

The BUSY School Ltd

Child Protection Policy

Purpose: The purpose of this policy is to provide written processes about –

- a) how The BUSY School Ltd (School) will as far as reasonably practicable 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.

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 the School and covers information about the reporting of harm and abuse.

Status: Approved **Supersedes:** V5 (February 2023)

Authorised by: Board Chair **Date of Authorisation:** 18/10/2023

References:

- [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 sections 229BB & 229BC
- The BUSY School Complaints Handling Policy
- The BUSY School Complaints Handling Procedure
- The BUSY School Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*)
- The BUSY School Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (Qld)*)
- The BUSY School Child Protection Reporting Form (online via Folio)

Review Date: Annually **Next Review Date:** 18/10/2024

Policy owner: The BUSY School Ltd – 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 –
 - 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 where possible 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 BUSY School Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy².

Conduct of Employees and Students

All employees, contractors, and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Employees, contractors, and volunteers must not cause harm to students³.

Reporting Inappropriate Behaviour

If a student considers the behaviour of an employee to be inappropriate, the student should report the behaviour to:

- the Education Youth Worker; or
- the Campus Principal⁴

Dealing with Report of Inappropriate Behaviour

An employee who receives a report of inappropriate behaviour must immediately report it to the Campus Principal. Where the Campus Principal is the subject of the report of inappropriate behaviour, the employee must inform the CEO who will immediately, as far as reasonably practicable, inform a Director of the School's governing body⁵. Reports will be dealt with under The BUSY School Complaints Handling Policy and Complaints Handling Procedure.

Reporting Sexual Abuse⁶

Section 366 of the *Education (General Provisions) Act 2006* states that if an employee (the first person) becomes aware, or reasonably suspects, in the course of their employment at the School, that any of the following has been

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)

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 s.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)

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 Campus Principal, the CEO or a Director of the School's governing body immediately. The Campus Principal, CEO or 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 Campus Principal, the Campus 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 CEO who will provide it to a Director of the School's governing body immediately, as far as reasonably practicable.

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 abuse⁷.

Reporting Likely Sexual Abuse⁸

Section 366A of the *Education (General Provisions) Act 2006* states that if an employee (*the first person*) 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 age 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 Campus Principal, the CEO or to a Director of the school's governing body immediately. The Campus Principal, CEO or the Director must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the Campus Principal, the Campus 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 CEO who will provide it to a Director of the School's governing body immediately, as far as reasonably practicable. 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;

⁷ *Education (General Provisions) Regulation 2017 (Qld) s.68*

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

- 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 abuse⁹.

Reporting Physical and Sexual Abuse¹⁰

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 Children, Youth Justice and Multicultural Affairs (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 the Campus Principal.

A report under this section must include the following particulars: -

- a) the basis on which the person has formed the reportable suspicion ¹¹;
- 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;
- 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 relates¹²

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	

⁹ *Education (General Provisions) Regulation* 2017 (Qld) s.69

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

¹¹ *Child Protection Act* 1999 s.13G (2)(a)

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

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 Report¹³

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 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 Protect¹⁴

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 employees, students and parents of its processes relating to the health, safety and conduct of staff and students as follows¹⁵:

- by publishing this information on TBS website (www.busyschools.qld.edu.au)
- in shared communications with the School community, students, parents/carers, and staff
- at orientation for students
- with dedicated campus employees (Child Protection Officer's) details displayed on Child Safety posters in all campuses
- with Child Safe Organisation statements listed on all job ads, position descriptions, policies
- through questions asked at job interviews and the reference check stage of recruitment
- thorough employee induction and onboarding
- in regular employee training on The BUSY School Child Risk Management Strategy and Child Protection Policy for awareness building of what to do when an allegation or disclosure of abuse made, including reporting and disclosure to the Board of Directors
- with employee attendance and regular training in sector specific child safety/protection courses
- with regular raising of the topic at scheduled employee meetings
- by making this Policy easily accessible through staff intranet/shared network drives.

Accessibility of Processes

Processes relating to the wellbeing, safety and conduct of employees and students are accessible on the School website and will be available on request from the School administration¹⁶.

Training

The School will as far as reasonably practicable train its employees in processes relating to the wellbeing, safety and conduct of staff and students on their induction and will refresh training annually and maintain evidence, including:¹⁷.

- a defined orientation process for all new students, including agreement with The BUSY School Student Code of Conduct
- attendance register for annual training requirements including Child Protection
- employee induction, on-boarding packs and all training records located within 'ELMO', the HR repository for employee training and professional development records

- regular schedule of employee 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 wellbeing, safety and conduct of employees and students by auditing compliance with the processes annually¹⁸.

Complaints Procedure

Suggestions of non-compliance with the School's processes may be submitted as complaints under TBS Complaints Handling Policy and Complaints Handling Procedure¹⁶.

Note: Reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the Criminal Code Act 1899 s.229BC¹⁹.

¹³ Criminal Code Act 1899 (Qld) s.229BC

¹⁴ Criminal Code Act 1899 (Qld) s.229BB

¹⁵ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

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

¹⁷ Criminal Code Act 1899 (Qld) s.229BC(4)(b)

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

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

Version Control

Version no.	Date Effective	Approved by	Changes
1.0	September 2020	<ul style="list-style-type: none"> Approved by TBS Board of Directors 	<ul style="list-style-type: none"> Initial draft version
2.0	September 2021	<ul style="list-style-type: none"> Endorsed by TBS Governance, Compliance and Strategy Committee Approved by TBS Board of Directors 	<ul style="list-style-type: none"> Aligned to ISQ template Added CEO to disclosure process Updated awareness and training sections Version control Formatting
3.0	June 2022	<ul style="list-style-type: none"> Endorsed by TBS Governance, Compliance and Strategy Committee Approved by TBS Board of Directors 	<ul style="list-style-type: none"> Reviewed against ISQ template Version control Formatting
4.0	September 2022	<ul style="list-style-type: none"> Endorsed by TBS Governance, Compliance and Strategy Committee Approved by TBS Board of Directors 	<ul style="list-style-type: none"> Reviewed against ISQ template Updated terminology aligning to School operations and policies / procedures Formatting and grammar
5.0	January 2023	<ul style="list-style-type: none"> Endorsed by TBS Governance, Compliance and Strategy Committee Approved by TBS Board of Directors 	<ul style="list-style-type: none"> Reviewed against ISQ Template Updated to reflect two new criminal offences for 'failure to report' and failure to protect' under the Criminal Code Act 1899.
6.0	October 2023	<ul style="list-style-type: none"> Endorsed by TBS Governance, Compliance and Risk Committee Approved by TBS Board of Directors 	<ul style="list-style-type: none"> Reviewed against ISQ Template Updated to reflect Child Protection Regulation 2023 which has replaced Child Protection Regulation 2011