

Purpose:	The purpose of this policy is to provide written processes about how the College will respond to harm, or allegations of harm, to students under 18 years; and the appropriate conduct of the College'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 Peregian Beach College and covers information about the reporting of harm and abuse.	
Status:	Approved	Supersedes: February 2024
Authorised by:	Board Chair	Date of Authorisation: January 2025
References:	<p><u>Child Protection Act 1999 (Qld)</u> <u>Education (General Provisions) Act 2006 (Qld)</u> <u>Education (General Provisions) Regulation 2017 (Qld)</u> <u>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</u> <u>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</u> <u>Working with Children (Risk Management and Screening) Act 2000 (Qld)</u> <u>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</u> <u>Criminal Code Act 1899</u> Peregian Beach College Complaints Handling Policy Peregian Beach College Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>) Peregian Beach College Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) Peregian Beach College Child Protection Reporting Form</p>	
Review Date:	Annually	Next Review Date: January 2026
Policy Owner:	Peregian Beach College Board	

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, as including 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; or
 - b) the relevant person has less power than the other person; or
 - c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

Health and Safety

Peregian Beach College 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 College receives any information alleging harm 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 College’s Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

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.

Reporting Inappropriate Behaviour

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

- Hayley Clifton / Jacqueline Vos (Guidance Officers)
- Nicola Kerin (Primary School Coordinator)
- Nigel McDuff (Secondary School Coordinator)
- Alec Wareing (College Coordinator)
- Shane Dupuy (Head of College)

Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour from a student must report it to the Head of College as soon as reasonably practicable. Where the Head of College is the subject of the report of inappropriate behaviour, the staff member must inform a member of the College Board. Reports will be dealt with under the College's Complaints Handling Policy.

Reporting Sexual Abuse

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 College, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the College; or
- b) a kindergarten-aged child registered in a kindergarten learning program at the College; or
- 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 Head of College or to a Director of the College Board immediately.

The Head of College or the Director must immediately provide a copy of the report to the Police.

If the first person who becomes aware or reasonably suspects sexual abuse is the Head of College, then the Head of College must give a written report about the abuse, or suspected abuse to the Police immediately, and must also give a copy of the report to the College Board 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 abuse.

Reporting Likely Sexual Abuse

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 College, that any of the following is likely to be sexually abused by another person:

- a) a student under 18 years attending the College; or
- b) a kindergarten-aged child registered in a kindergarten learning program at the school; or
- 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 Head of College or to a Director of the College Board immediately.

The Head of College or the Director must then immediately give a copy of the report to the Police.

If the first person who reasonably suspects likely sexual abuse is the Head of College, then the Head of College must give a written report about the suspicion to the Police immediately and must also give a copy of the report to the College Board immediately.

A report under this section must include the following particulars:

- a) the name of the person giving the report (the first person); and
- b) the student's name and sex; and
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person; and
- d) any of the following information of which the first person is aware:
 - i. the student's age; or
 - ii. the identity of the person who is suspected to be likely to sexually abuse the student; or
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse.

Reporting Physical and Sexual Abuse

Under Section 13E (3) of the *Child Protection Act 1999*, if 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 teacher must provide a written report to the Chief Executive of the *Department of Children, Youth Justice and Multicultural Affairs* (or another department administering the *Child Protection Act 1999*). The teacher must also provide a copy of the report to the Head of College or the College Board.

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reasonable suspicion; and
- b) the child's name and sex; and
- c) the child's age; and
- d) details of how to contact the child; and
- e) details of the harm to which the reportable suspicion relates; and
- 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; and
- 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.

Staff are encouraged to use the Student Protection Form to record their concerns and submit to the Head of College. Staff should confer with a Student Protection Officer (SPO) to complete the Child Protection Guide and follow guidelines to make an online report. If **urgent**, staff can make a report to the South East Queensland Regional Intake Office on 1300 679 849.

<https://secure.communities.qld.gov.au/cbir/Childsafety>

Responsibilities under 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

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 *Educational (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

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 sexual offence. A failure to protect is an offence.

Awareness

The College's Policies and Procedures can be found in Employment Hero or on the College website. Awareness of the College's processes will include information displays around the College, student assemblies, enrolment interviews (if required), staff induction, annual information session (held at the start of each school year) and as needed via staff professional development sessions.

The College 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.

Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible in Employment Hero and on the College website and will be available by request from College Administration.

Training

The College 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 in the first Professional Development Session of the year, and as required when new staff are engaged at the College.

Implementing the Processes

The College will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually.

Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as a complaint under the Peregian Beach College Complaints Handling Policy.