

Attachment 3.4A

## Child Protection Policy

<b>Purpose:</b>	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 Academy’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 contractors, volunteers and people undertaking work experience or vocational placements at Men of Business Academy and covers information about the reporting of harm and abuse.	
<b>Status:</b>	Approved	<b>Supersedes:</b> Nil
<b>Authorised by:</b>	Governing Body Chairperson	<b>Date of Authorisation:</b> 01/09/2020
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Regulations 2011 (Qld)</a></li> <li>• MOB Academy Complaints Handling Policy &amp; Procedure</li> <li>• MOB Academy Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• MOB Academy Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 01/09/2021
<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; or
    - 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 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 Academy 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).

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### Responding to reports of harm

When the Academy 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 Academy's Child Risk Management Strategy. Information relating to 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, 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<sup>3</sup>.

### Reporting inappropriate behaviour

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

- CEO/Principal
- Campus Manager

### Dealing with report of inappropriate behaviour

A staff member who receives a report of inappropriate behaviour must report it to the CEO/Principal. Where the CEO/Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the Academy's governing body<sup>4</sup>. Reports will be dealt with under the Academy's Complaints Handling Policy & Procedure.

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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)

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

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**Reporting sexual abuse<sup>5</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 Academy, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the Academy;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the Academy;
- 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 Academy; and
  - ii. is not enrolled in the preparatory year at the Academy.

Then the staff member must give a written report about the abuse or suspected abuse to the CEO/Principal or to a director of the Academy's governing body immediately.

The Academy's CEO/Principal or the Director 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 CEO/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 Academy's governing body.

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<sup>6</sup>.

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

<sup>6</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

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**Reporting likely sexual abuse <sup>7</sup>**

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

- a) a student under 18 years attending the Academy;
- b) a kindergarten aged child registered in a kindergarten learning program at the Academy;
- 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 Academy; and
  - ii. is not enrolled in the preparatory year at the Academy.

Then the staff member must give a written report about the suspicion to the CEO/Principal or to a Director of the Academy's governing body immediately.

The CEO/Principal or the Director must immediately give a copy of the report to a police officer.

(Under section 366B of the *Education (General Provisions) Act 2006* the directors of a school's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the principal or any other staff member of the school). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this policy and informing the school community of the delegate/s name/s, their contacts and their role in the school's processes.)

If the first person who reasonably suspects likely sexual abuse is the CEO/Principal, the CEO/Principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a director of the Academy's governing body.

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 abuse<sup>8</sup>.

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<sup>7</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

<sup>8</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

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### **Reporting physical and sexual abuse**<sup>9</sup>

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 Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*). The doctor, 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: -

- a) state the basis on which the person has formed the reportable suspicion
- b) include the information prescribed by regulation, to the extent of the person's knowledge<sup>10</sup>.

### **Awareness**

The Academy 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<sup>11</sup>. The student safety and welfare policy and processes will be included in induction and training programs for both staff and students to raise awareness of the provisions and facility in their access and use. The policies will often be communicated through assemblies, home room groups and staff briefings and will be referred to in parent presentations. Staff, students and parents will frequently be made aware of the ways in which they can access information about student safety and welfare processes.

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<sup>9</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)

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

<sup>11</sup> See *Child Protection Regulation 2011 (Qld) s.10* "Information to be included in report to chief executive"

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## Training

The Academy 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>12</sup>. Data will be retained on staff training initiatives and will include the attendance register from annual training, relevant agenda items from staff meetings, staff induction events and reviews of the handling of complaints.

## Implementing the processes

The Academy will establish a register of events concerning student protection in general, reports that have been lodged and other actions that have been undertaken. It will also maintain a log of awareness and training events that have been delivered. The ongoing implementation of student welfare and protection processes will be monitored continuously through the inclusion of a standing item on the matter in regular reports by the CEO/Principal to MOB Australia Ltd<sup>13</sup>.

## Accessibility of processes

Written policies, processes and procedures about health, safety and conduct of staff and students are published and readily accessible to students, staff and parents on the Academy website and will be available on request from the Academy administration<sup>14</sup>.

## Complaints procedure

The Academy and its governing body, Men of Business Australia Ltd, operate a broad complaints procedure (Complaints Handling Policy & Procedure) which makes specific provision for the resolution of complaints where it is claimed that there is non-compliance with written processes concerning health, safety and conduct of staff and students.

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

<sup>14</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

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The procedure sets out:

- the person or persons to whom a complaint can be made;
- the format in which a complaint must be recorded;
- the process for hearing, investigating and acting upon a complaint;
- the timeframe in which a response can be expected or redress of the circumstances will be undertaken;  
and
- the person, persons or entity to which a matter may be referred should the complainant not be satisfied with the determination of the complaint or the resolution outcome, including the parameters within which such an appeal may be made.