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Policy Document

Child Protection Policy and Procedures

Child Protection Policy and Procedures		Policy Reference No. BUS00012
Policy Implementation Date: 01/09/2018	Review Date and Frequency: 19/03/2025 Annually	Responsible for Review: School Governing Body



Child Protection Policy and Procedures

Burnett Youth Learning Centre

Child Protection Policy and Procedures

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:	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.	
Status:	Review	Supersedes: Previous
Authorised by:	School Governing Body	Date of Authorisation: 26/03/2024
References:	<ul style="list-style-type: none"> • Child Protection Act 1999 (Qld) • Education (General Provisions) Act 2006 (Qld) • Education (General Provisions) Regulation 2017 (Qld) • Education (Accreditation of Non-State Schools) Act 2017 (Qld) • Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) • Working with Children (Risk Management and Screening) Act 2000 (Qld) • Working with Children (Risk Management and Screening) Regulations 2021 (Qld) • Criminal Code Act 1899 (sections 229BB and 229BC) • Burnett Youth Learning Centre Complaints Handling Policy • Burnett Youth Learning Centre Child Risk Management Strategy (for the Working with Children [Risk Management and Screening] ACT 2000 (Qld)) • Burnett Youth Learning Centre Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld)) • Burnett Youth Learning Centre Child Protection Reporting Form 	
Review Date:	Annually	Next Review Date: 26/03/2025
Policy Owner:	School Governing Body	



Child Protection Policy and Procedures

Burnett Youth Learning Centre

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.

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 and Safety Act 2011 (Qld)* and the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*.

Responding to Reports of Harm

When BYLC 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 physical or sexual abuse is handled under obligations to report set out in this policy².

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 students³.

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)*



Child Protection Policy and Procedures

Burnett Youth Learning Centre

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 – *Sharon Mason or Nerine Simpson* – Ph: 07 4159 7579; or
- b) The Principal – *Scott Sadler* – Ph: 0408 775 390⁴

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 Chairperson⁵ using one of the following contact methods: e: board@bylc.qld.edu.au or ph. 0490 967 818. Reports will be dealt with under the school's Complaints Handling 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 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 the Board Chairperson immediately.

The school's principal or Board Chairperson 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 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 the Board Chairperson 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.

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)*

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



Child Protection Policy and Procedures

Burnett Youth Learning Centre

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 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 the Board Chairperson immediately.

The school's principal or Board Chairperson 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 Board Chairperson 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.

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 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 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 education

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

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

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



Child Protection Policy and Procedures

Burnett Youth Learning Centre

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, age and sex descriptor;
- 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 relates¹².

Sunshine Coast and Central Queensland Child Safety Regional Intake Service can be contacted during business hours (9am to 5pm, Monday to Friday) on **1300 703 762**. In the event that outside of business hours contact is required, the **Child Safety After Hours Service Centre** can be reached on **1800 177 135**.

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 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. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. 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.

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. These processes will include:

- placement on the school website and availability through the school administration;

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

¹² See *Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"*

¹³ *Criminal Code Act 1899 (Qld) s.229BC*

¹⁴ *Criminal Code Act 1899 (Qld) s.229BB*

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



Child Protection Policy and Procedures

Burnett Youth Learning Centre

- student induction and enrolment interviews;
- dissemination to students through pastoral care avenues including small group Connect Coaches and individual support staff sessions; and
- staff induction and ongoing engagement through staff meetings and professional development opportunities.

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.

ISQ Child Protection Training Modules are utilised by staff and directors at the commencement of each school year, along with refreshers on current and updated information and practices during staff professional development days. The staff training register is updated annually, with copies of Certificates for Child Protection training together with registers of in-house training completed. Training records are stored in staff files, both digitally and physically.

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. The above training schedule requires all staff to maintain currency of policies and procedures.

Processes are in place to ensure new staff are informed of the school's policies and procedures, and current staff remain up-to-date, through the use of staff training registers and staff meeting minutes. Staff training registers 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 Burnett Youth Learning Centre's Complaints Handling Policy¹⁹.

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)



Child Protection Policy and Procedures

Burnett Youth Learning Centre

Reporting Form

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/Age:	Sex/Sex Descriptor:
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	



Child Protection Policy and Procedures

Burnett Youth Learning Centre

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):	<input type="checkbox"/>	Queensland Police Services (QPS) Phone: 131 444
	<input type="checkbox"/>	Department of Child Safety, Seniors and Disability Services, Child Safety Service Centre, Bundaberg. Phone: 07 4154 9700 Online Child Protection Guide https://secure.communities.qld.gov.au/cpguide/engine.aspx
	<input type="checkbox"/>	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 Burnett Youth Learning Centre

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 of 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 Ian



Sharon Mason
Transitions and Welbeing



Nerine Simpson
Student Support Coordinator



Scott Sadler
Principal



Ian Purkis
Complaints Officer