**Child Risk Management Strategy v2 (2023)**

|  |  |
| --- | --- |
| **Purpose:** | The purpose of this strategy is to eliminate and minimise risk to student safety to ensure the safety and wellbeing of all students. It also provides written processes to demonstrate the MOB Academy complies with legislation regarding the care and protection of children. |
| **Scope:** | Students, the Directors 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. |
| **Status:** | Approved | **Supersedes**: V1  |
| **Authorised by:** | Board Chairperson | **Date of Authorisation**: 17/11/23 |
| **References:** | * *[Working with Children (Risk Management and Screening) Act 2000 (Qld)](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjszrOpmcrYAhUBHZQKHS_qCvwQFggnMAA&url=https%3A%2F%2Fwww.legislation.qld.gov.au%2Fview%2Fpdf%2F2017-06-05%2Fact-2000-060&usg=AOvVaw38v1wgUo90I0js1jq3uYvj)*
* *[Working with Children (Risk Management and Screening) Regulation 2020 (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-0148)*
* *[Child Protection Act 1999 (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010)*
* *[Education (Accreditation of Non-State Schools) Act 2017 (Qld)](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwi47bXpmcrYAhXEp5QKHQR6Bi8QFggnMAA&url=https%3A%2F%2Fwww.legislation.qld.gov.au%2Fview%2Fpdf%2Fasmade%2Fact-2017-024&usg=AOvVaw0KW8C_9DXUF81f7MwoEiTX)*
* *[Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiSyv79mcrYAhWEnJQKHXR1AGgQFggnMAA&url=https%3A%2F%2Fwww.legislation.qld.gov.au%2Fview%2Fpdf%2Fasmade%2Fsl-2017-0197&usg=AOvVaw2mhxfIP-MfPNiegtKSKlUQ)*
* *[Education (General Provisions) Act 2006 (Qld)](https://www.legislation.qld.gov.au/view/pdf/2016-03-24/sl-2006-0246)*
* *[Education (General Provisions) Regulation 2017 (Qld)](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjpr-uumsrYAhUHtpQKHarDBDUQFggnMAA&url=https%3A%2F%2Fwww.legislation.qld.gov.au%2Fview%2Fpdf%2F2016-03-24%2Fsl-2006-0246&usg=AOvVaw2-DbKQ2pzprk9sjOlT8PoU)*
* [*Education Services for Overseas Students (ESOS) Act 2000 (Cth)*](http://www.comlaw.gov.au/Series/C2004A00757)
* *[Education (Overseas Students) Regulation 2019 (Qld)](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwixz8_XmsrYAhUIk5QKHUaMBBoQFggnMAA&url=https%3A%2F%2Fwww.legislation.qld.gov.au%2Fview%2Fpdf%2F2014-01-01%2Fsl-1998-0322&usg=AOvVaw08arwlEGLReXHJTHDfDq2o)*
* *[Education (Queensland College of Teachers) Act 2005 (Qld)](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiIxePwmsrYAhUCH5QKHRN1AYAQFggnMAA&url=https%3A%2F%2Fwww.legislation.qld.gov.au%2Fview%2Fpdf%2Finforce%2Fcurrent%2Fact-2005-047&usg=AOvVaw1fWuPSryOjdPyeWUjHeAY3)*
* [*Education and Care Services National Law (Queensland)*](https://www.legislation.qld.gov.au/view/pdf/2017-10-01/act-2013-ecsnlq)
* [*Education and Care Services National Regulations*](https://www.legislation.nsw.gov.au/#/view/regulation/2011/653)
* [Child and Youth Risk Management Strategy Toolkit](https://www.bluecard.qld.gov.au/pdf/rmst/201610-Child-and-youth-risk-management-strategy-toolkit.pdf)
* MOB Academy Child Protection Policy
* MOB Academy Staff Code of Conduct
* MOB Academy Complaints Handling Policy & Procedure
* MOB Academy Risk Management Framework
 |
| **Review Date:** | Annually | **Next Review Date**: 17/11/2024 |
| **Policy Owner:** | Board of Directors |

# Policy Statement and **a Statement about Commitment**

MOB Academy is committed to taking all reasonable steps to promote the safety and wellbeing of students enrolled at the school and their protection from foreseeable harm. [[1]](#footnote-1)

## **Implementation**

In practice, MOB Academy’s commitment to acting in accordance to the *Working with Children (Risk Management and Screening) Act 2000* (Qld)(“the **Act**”)to promote the safety and wellbeing of students means that it will implement the measures outlined below.

### Code of Conduct

At MOB Academy we expect our employees to conduct themselves according to the MOB Staff Code of Conduct as follows:

School employees are expected to always behave in ways that promote the safety, welfare and well-being of our students. Employees must actively seek to prevent harm to students, and to support those who have been harmed.

Specific responsibilities include:

* Employees should avoid situations where they are alone in an enclosed space with a student.
* When physical contact with a student is a necessary part of the teaching/learning experience, employees must exercise caution to ensure that the contact is appropriate and acceptable. Employees must always advise the student of what they intend doing and seek their consent.
* Employees must not develop a relationship with any student that is, or that can be interpreted as having a personal rather than a professional interest in a student.
* Employees must not have a romantic or sexual relationship with a student.

This commitment is evidence of MOB Academy’s fulfilment of the requirements of the Regulations Schedule 1 s.2(2).

### Recruitment, Selection, Training and Management Procedures

MOB Academy is committed to recruiting, selecting, training and managing employees in such a way that limits risks to students. In particular, MOB Academy will:

* Ensure that its recruitment and selection procedures act to reduce the risk of harm to children from employees via:
* Accurate position descriptions, including whether the successful applicant must be a teacher registered with the Queensland College of Teachers (who has been subject to relevant police and other safety checks), whether a Blue Card is necessary for the successful applicant, the responsibilities and supervision associated with the position, the nature and environment of the service provided to students, and the experience and qualifications required by the successful applicant.
* Advertising the position with a clear statement about the school’s commitment to safe and supportive work practices and identifying that candidates will be subject to a teacher registration check or Blue Card screening, a police check, referee checks, identification verification and the requirement to disclose any information relevant to the candidates’ eligibility to engage in activities including children.
* A selection process that includes assessing the application via an interview process and referee and other checks (as identified above) based on the accurate position description.
* A probationary period of employment, which allows the school to further assess the suitability of the new employee and to act as a check on the selection process.
* Ensure that its training and management procedures act to reduce the risk of harm to students from employees via:
* Management processes that are consistent, fair and supportive.
* Performance management processes to help employees to improve their performance in a positive manner.
* Supportive processes for staff when they are experiencing challenges, such as mentoring, mediation, conflict resolution, coaching, additional training, and external support and counselling services.
* An induction program which thoroughly addresses the school’s policies and procedures, particularly its expectations regarding student risk management and to assist employees to understand their role in providing a safe and supportive environment for students.
* Training new and existing staff on an ongoing basis to enhance skills and knowledge and to reduce exposure to risks, as follows:
	+ the school’s policies and procedures
	+ identifying, assessing and minimising risks to students
	+ handling a disclosure or suspicion of harm to a child.
* Keeping a record of the training provided to employees.
* Exit interviews to assist the school to identify broader issues of concern that may impact on the safety and wellbeing of students at the school.

This commitment is evidence of MOB Academy’s fulfilment of the requirements of the Regulations Schedule 1 s.2(3).

### Handling Disclosures or Suspicions of Harm

Any of the types of concerns or reports below should be reported and managed under the MOB Academy Child Protection Policy and the Complaints Handling Policy and Procedure, as follows:

* all staff with concerns about sexual abuse or likely sexual abuse or a child sexual offence committed by an adult
* teachers, nurses and early childhood education and care professionals with concerns of sexual or physical abuse
* all staff who have received a report of inappropriate behaviour by another staff member.

To report any type of harm, all staff members should use the Report of Suspected Harm or Sexual Abuse Form in Appendix 2 of this document.

Furthermore, and in accordance with section 76 of the *Education (Queensland College of Teachers) Act* 2005, the CEO of MOB Academy will report to the Queensland College of Teachers any investigations into allegations of harm caused, or likely to be caused, to a student because of the conduct of a relevant teacher at the school.

Any report made, or actions taken (by an accountable person with the power or responsibility to reduce or remove risk) under this section or the MOB Child Protection Policy will fulfil the reporting and protection obligations of all adults under the Criminal Code Act 1899.

This commitment is evidence of MOB Academy’s fulfilment of the requirements of the Regulations Schedule 1 s.2(4).

### Managing Breaches of this Child Risk Management Strategy

MOB Academy is committed to appropriately managing breaches of this Child Risk Management Strategy in accordance with its other relevant policies as appropriate in the circumstances, such as its Child Protection Policy, Staff Code of Conduct, Complaints Handling Policy and Procedures.

This is evidence of fulfilment of the requirements of the Regulations Schedule 1 s.2(5).

### Implementing and Reviewing the Child Risk Management Strategy

This Strategy in its entirety and its related policies and procedures are evidence of fulfilment of the requirements of the Regulations Schedule 1 s.2(6)(a) relating to implementation.

The introduction of this Child Risk Management Strategy and the “Compliance and Monitoring” section below state MOB Academy’s commitment to reviewing the Strategy annually and are evidence of fulfilment of the requirements of the Regulations Schedule 1 s.2(6)(a) in relation to review.

### Blue Card Policies and Procedures

MOB Academy is committed to acting in accordance with chapters 7 & 8 of the Act relating to the screening of employees in such a way that limits risks to children. In particular, MOB Academy will:

* Require relevant prospective or current employees, volunteers, trainee students and school board members to have working with children authority, and check the validity and appropriateness of any currently held notices, in accordance with MOB Academy’s position descriptions and the Act prior to their engagement
* Not allow a person to continue to work with children if their working with children authority is cancelled or suspended or a negative notice is received after a change of police information
* Have all relevant prospective employees and volunteers engaging in Restricted Employment knowledge and sign a Restricted Person Declaration Form (Appendix 3) declaring they are not a restricted person prior to commencing their engagement
* Not allow a person relying on an exemption to continue to work with children if they become a restricted person
* Link and unlink individuals as they commence and conclude their engagement with the school
* Appoint a school contact person who will be responsible for managing the screening process and all related documentation and records
* Keep written records of all the above actions, decisions and outcomes, including the dates of expiry for working with children authority
* Ensure that all information in relation to working with children authority is kept confidential
* Act to remind employees to keep their working with children authority up to date and apply for renewal prior to expiry
* Take appropriate action if an employee, volunteer, trainee student or school board member fails to submit a renewal application prior to their working with children authority expiring

This commitment is evidence of MOB Academy’s fulfilment of the requirements of the Regulations Schedule 1 s.2(6)(b).

### High Risk Management Plans

MOB Academy is committed to identifying risks, assessing risks, eliminating and minimising risks and the monitoring of risk to the safety of students on an ongoing basis. MOB Academy will utilise various risk management tools to assist it in this process and will keep appropriate records of decisions made and actions taken in relation to risks to children.

This commitment is evidence of MOB Academy’s fulfilment of the requirements of the Regulations Schedule 1 s.2(7).

### Strategies of Communication and Support

MOB Academy’s commitment to making this Child Risk Management Strategy available to students, parents and employees via its enrolment package, employee handbook and induction/on-boarding, website ([www.menofbusiness.com.au](http://www.menofbusiness.com.au)) and staff shared network drive is evidence of fulfilment of the requirements of the Regulations Schedule s.2(8)(a).

MOB Academy is committed to training employees in relation to risks to students and will conduct this training regularly via new staff inductions/on-boarding, annual formal training events, informal updates at staff meetings and regular discussions between managers and their staff, and this is evidence of fulfilment of the requirements of the Regulations Schedule 1 s.2(8)(b).

## **Responsibilities**

MOB Academy is responsible for developing and implementing this Child Risk Management Strategy and related policies and procedures to ensure it fulfils its obligations.

All employees at MOB Academy are responsible for acting in compliance with this Child Risk Management Strategy and related policies and procedures.

## **Compliance and Monitoring**

MOB Academy is committed to the annual review of this Strategy. MOB Academy will also record, monitor and report to the school board, the Senior Executive Team and others as appropriate regarding any breaches of the Strategy.

In addition, MOB Academy is committed to other various compliance and monitoring arrangements made under relevant policies and procedures.

## **Related Documents**

* MOB Academy Child Protection Policy
* MOB Academy Complaints Handling Policy & Procedures
* MOB Academy Blue Card Register
* MOB Academy Risk Management Framework
* MOB Academy Staff Code of Conduct
* MOB Academy Recruitment Policy

## **Helpful Links**

* Independent Schools Queensland’s [**Child Protection Decision Support Trees**](https://www.isq.qld.edu.au/members/child-protection)
* Department of Child Safety, Youth and Women’s [**Child Protection Guide**](http://www.communities.qld.gov.au/childsafety/partners/our-government-partners/queensland-child-protection-guide/online-child-protection-guide) resource
* Blue Card Services resources

## **Appendices**

* Appendix 1 - Summary of Reporting Harm
* Appendix 2 – Report of Suspected Harm or Sexual Abuse Form
* Appendix 3 – Restricted Person Declaration Form

# **Appendix 1**

## Summary of Reporting Harm

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Who** | **What abuse** | **Test** | **Report to** | **Legislation** |
| **All staff** | Sexual | Awareness or reasonable suspicionSexually abused or likely to be sexually abused | CEO, through to Police | EGPA, sections 366 & 366A |
| **Teacher** | Sexual and physical | Significant harm; &Parent may not be willing and able | Confer with CEO, report to Child Safety | CPA, sections 13E and 13G |
| **All staff** | Physical, psychological, emotional, neglect, exploitation | Significant harm, &Parent may not be willing and able | CEO, through to Child Safety | Accreditation Regulations, section 16 |
| **All staff** | Any | Not of a level that is otherwise reportable to Child Safety, refer with consent | CEO, through to Family and Child Connect | CPA, sections 13B and 159M |
| **Campus Principal** | Any | Not of a level that is otherwise reportable to Child Safety, refer without consent | Family and Child Connect | CPA, sections 13B and 159M |
| **Employing authority (Board/ CEO)** | Harm or likely harm due to the conduct of a teacher | When you start to deal with an allegation; & When you finish dealing with an allegation | Queensland College of Teachers | QCT sections 76 and 77 |
| **Any member of the public** | Any | Significant harm &Parent may not be willing and able | Child Safety | CPA, section 13A |
| **Any adult** | A child sexual offence against a child by another adult | Gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that:(a) child sexual offence is being or has been committed and (b) at the relevant time, the child is or was - (i) under 16 years; or (ii) a person with an impairment of the mind | Police | Criminal Code section 229BC |
| **Accountable person - an adult associated with the MOB Academy (the institution) who has the power or responsibility to reduce or remove the risk.** | Significant risk that an adult will commit a child sexual offence in relation to a child | Knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child; and (a) the alleged offender - (i) is associated with the MOB Academy; or (ii) is a regulated volunteer; and (b) the child is under the care, supervision or control of the MOB Academy; and (c) the child is either – (i) under 16 years; or (ii) a person with an impairment of the mind; and (d) the person has the power or responsibility to reduce or remove the risk; and (e) the person willingly or negligently fails to reduce or remove the risk. | Police and CEO (as required to remove the risk) | Criminal Code section 229BB |

# **Appendix 2**

## **Private and Confidential**

## **Report of Suspected Harm or Sexual Abuse**

|  |
| --- |
| Date:  |
| School: |
| School Phone:      |
| School Email:      |

|  |
| --- |
| **DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:** |
| Legal Name:       | Preferred Name: |
| DOB:      | Gender:  |
| Year Level:  | Cultural Background:       |
| Primary language spoken: |
| Aboriginal ☐ Torres Strait Islander ☐ Aboriginal and Torres Strait Islander ☐  |
| Does the student have a disability verified under EAP: Yes ☐ No ☐ | 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 ☐ No ☐  |
| Are there any Family Court or Domestic Violence orders in place? Yes ☐ No ☐ Unknown ☐ |

|  |
| --- |
| **PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE** |
| ☐Adult family member ☐Child family member ☐Other adult☐Student/other child ☐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; 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; 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 if not the CEO:** |
| **Position:**  | **Signature:** | **Date:** |
| **CEO:**  | **Signature:**  | **Date:**  |
| **CEO’s email address:**  |
| **Response requested by school:** |

|  |
| --- |
| **ACTION TAKEN**  |
| Form was emailed to (please tick which agencies the form was sent to): | □ | Queensland Police Services (QPS) |
| □ | Department of Communities (Child Safety Services) |
| □ | Family and Child Connect |

(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.**

APPENDIX 3

Restricted Person Declaration Form

The MOB Academy has a responsibility to ensure that all commencing and continuing individuals, working or volunteering with children, at MOB Academy are not a restricted person.

As of the 31 August 2020, Blue Card Services have made changes which mean certain individuals are no longer able to rely on the current exemptions to work or volunteer with children. The amended legislation introduced 2 new terms - restricted person and restricted employment. It is now an offence for a restricted person to commence or continue working or volunteering in restricted employment.

A restricted person is a person who:

* has been issued a negative notice, or
* has a suspended blue card, or is a disqualified person, or has been charged with a disqualifying offence which has not been finalised.

Restricted employment refers to the situations or exemptions that allow a person to work with children without a blue card. These include:

* a volunteer parent;
* a volunteer who is under 18;
* paid or unpaid staff who work in child regulated employment for not more than 7 days in a calendar year.

If you are a restricted person it is an offence for you to commence or continue working or volunteering at the MOB Academy. The maximum penalty is $66,725 (500 penalty units) or 5 years in prison. It is also an offence for the MOB Academy to engage or continue to engage a restricted person. The maximum penalty is $26,690 (200 penalty units) or 2 years in prison.

If you become a restricted person whilst working or volunteering at the MOB Academy you must cease all child related work immediately and notify the CEO that you are no longer able to work or volunteer for the MOB Academy.

**Declaration**:

Which one of the restricted employment exemptions are you relying on to work or volunteer for the MOB Academy?

* a volunteer parent
* a volunteer who is under 18
* child-related engagement for not more than 7 days in a calendar year

**I declare:**

1. I am not a restricted person.
2. I understand it is an offence to start or continue working or volunteering in restricted employment if I am currently, or become, a restricted person.
3. I will cease all child related work immediately and notify the MOB Academy if my circumstances change.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. *Working with Children (Risk Management and Screening) Regulation 2011* (Qld) Reg.3 [↑](#footnote-ref-1)