

1. Preamble

1.1. Purpose

The purpose of this policy is to provide a policy as part of Pacific Lutheran College's written processes about how the school will respond to harm, or allegations of harm, to students under 18 years old, and the appropriate conduct of the school's staff and students, to comply with accreditation requirements and the relevant legislation listed below.

1.2. 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 Pacific Lutheran College and covers information about the reporting of harm and abuse.

Status:	Approved	Date of Approval: 8 May 2018
Approved by:	College Council Chairperson	
References: Legislation	<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) Regulation 2020 (Qld) • Criminal Code Act 1899 (Qld) (sections 229BB and 229BC) 	
Related School Policies / Procedures	<ul style="list-style-type: none"> • Pacific Lutheran College Grievance Policy and Procedures • Pacific Lutheran College Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>) • Pacific Lutheran College Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld)) • Pacific Lutheran College Child Protection Reporting Form • Pacific Lutheran College Staffing Policy • Pacific Lutheran College Building a Culture of Respect Policy and Procedures • Pacific Lutheran College Social Media Policy for Parents 	
Review Date:	10/03/20, 08/09/20, 18/01/21, 8/02/22, 14/2/23	Next Review Date: January 2024
Policy Owner:	College Council	

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

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 Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.² Included in the consideration of how this should best be dealt with by the school, reference needs to be made to the school’s Code of Conduct for Staff, Building a Culture of Respect Policy, Anti-bullying and/or anti-harassment policy, and external support agencies depending on who is alleged to have caused the harm and where it is alleged to have occurred.

The incident reporting template (Appendix 1) should be completed and forwarded to the relevant staff member best placed to deal with such reports. If in doubt, the appropriate person to receive the report is the school’s Principal. In instances where the Principal is the person alleged to have caused the harm, the report should be forwarded to the College Council Chairperson by email to councilchair@pacluth.qld.edu.au.

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)*

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. The school's Code of Conduct for staff outlines the behavioural expectations in this regard.

Reporting Inappropriate Behaviour⁴

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

- Principal
- Director of Students
- Director of Staff
- Classroom teacher
- Other staff member

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 College Council Chairperson by email to councilchair@pacluth.qld.edu.au⁵. Reports will be dealt with under the College's Grievances Policy and Procedure.

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 abuse or suspected abuse to the Principal or to the Executive Director⁷, Lutheran Education Queensland, by email to director@leg.lutheran.edu.au, immediately.

The school's Principal or the Executive Director, Lutheran Education Queensland, 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 Executive Director, Lutheran Education Queensland 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:-

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 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 The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the *Education (General Provisions) Act 2006* to the Executive Director, Lutheran Education Queensland in line with s 366B

- 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 abuse⁸.

The reporting form attached as Appendix 1 is consistent with these requirements.

Reporting Likely Sexual Abuse⁹

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 Executive Director, Lutheran Education Queensland, by email to director@leq.lutheran.edu.au, immediately.

The school's Principal or the Executive Director¹⁰, Lutheran Education Queensland, 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 Executive Director, Lutheran Education Queensland 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 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 abuse¹¹.

The reporting form attached as Appendix 1 is consistent with these requirements.

Reporting Physical and Sexual Abuse¹²

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, an early education and care professional 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.

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.68*

⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

¹⁰ The Lutheran Church of Australia Queensland District has delegated its director's reporting function under s366 and 366A of the *Education (General Provisions) Act 2006* to the Executive Director, Lutheran Education Queensland in line with s 366B.

¹¹ *Education (General Provisions) Regulation 2017 (Qld) s.69*

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(d)*

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

A report under this section must include the following particulars:

- 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 relates¹³.

The Caloundra Child Safety Service Centre can be contacted on (07) 5438 5400 during business hours (from 9am to 5pm Monday to Friday). Outside of these hours, the Child Safety After Hours Service Centre can be contacted on phone freecall 1800 177 135 (Queensland only).

Responsibilities under *Criminal Code Act 1899 (Qld)* – all Adults

In addition to the reporting requirements under the *Child Protection Act 1999* and *Education (General Provisions) Act 2006*, the *Criminal Code Act 1899* provides for the mandatory reporting by all adults, (inclusive of but not limited to parents/guardians, volunteers and students 18 years or older) of information relating to child sexual offences should they have a reasonable belief that an adult has committed a child sexual offence.

Failure to Report¹⁴

Under section 229BC of the *Criminal Code Act 1899*, all adults inclusive of but not limited to parents/guardians, volunteers and students 18 years or older 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 Protect¹⁵

Under section 229BB of the *Criminal Code Act 1899*, all adults (inclusive of parents/guardians, volunteers and students 18 years or older) 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 sexual offence. A failure to protect is an offence. All adults (inclusive of, but not limited to parents/guardians, volunteers and students 18 years or older) will commit an offence if:

- a) the adult knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child; and
- b) the alleged offender is associated with the college (or another institution) or is a regulated volunteer; and
- c) the child is under the care, supervision or control of the school; and
- d) the child is under 16 years or is a person with an impairment of the mind; and

¹³ See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

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

¹⁵ *Criminal Code Act 1899 (Qld) s.229BB*

- e) the adult has the power or responsibility to reduce or remove the risk; and
- f) the adult willfully or negligently fails to reduce or remove the risk.

If in doubt, always assume that a matter is reportable.

Reporting Template

A reporting template which is compliant with the relevant Regulations and consistent with Education Queensland's SP4 Form is attached as Appendix 1.

Awareness

The school will inform staff, students and parents of its procedures relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website¹⁶ and newsletters.

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 administration¹⁷.

Training

The school will train its staff in procedures relating to the health, safety and conduct of staff and students on their induction and will refresh training ANNUALLY¹⁸ via online and/or face to face training. A record of attendance by staff in induction training and annual refresher sessions will be maintained by the school. Where training is completed via external providers (eg Independent Schools Queensland), certificates of completion will be maintained electronically.

Implementing the Policy

The school will ensure it is implementing procedures relating to the health, safety and conduct of staff and students by auditing compliance with the procedures annually¹⁹.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under the College's Grievance Policy and Procedure.²⁰

Important Contact Details

Queensland Police Service	000 (in emergency) or Kawana Waters Police Station (07) 5413 8700
Department of Children, Youth Justice and Multicultural Affairs	1800 177 135 or (07) 3235 9999
Family and Child Connect	13 32 64 or at https://familychildconnect.org.au/
Queensland College of Teachers	(07) 3377 4777

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

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

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

¹⁹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

²⁰ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)

Appendix 1 - Private and Confidential

Report of Suspected Harm or Sexual Abuse

Date:
School:
School Phone:
School Fax:

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"/>	

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; parenting and protective capacity; 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:	Dr Bronwyn Dolling, Principal, Pacific Lutheran College	Date:
Position:	Signature:	
Signature:		

Email address of reporting staff member:

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 Children, Youth Justice and Multicultural Affairs
	<input type="checkbox"/>	Family and Child Connect https://familysupportreferral.org.au/
	<input type="checkbox"/>	Queensland College of Teachers

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)

Confirm receipt of faxed or 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 – Visit to Pacific Lutheran College

This document provides details of a child protection visit held at Pacific Lutheran College.

Meeting details

Date	
Meeting start time	
Meeting finish time	

Visitors

Name	Organisation	Signature

Student name/s

Name	Year level

PLC Staff Member attending

Name	Role

Staff Member Signature

Date