

<b>Policy Number</b>	5.08.01		
<b>Policy Name</b>	CHILD PROTECTION		
<b>Purpose</b>	The purpose of this policy is to provide written processes about – a) how the College will respond to harm, or allegations of harm, to team members under 18 years; and b) the appropriate conduct of the college’s staff and team members to comply with accreditation requirements.		
<b>Scope</b>	College team members 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 AITC and covers information about the reporting of harm and abuse.		
<b>Strategic Area</b>	Team Members		
<b>References</b>	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) Regulations 2011 (Qld) AITC Complaints & Appeals Policy and Guidelines AITC Work Health and Safety Policy		
<b>Status</b>	Draft	<b>Supersedes</b>	5.07.02
<b>Authorised by</b>		<b>Date of Authorisation</b>	
<b>Review Period</b>	Annually	<b>Next Review Date</b>	
<b>Policy Owner</b>	AITC Board		

## CHILD PROTECTION POLICY

### Definitions

- A *child* is a person under 18 years of age.
- A *team member* is any person regardless of age who is enrolled as a student at the AITC.
- 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—
  - 1) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm

- 2) 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 –
  - 1) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person
  - 2) the relevant person has less power than the other person
  - 3) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

## Policy

The AITC is committed to taking all reasonable steps to promote the safety and wellbeing of team members enrolled at the College and their protection from foreseeable harm. The AITC implements a Child Protection Policy consistent with requirements governed by:

- the *Working with Children (Risk Management and Screening) Act 2000* (Qld)
- the Child Protection Act 1999
- the *Education (Non-State Schools Accreditation) Regulations 2017* (Qld).

## Policy Guidelines

The Board will from time to time employ the services of a legal counsel to remain updated upon the issues related to sexual abuse and the law.

## Health and Safety

AITC 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 AITC receives any information alleging 'harm' to a team member (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 in the college's Child Risk Management Strategy and supported by the principles outlined below. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

## Principles upheld in this policy

- Protecting team members from harm and the risk of harm is fundamental to maximising their personal and academic potential.
- People who are subjected to abuse are harmed by it.
- The welfare and best interests of the team member will always be a primary consideration.
- All employees must ensure that their behaviour towards and relationships with team members reflect proper standards of care for team members, and are not unlawful.
- Sexual acts by an adult employee or volunteer with a team member who is a child will always be sexual abuse.

- The AITC will respond diligently to a report of suspected or actual harm, or risk of harm to a team member.
- Reprisals against team members or others making a complaint will not be tolerated.
- Team member management practices will be administered with respect and in a manner which maintains the young person's dignity.
- The AITC will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct.
- The AITC will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a team member.
- The AITC will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others.
- The AITC will not permit people to work in a position if they believe on the basis of all information available that, if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.
- All staff, contractors and volunteers must ensure that their behaviour towards and relationships with young people reflect proper standards of care for young people. Staff, contractors and volunteers must not cause harm to young people.
- The AITC will cooperate with state authorities in resolving allegations of harm.

### Conduct of Staff and Team Members

All staff, contractors and volunteers must ensure that their behaviour towards and relationships with team members reflect proper standards of care for team members. Staff, contractors and volunteers must not cause harm to team members.

### Reporting Inappropriate Behaviour

If a team member or staff member considers the behaviour of a staff member to be inappropriate, they should report the behaviour to one of the identified staff below:

- a) Counsellor: Luke Newman ([luke.newman@aitc.qld.edu.au](mailto:luke.newman@aitc.qld.edu.au))
- b) Campus Principal:
  - a. Gary Smith – Redlands ([gary.smith@aitc.qld.edu.au](mailto:gary.smith@aitc.qld.edu.au))
  - b. Lee Smith – Gold Coast ([lee.smith@aitc.qld.edu.au](mailto:lee.smith@aitc.qld.edu.au))
  - c. Tracie Warry – Sunshine Coast ([tracie.warry@aitc.qld.edu.au](mailto:tracie.warry@aitc.qld.edu.au))
- c) Head of Education Services and Growth: Eliza Lane ([eliza.lane@aitc.qld.edu.au](mailto:eliza.lane@aitc.qld.edu.au))
- d) Chief Operating Officer: Helen Coyer ([helen.coyer@aitc.qld.edu.au](mailto:helen.coyer@aitc.qld.edu.au))
- e) Chief Executive Officer: Mark Hands ([mark.hands@aitc.qld.edu.au](mailto:mark.hands@aitc.qld.edu.au))

### Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Campus Principal. Where the Campus Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the executive team including any of Head of Education Services and Growth, Chief Operating Officer, Chief Executive Officer. Reports will be dealt with under the College's Complaints and Appeals Policy and Guidelines.

## Reporting suspected and actual 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 school, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the school;
- b) a pre-preparatory aged child registered in a pre-preparatory 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 staff member must give a written report about the abuse or suspected abuse to the Principal or to the Chair of the school's governing body immediately.

The Principal or the Chair **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 Principal, the Principal themselves 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 Chair of the College'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

## 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 school;
- b) a pre-preparatory aged child registered in a pre-preparatory learning program at the College;
- 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 Principal or to the Chair of the College's governing body immediately.

The Principal or the Chair of the College's governing body **must immediately give a copy of the report to a police officer.**

If the first person who reasonably suspects likely sexual abuse is the Principal, the Principal themselves, must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to the Chair of the College'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 has abused, or is suspected to be likely to abuse the student;
  - 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 doctor, a registered nurse or 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 doctor, nurse or teacher 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 or teacher should then 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; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge.

## Awareness

The school will inform staff, team members and parents of its processes relating to the health, safety and conduct of staff and team members:

- on the AITC website
- to staff members generally, at least once each year
- to each new staff member, on induction
- by reference to it in the College newsletter
- by displaying on at least one notice board at the campus

The CEO will also ensure that a copy of the policy is always available from the AITC's administration on each campus.

## Staff Training

AITC will train its staff in processes relating to the health, safety and conduct of staff and team members on their induction and will refresh training annually.

- The preferred training program is offered online through Independent Schools Queensland
- Each staff member will submit their completion certificate to Human Resources for tracking and compliance purposes
- Human Resources will maintain a register of all staff members' training

## Implementing the Processes

AITC will ensure it is implementing processes relating to the health, safety and conduct of staff and team members by auditing compliance with the processes annually.

## Accessibility to 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 AITC's administration on each campus.

## Complaints Procedure

Suggestions of non-compliance with AITC's processes may be submitted as complaints under the AITC Complaints and Appeals Policy and Guidelines.

## AITC CONSIDERATIONS

### Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. The AITC is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

### Defamation

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation.

### Promptness

All steps under the Policy will be carried out promptly. Where appropriate and in recognition of the nature of the claims, they will keep the victim and the alleged perpetrator informed of progress.

### Protection

The CEO will ensure that the following are undertaken in order to reduce the chance of abuse occurring:

- Ensure that each staff member understands and fulfils his/her obligations under this Policy.
- Ensure that there is an acceptable reference for each staff member engaged since the commencement of this protocol, from their previous employer.
- Ensure that each non-teaching staff member and volunteer who has contact with children has a current positive suitability notice issued by the Public Safety Business Agency.
- Ensure that each team leader is a Registered Teacher.

### Support

The AITC will provide support for the victim through professional counselling if it is requested, even if any allegation is not yet proved or disproved. They will support the respondent to a complaint with professional counselling if it is requested until the matter has been resolved.

### Interviews

There will be two representatives of the AITC present at interviews, where practical. In cases of allegations of serious harm, it is best not to interview a team member who is a child unless a properly qualified person conducts the interview.

### Team Leaders

If a respondent to an allegation is a registered teacher, the AITC will give notification to the Queensland College of Teachers, if required to do so under the *Education (Queensland College of Teachers) Act, 2005 (Qld)* and the Education and other Legislation (Student Protection) Amendment Act 2003.

### Public Relations

The CEO will ensure that the AITC is able to react quickly to allegations of harm so that accurate and relevant information is available for staff members, team members and their families and for the media.

### Police Action

It will usually be necessary to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. If the police do charge the respondent, it will be necessary to wait until the charges have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the CEO from seeking advice from police regarding the duty of care to existing team members which may involve the standing down of a staff member during an investigation. The police are not required to inform the College about their investigation. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

### Insurer

The AITC will keep its insurer informed about developments.

### Natural Justice

The principles of natural justice will apply to decisions to be made under this Policy. The two fundamental principles of natural justice are:

- That those making a decision are not biased.
- That nobody will be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

DRAFT - to be finalised by 21 Dec 2018