning Centre and covers information about the reporting of harm and abuse.	
<b>Status:</b>	Review	<b>Supersedes:</b> Previous
<b>Authorised by:</b>	School Governing Body	<b>Date of Authorisation:</b> 18/04/2023
<b>References:</b>	<ul style="list-style-type: none"><li>• <i>Child Protection Act 1999 (Qld)</i></li><li>• <i>Education (General Provisions) Act 2006 (Qld)</i></li><li>• <i>Education (General Provisions) Regulation 2017 (Qld)</i></li><li>• <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i></li><li>• <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i></li><li>• <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i></li><li>• <i>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</i></li><li>• <i>Criminal Code Act 1899</i></li><li>• Burnett Youth Learning Centre Child Risk Management Strategy (for the <i>Working with Children [Risk Management and Screening] ACT 2000 (Qld)</i>)</li><li>• Burnett Youth Learning Centre Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li><li>• Burnett Youth Learning Centre Complaints Handling Policy</li><li>• Burnett Youth Learning Centre Child Protection Reporting Form.</li></ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 26/04/2024
<b>Policy Owner:</b>	School Governing Body	



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### 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
    - b) sexual abuse or exploitation.
  3. Harm can be caused by—
    - a) a single act, omission or circumstance
    - 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 child who—
  - a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm
  - 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.

### Health and Safety

The Burnett Youth Learning Centre (BYLC) has written processes in place to enable it to comply with the requirements of the *Work Health Safety Act 2011(Qld)* and *Working with Children (Risk Management and Screening) Act 2000 (Qld)*.

### Responding to Reports of Harm

When BYLC 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 the mandatory reporting of harm as a result of physical or sexual abuse is handled under obligations to report, set out in this policy.<sup>2</sup>

### Conduct of Staff and Students

All staff, Directors, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff, Directors, contractors and volunteers must not cause harm to students.<sup>3</sup>

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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)*



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### Reporting Inappropriate Behaviour

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

- a) Child Protection Officer - *Ian Purkis or Nerine Simpson* - Ph: 07 4159 7579
- or
- b) The Principal – *Jenny Lang* – Ph: 0408 775 390<sup>4</sup>

### Dealing with Reports 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 the Board Chairperson<sup>5</sup> using one of the following contact methods: e: [board@bylc.qld.edu.au](mailto:board@bylc.qld.edu.au) ph. 0490 967 818. Reports will be dealt with under the school's Complaints Handling Policy.

### 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, or 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
  - ii. is not enrolled in the preparatory year at the school.

### Then the staff member must:

1. Complete reporting form – See Appendix 1 attached
  2. Discuss concerns with the Principal immediately
  3. When the Principal receives a written report from a staff member about sexual abuse or suspected sexual abuse of a child, they must immediately give a copy of the written report to a Police Officer
  4. The Principal will inform the school Board of the report
  5. The staff member will keep appropriate records of their decisions and actions
  6. The Principal will confirm submission of the staff member's report as a matter of urgency
    - This fulfils the staff member's duty to report, as they have been advised that the police are aware of the concern.
- 1) 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.
  - 2) If the staff member who becomes aware or reasonably suspects sexual abuse is by the school's Principal:
    - a. They are to report directly to the Board Chairperson, as the delegated Reporting Director

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

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

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



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of the school Board of their concern using one of the following contact methods: email: [board@bylc.qld.edu.au](mailto:board@bylc.qld.edu.au) or ph. 0490 967 818

- b. When the Reporting Director of the school Board receives a written report from a staff member about sexual abuse or likely sexual abuse of a child, they must immediately give a copy of the written report to a Police Officer.

### **A report under either 1) or 2) above must include the following particulars:-**

- a) the name of the person giving the report (the *first person*)
- b) the student's name, age 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>7</sup>

### **Reporting Likely Sexual Abuse<sup>8</sup>**

Section 366A 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 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
  - ii. is not enrolled in the preparatory year at the school.

### **Then the staff member must:**

1. Complete reporting form - See Appendix 1 attached
  2. Discuss concerns with the Principal immediately
  3. When the Principal receives a written report from a staff member about sexual abuse or likely sexual abuse of a child, they must immediately give a copy of the written report to a Police Officer
  4. The Principal will inform the school Board of the report
  5. The staff member will keep appropriate records of their decisions and actions
  6. The Principal will confirm submission of the staff member's report as a matter of urgency
    - This fulfils the staff member's duty to report, as they have been advised that the police are aware of the concern.
- 3) 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

<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

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



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police officer immediately and must also give a copy of the report to a director of the school's governing body immediately.

- 4) If the staff member who becomes aware or reasonably suspects sexual abuse is by the school's Principal:
- They are to report directly to the Board Chairperson, as the delegated Reporting Director of the School Board of their concern using one of the following contact methods: email: [board@bylc.qld.edu.au](mailto:board@bylc.qld.edu.au) or ph. 0490 967 818.
  - When the Reporting Director of the school Board receives a written report from a staff member about sexual abuse or likely sexual abuse of a child, they must immediately give a copy of the written report to a Police Officer.

### A report under either 3) or 4) above must include the following particulars:-

- the name of the person giving the report (the *first person*)
- the student's name, age and sex
- details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person
- details of the abuse or suspected abuse
- any of the following information of which the first person is aware:
  - the student's age;
  - the identity of the person who has abused, or is suspected to have abused, the student;
  - the identity of anyone else who may have information about the suspected likelihood of abuse.<sup>9</sup>

### Reporting Physical and Sexual Abuse<sup>10</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, teacher or an early 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: -

- has suffered, is suffering, or is at unacceptable risk of suffering, **significant harm** caused by physical or sexual abuse
- may not have a **parent able and willing** to protect the child from harm.

The doctor, registered nurse, teacher or early education and care professional 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, registered nurse, teacher or early education and care professional should give a copy of the report to the Principal.

A report under this section must include the following particulars:

- the basis on which the person has formed the reportable suspicion<sup>11</sup>;
- the child's name and sex;
- the child's age;
- details of how to contact the child;

<sup>9</sup> Education (General Provisions) Regulation 2017 (Qld) s.69

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

<sup>11</sup> Child Protection Act 1999 s.13G (2)(a)



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- 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>12</sup>.

Once a report has been made in accordance with the above-mentioned obligations, the Principal will register the report on the Child Protection Register (a password protected record stored in the Executive folder on the school server). This register contains details of the reporting incident and any follow up recommendations/outcomes from relevant authorities. The physical copy of any assessment of the incident is filed and secured in the Human Resources filing cabinet. At the end of each year, these records are archived.

### Responsibilities under the 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 Report<sup>13</sup>

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 Protect<sup>14</sup>

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.

### 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 with them and it will publish these processes on its website<sup>15</sup>. These processes will also be discussed with staff during staff meetings and training sessions. Any new or improved procedures, are imparted to staff during PD training days, for example, reliance on Connect Coaches to monitor student pastoral care notes on Sentral in order to maintain high standards of protection from harm.

During each term break, an administration officer, under the direction of the Principal, will conduct an internal audit of pastoral care entries from Sentral as a secondary defence against potential harm or risk of harm. In the event that a flag of concern is raised, the Principal will liaise with relevant support staff to ensure the best possible outcomes for the student.

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

<sup>13</sup> *Criminal Code Act 1899 (Qld) s.229BC*

<sup>14</sup> *Criminal Code Act 1899 (Qld) s.229BB*

<sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*



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### 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 administration<sup>16</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>17</sup>. ISQ Child Protection Training Modules are utilised, along with refreshers on current and updated information and practices during Staff PD Days. The Staff Training Register is updated annually, with copies of Certificates for Child Protection Training and registers of in-house training completed, and are held in staff files, both digitally and physically. Any new or improved procedures, for instance, secure filing separated from student files and now password protected, following a reportable incident, are imparted to staff during PD training days.

### 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 annually<sup>18</sup>. The above training schedule requires all staff to maintain currency of policies and procedures, especially in relation to Child Protection. Processes are in place to ensure new staff don't slip through the cracks, and current staff remain up-to-date, through the use of Staff Training Registers that are internally audited annually, prior to June 30 each year.

### Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under the BYLC Complaints Handling Policy<sup>19</sup>.

**Note:** Reporting under this policy fulfils the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the *Criminal Code Act 1899 s.299BC*<sup>20</sup>

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

<sup>17</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

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

<sup>19</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s. 16(6)*

<sup>20</sup> *Criminal Code Act 1899 (Qld) s.229BC*

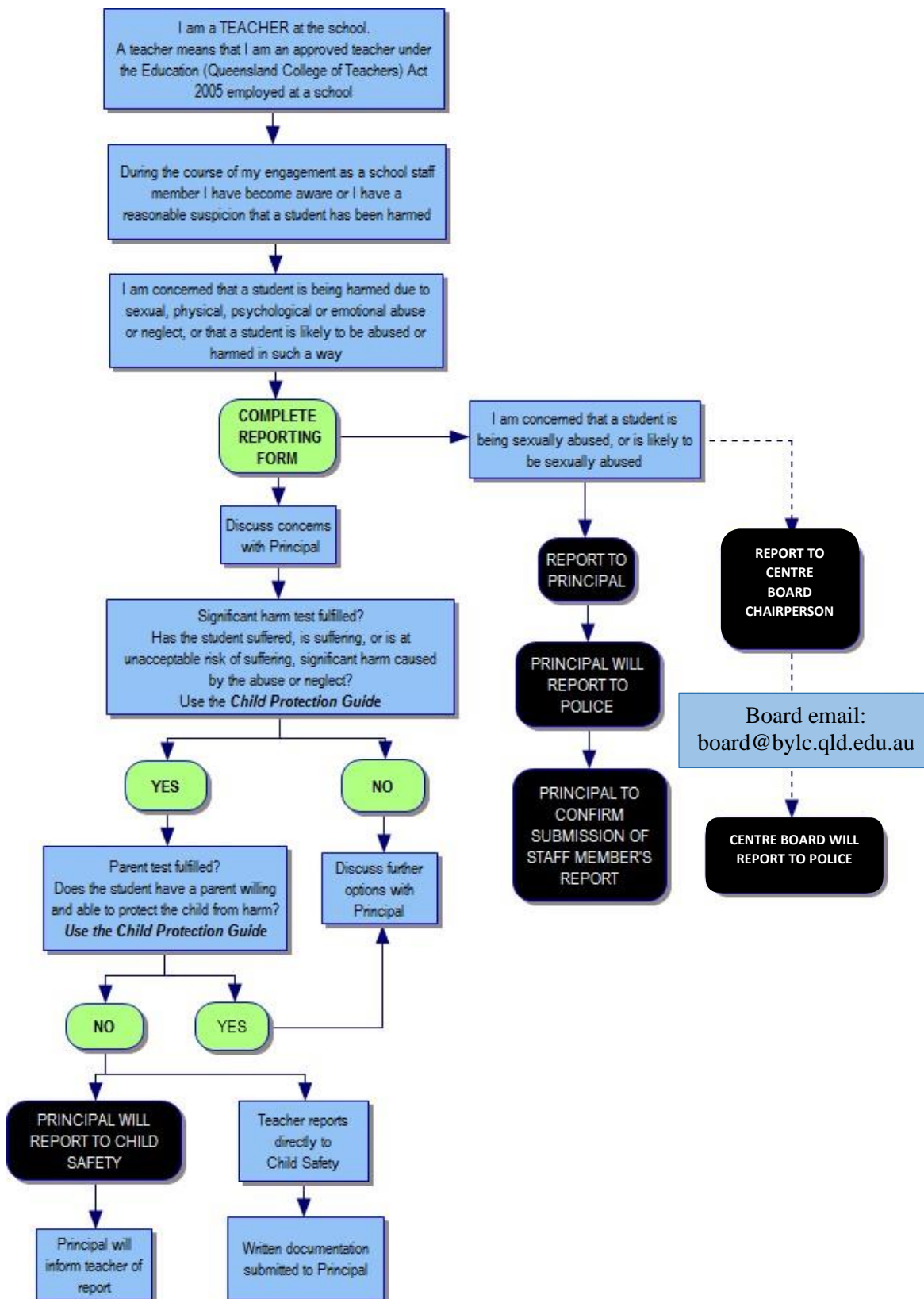




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### CHILD PROTECTION DECISION SUPPORT TREE FOR TEACHERS

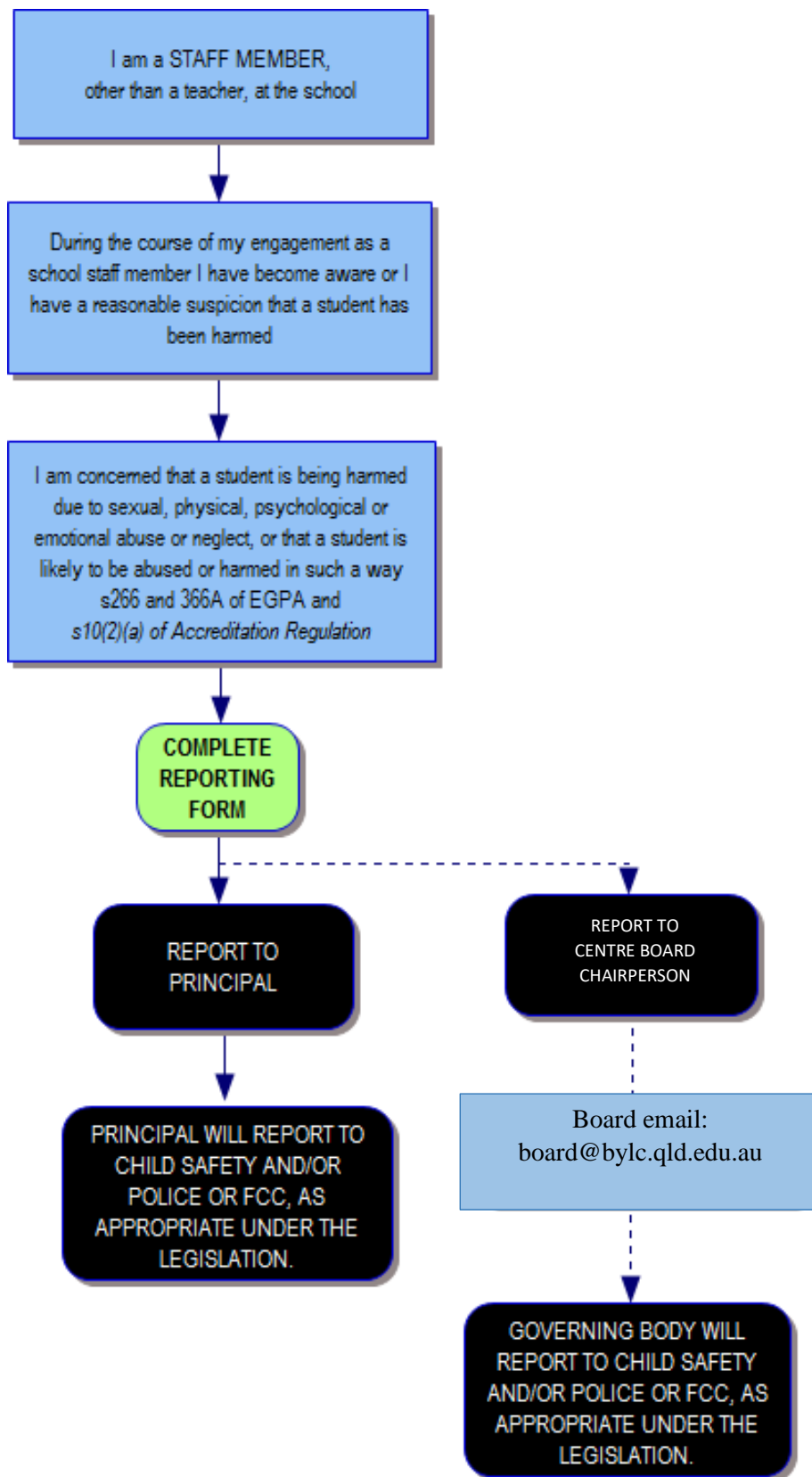




# Child Protection Policy and Procedures

## Burnett Youth Learning Centre

### CHILD PROTECTION DECISION SUPPORT TREE FOR NON-TEACHING STAFF

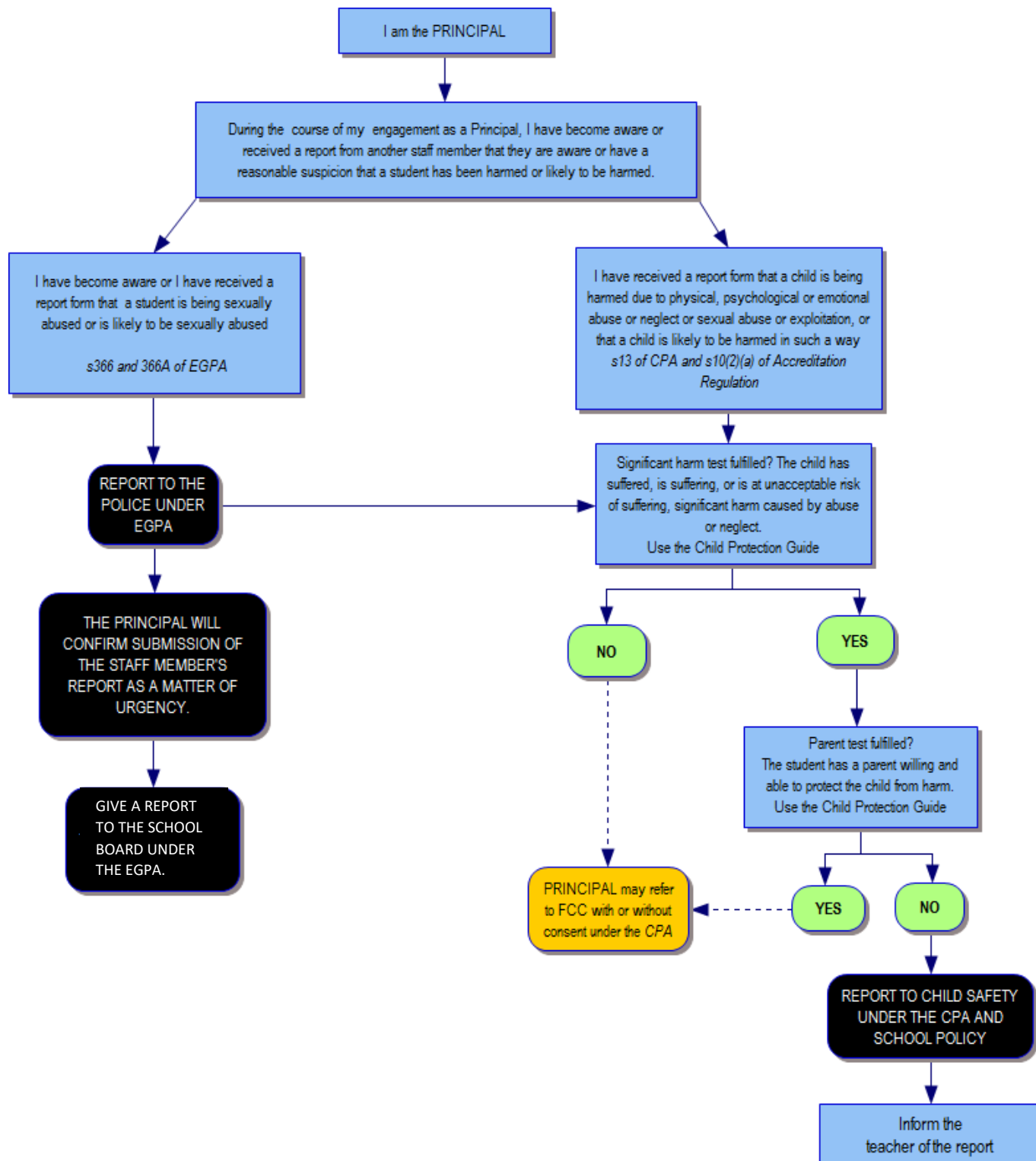




# Child Protection Policy and Procedures

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### CHILD PROTECTION DECISION SUPPORT TREE FOR PRINCIPAL





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### Reporting Form

(To be used by teaching/non-teaching staff and Child Protection Officers)

#### Private and Confidential

#### Report of Suspected Harm or Sexual Abuse

Date:
School:
School Phone:
School Email:
School Address:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Sex:
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 the 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	



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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 the 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; behavioral 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 and particulars 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 emailed to (please tick which agencies the form was sent to):

Queensland Police Services (QPS)

Phone: 131 444

Department of Department of Children, Youth Justice and Multicultural Affairs. Child Safety Services Centre, Bundaberg.

Phone: 07 4154 9700

Online Child Protection Guide

<https://secure.communities.qld.gov.au/cpguide/engine.aspx>

Family and Child Connect

Phone Number: 13 32 64

Web: <https://www.familychildconnect.org.au>

Link: [online referral form](#)

(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.



# Child Protection Policy and Procedures

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### Child Protection and Complaints Officers Poster

(on letterhead and placed in the Office foyer, Hospitality area and Office Annexe)

## Child Protection:

- Keeping our young people safe from harm, is a team effort
- If you or someone you know is at risk harm, reach out to one of the school's Child Protection Officers
- If you feel that making a complaint is the best course of action, please speak with Barry



**Ian Purkis**  
*Chaplain*



**Nerine Simpson**  
*Student Support Coordinator*



**Jenny Lang**  
*Principal*



**Barry Reynolds**  
*Complaints Officer/Staff Chaplain*