

# Child Protection Policy

## Child Protection Policy

<b>Purpose:</b>	The purpose of this policy is to provide written processes about – a) how the Men of Business Academy 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.	
<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	
<b>Status:</b>	<input type="checkbox"/> Draft <input checked="" type="checkbox"/> Approved	<b>Supersedes:</b> 2024 Child Protection Policy
<b>Authorised by:</b>	Executive Manager – Jason Sessarago	<b>Date of Authorisation:</b> 24/03/2025
<b>References:</b>	<ul style="list-style-type: none"> <li>• <u>Child Protection Act 1999 (Qld)</u></li> <li>• <u>Education (General Provisions) Act 2006 (Qld)</u></li> <li>• <u>Education (General Provisions) Regulation 2017 (Qld)</u></li> <li>• <u>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</u></li> <li>• <u>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</u></li> <li>• <u>Working with Children (Risk Management and Screening) Act 2000 (Qld)</u></li> <li>• <u>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</u></li> <li>• <u>Criminal Code Act 1899 (sections 229BB and 229BC)</u></li> <li>• Men of Business Academy Complaints Handling Policy</li> <li>• Men of Business Academy Complaints Handling Procedure</li> <li>• Men of Business Academy Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>• Men of Business Academy Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> <li>• Men of Business Academy Child Protection Reporting Form: Report of Suspected Harm or Sexual Abuse</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 24/03/2026
<b>Policy Owner:</b>	MOB Australia Ltd trading as Men of Business Academy – Board of Directors	

## 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–
  - (i) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
  - (ii) the relevant person has less power than the other person;
  - (iii) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

## Health and Safety

The Men of Business 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).

## Responding to Reports of Harm

When the Men of Business 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 Men of Business Academy’s Child Risk Management Strategy and Student Wellbeing and Mandatory Reporting Process. Information relating to physical or sexual abuse is handled

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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)

under obligations to report set out in this policy and the Men of Business Academy's Student Wellbeing and Mandatory Reporting Process<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:

- Principal
- Head of Wellbeing
- School Psychologist, Guidance Officer or Counsellor <sup>4</sup>.

## 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 either the Executive Manager or a director of the Men of Business Academy Board of Directors<sup>5</sup>. Reports will be dealt with under the school's Complaints Handling Policy.

## Reporting Sexual Abuse<sup>6</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 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 first person must give a written report about the abuse or suspected abuse to the Principal, in the absence of the Principal the written report must be immediately given to the Executive Manager.

<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) and s.16(3)*

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

<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

The Principal or Executive Manager must immediately give a copy of the written 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 Manager 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<sup>7</sup>.

## **Reporting Likely Sexual Abuse** <sup>8</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 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 first person must give a written report about the suspicion to the Principal, in the absence of the Principal the written report must be immediately given to the Executive Manager.

The Principal or Executive Manager must immediately give a copy of the written report to a police officer.

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<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld)* s.68

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

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 Manager 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 abuse<sup>9</sup>.

## **Reporting Physical and Sexual Abuse** <sup>10</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early childhood 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 childhood education and care professional must give a written report to the Chief Executive of the Department of Families, Seniors, Disability Services and Child Safety (or another department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early childhood education and care professional should give a copy of the report to Principal.

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reportable suspicion<sup>11</sup>;
- 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;

<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld)* s.69

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

<sup>11</sup> *Child Protection Act 1999* s.13G (2)(a)

- 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 relates<sup>12</sup>.

Regional Report Contacts (Business Hours)	Phone
Brisbane and Moreton Bay	1300 682 254
Sunshine Coast and Central Queensland	1300 703 762
Far North Queensland	1300 684 062
South West (West Moreton): Ipswich	1800 316 855
North Coast	1300 703 921
North Queensland	1300 706 147
South East	1300 679 849
South West (Darling Downs): Toowoomba	1300 683 390
Child Safety After Hours Service Centre	1800 177 135

## 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<sup>13</sup>

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.

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

<sup>13</sup> *Criminal Code Act 1899 (Qld)* s.229BC

## Failure to Protect<sup>14</sup>

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 parent/guardians of its processes relating to the health, safety and conduct of staff and students in communications to them via the following<sup>15</sup>:

- publication on the Men of Business Academy website ([www.menofbusiness.com.au](http://www.menofbusiness.com.au))
- shared communications with the school community, students, parents/carers, and staff
- orientation for students
- dedicated campus staff (Child Protection Officer) details displayed on Child Safety posters in all campuses
- Child Safe Organisation statements listed on all job ads, position descriptions
- questions asked at job interviews and the reference check stage of recruitment
- staff induction and onboarding
- regular staff training on the Men of Business Academy's Child Risk Management Strategy and Child Protection Policy for awareness building of what to do when an allegation or disclosure of abuse is made, including reporting and disclosure to the Men of Business Board of Directors
- employee attendance at regular training in sector specific child safety/protection courses
- regular raising of the topic at scheduled staff meetings
- making this policy easily accessible through staff intranet/shared network drives

## 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 administration<sup>16</sup>.

<sup>14</sup> *Criminal Code Act 1899 (Qld) s.229BB*

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

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



## 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 annually and maintain evidence, including:<sup>17</sup>

- defined orientation process for all new students, including agreement with Men of Business Academy Student Code of Conduct
- attendance register for annual training requirements including Child Protection
- staff induction, on-boarding pack and all training records located within Employment Hero, the HR repository for staff training and professional development records
- regular schedule of staff meetings, agendas and minutes
- regular safety committee meetings, agendas and minutes

## Implementing the Processes

The school will take all reasonable steps to ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually<sup>18</sup>.

## Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under Men of Business Academy's Complaints Handling Policy<sup>19</sup>.

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<sup>17</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

<sup>18</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

<sup>19</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)