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Policy Document

Child Protection Policy and Procedures

Child Protection Policy and Procedures		Policy Reference No. BUS00012
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Child Protection Policy and Procedures

Burnett Youth Learning Centre

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Purpose:	The purpose of this policy is to provide written processes about the health and safety of the Burnett Youth Learning Centre staff and students and about the appropriate conduct of the school's staff and students 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 the Burnett Youth Learning Centre and covers information about the reporting of harm and abuse.	
Status:	Version 2	Supersedes: Previous Policy
Authorised by:	The Principal	Date of Authorisation: 25/06/2020
References:	<ul style="list-style-type: none">• <i>Child Protection Act 1999 (QLD)</i>• <i>Child Protection Regulation 2011 (QLD)</i>• <i>Education (General Provisions) Act 2006 (QLD)</i>• <i>Education (General Provisions) Regulation 2017 (QLD)</i>• <i>Education (Accreditation of Non-State Schools) Act 2017 (QLD)</i>• <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i>• <i>Working with Children (Risk Management and Screening) Act 2000 (QLD)</i>• <i>Working with Children (Risk Management and Screening) Regulations 2011 (QLD)</i>• <i>Burnett Youth Learning Centre Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) ACT 2000 (Qld))</i>• <i>Burnett Youth Learning Centre Work Health and Safety Policy (for the Work Health and Safety Act 2011 (QLD))</i>• <i>Burnett Youth Learning Centre Complaints Policy and Procedures</i>	
Review Date:	Annually	Next Review Date: 25/06/2021
Policy Owner:	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; 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 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.
- **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.
- **Inappropriate Behaviour of a staff member towards a student: Inappropriate Behaviour is *NOT* defined by law.**

Inappropriate behaviour by a staff member towards a student may include any unwelcome behaviour by a Centre employee towards a Centre student that the student is uncomfortable with and breaches the trust implicit in a normal adult-student relationship, as defined by accepted societal values, professional and contractual obligations, current legislation and/or legal precedent. Behaviour which would be regarded by a reasonable person to be inappropriate between an adult and a child will be responded to as such even if the child does not reject it or indicate it is unwelcome.

NB Some inappropriate behaviour may fall under the concept of “grooming”



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Health and Safety

The Burnett Youth Learning Centre 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 the Centre 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 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 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:-

(a) Child Protection Officer - *Margaret Faint* - Ph: 07 4159 7579

or

(b) The Principal – *Jenny Lang* – Ph: 0408775390⁴

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 the Board Chairperson using one of the following contact methods: e. board@bylc.qld.edu.au ph. 0409 397 453⁵. Reports will be dealt with under the school's Complaints Policy & Procedures.

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)*



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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, 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; and
 - ii. is not enrolled in the preparatory year at the school

then the staff member must:

1. Complete reporting form
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 Centre Board of the report
The staff member will keep appropriate records of their decisions and actions
5. 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

If the staff member who becomes aware or reasonably suspects sexual abuse is by the school's Principal:

1. They are to report directly to the Board Chairperson, as the delegated Reporting Director of the Centre Board of their concern using one of the following contact methods: e. board@bylc.qld.edu.au or ph. 0409 397 453.
2. When the Reporting Director of the Centre 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.

If the staff member who becomes aware or reasonably suspects sexual abuse is the school's Principal, he/she 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 Board Chairperson as the delegated Reporting Director of the Centre Board.

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, age and sex;
- c) the student's contact details

⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)(i)*



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- d) the student's residential address
- e) the student's school name and address
- f) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- g) particulars about the harm to which the reportable suspicion relates
- h) the identity of the person who has abused, or is suspected to have abused the student
- i) the identity of anyone else who may have information about the abuse or suspected abuse ⁷.
- j) The Centre's Child Protection reporting form should be used.

Reporting Likely Sexual Abuse ⁸

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; and
 - ii. is not enrolled in the preparatory year at the school

then the staff member must:

1. Complete reporting form
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 Centre Board of the report
The staff member will keep appropriate records of their decisions and actions
5. 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.

If the staff member who becomes aware or reasonably suspects sexual abuse is by the school's Principal:

1. They are to report directly to the Board Chairperson, as the delegated Reporting Director of the Centre Board of their concern using one of the following contact methods: e.
board@bylc.qld.edu.au or ph. 0409 397 453.

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

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



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2. When the Reporting Director of the Centre 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.

If the staff member who becomes aware or reasonably suspects likely sexual abuse is the school's Principal, he/she must immediately give a written report about the suspicion to a police officer and must also give a copy of the report to the Board Chairperson as the delegated Reporting Director of the Centre Board.

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, date of birth and sex;
- c) the student's contact details
- d) the student's residential address
- e) the student's school name and address
- f) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- g) particulars about the harm to which the reportable suspicion relates
- h) the identity of the person who has abused, or is suspected to have abused the student
- i) the identity of anyone else who may have information about the abuse or suspected abuse⁹.
- j) The Centre's Child Protection reporting form should be used.

Reporting Physical and Sexual Abuse¹⁰

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: -

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

⁹ *Child Protection Regulation 2011 (Qld) s.10*

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



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A teacher fulfils this mandatory reporting obligation by:

- making a written report using the Report of Suspected Harm or Sexual Abuse form to the Principal or Board Chair, as Delegated Reporting Director and as a matter of urgency, receiving written confirmation from the Principal or Board Chair of the date and time the report was submitted to the Department of Communities, Child Safety and Disability Services; or by
- making a report directly to the Department of Communities, Child Safety and Disability Services via the Department's online reporting form. A copy of this report must be provided to the Principal of the school or Board Chair.

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 knowledge¹¹.

A report under this section must include:

- 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 relates.

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 website¹². These processes will also be discussed with staff during staff meetings and training sessions.

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.¹³

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.¹⁴

¹¹ See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to Chief executive"*.

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s. 16(4)(d)*



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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 administration¹⁵.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under the BYLC Complaints Policy and Procedures.¹⁶

CENTRE STAFF REPORTING REQUIREMENT SUMMARY

Who	What abuse	Test	Report to	Legislation
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
Teacher	Sexual and physical	Significant harm Parent willing and able	Principal, through to Child Safety or Directly to Child Safety	CPA, sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Family and Child Connect	CPA, section 13 and Accreditation Regulations, section 16(2)(a)
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to family and Child Connect	EGPA., sections 366 and 366A and the Accreditation Regulations section 16(2)(a)M
Any member of the public	Any	Significant harm Parent willing and able	Child Safety	CPA, Section 13A

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

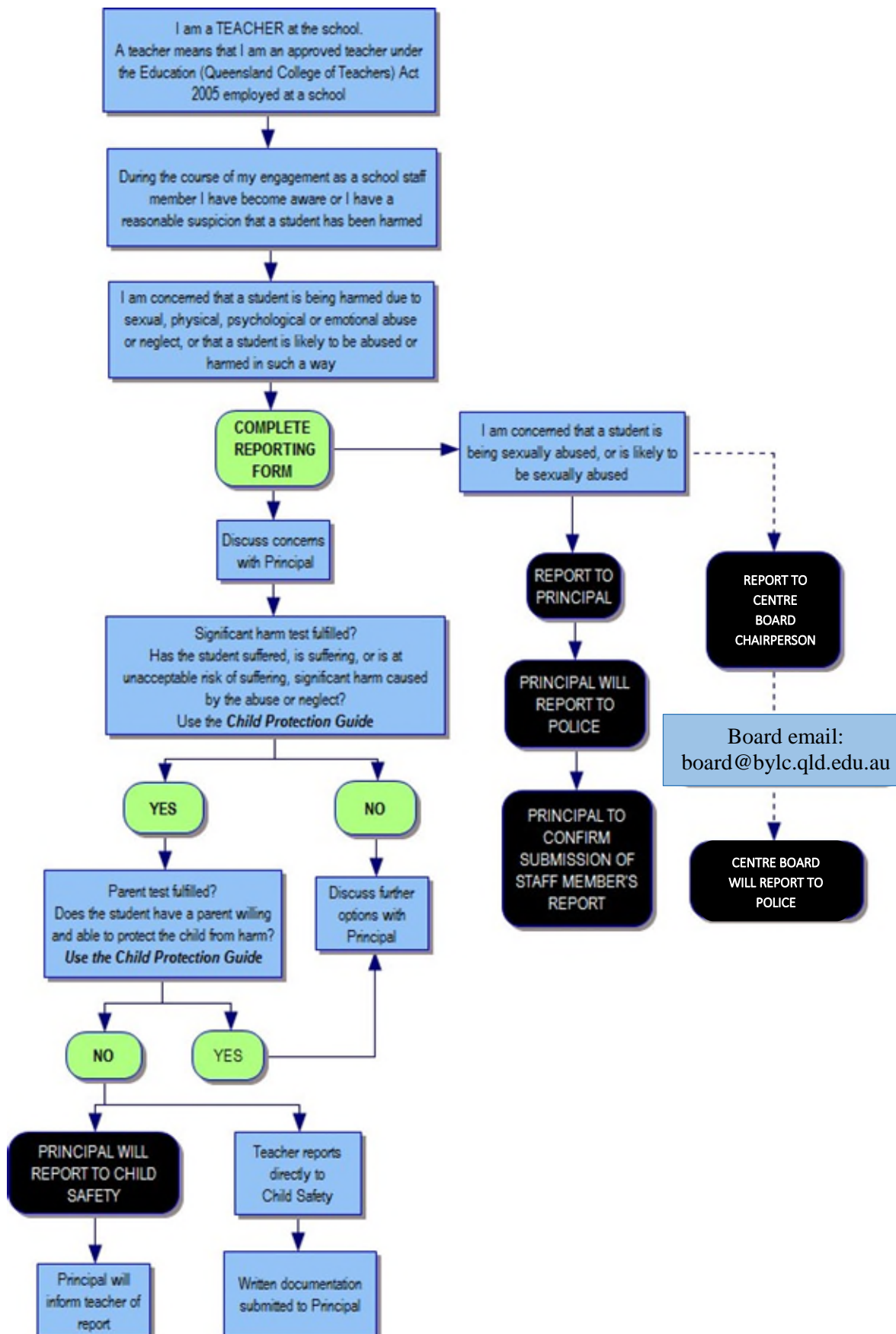
¹⁶ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)



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CHILD PROTECTION DECISION SUPPORT TREE FOR TEACHERS

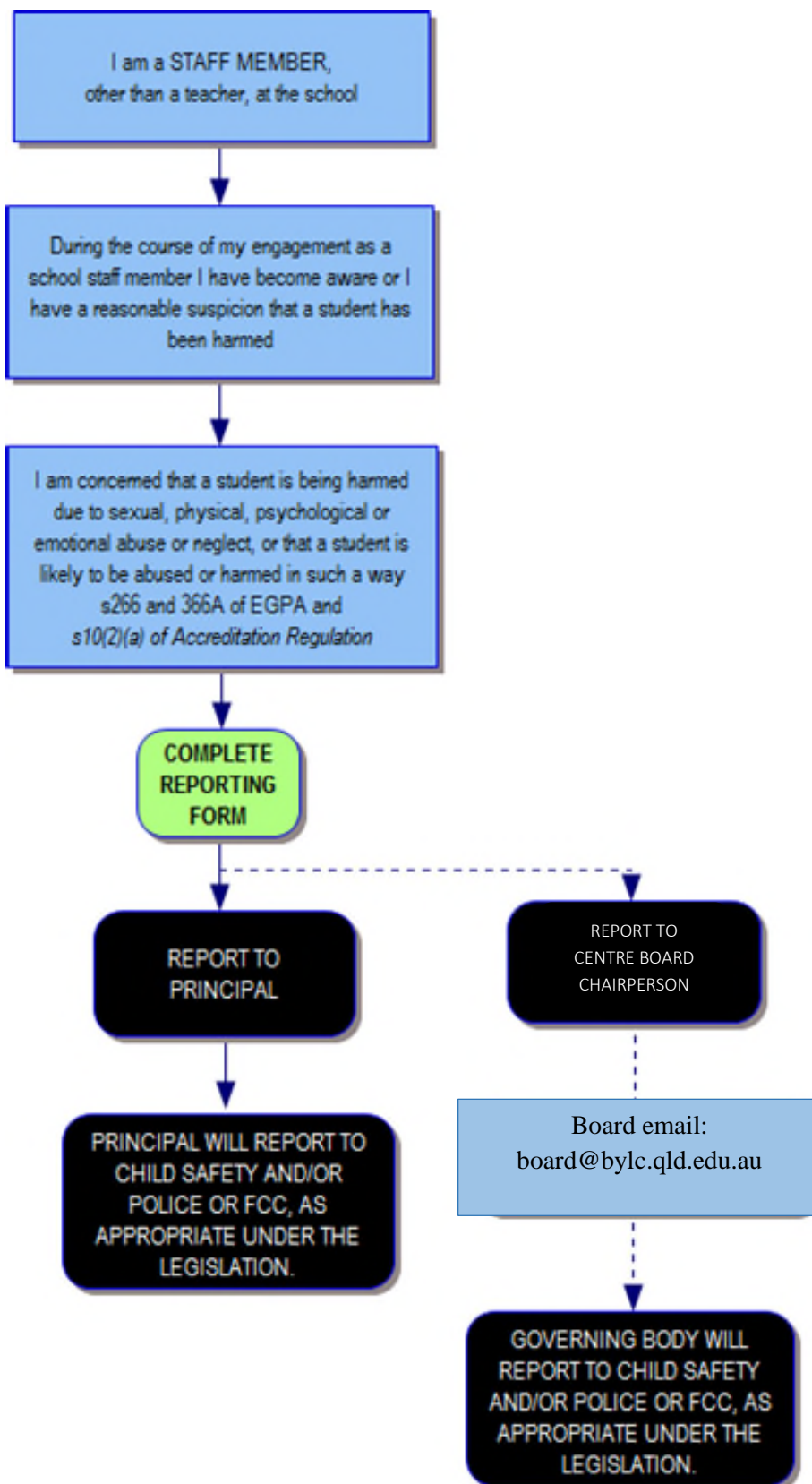




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CHILD PROTECTION DECISION SUPPORT TREE FOR NON-TEACHING STAFF

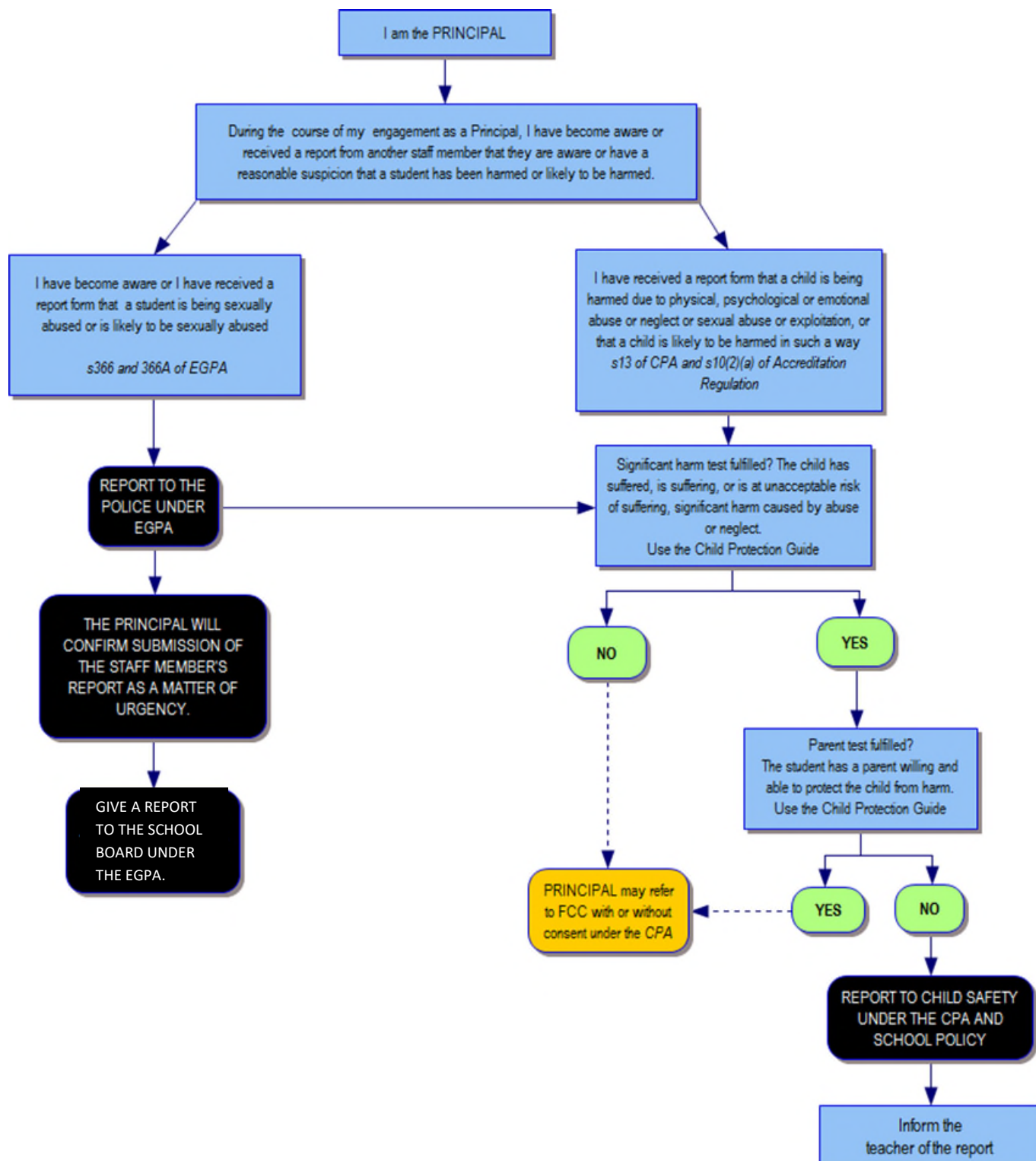




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CHILD PROTECTION DECISION SUPPORT TREE FOR PRINCIPAL





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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: BURNETT YOUTH LEARNING CENTRE
School Phone: 07 4159 7579
School Fax: 07 4159 7557

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:		
Legal Name:	Preferred Name:	
DOB:	Gender:	
Year Level:	Cultural Background:	
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"/>		



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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; 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 to the Statutory Agency 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 Communities (Child Safety Services) <i>Central Queensland Regional Intake No</i> 1300 703 762 Fax: 4938 4697 Email: CQRIS Intake@communities.qld.gov.au
	<input type="checkbox"/>	Family and Child Connect

Receipt of faxed or emailed form and give to child protection officer ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.