



<b>Policy Name</b>	CHILD PROTECTION POLICY		
<b>Purpose</b>	<p>The purpose of this policy is to provide written processes about –</p> <ol style="list-style-type: none"> <li>how the College will respond to harm, or allegations of harm, to young people under 18 years; and</li> <li>the appropriate conduct of the college’s staff and young people</li> <li>to comply with accreditation requirements.</li> </ol> <p>Being a senior secondary school, this policy also includes a section for response to allegations of harm for young person who is 18 years or older to ensure consistent and appropriate response.</p>		
<b>Scope</b>	College young people 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) are covered in relation to information about the reporting of harm and abuse.		
<b>Policy Group</b>	Education		
<b>References</b>	<p><i>Child Protection Act 1999 (Qld)</i>  <i>Education (General Provisions) Act 2006 (Qld)</i>  <i>Education (General Provisions) Regulation 2017 (Qld)</i>  <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i>  <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i>  <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>  <i>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</i>  <i>Education (Queensland College of Teachers) Act 2005 (Qld)</i>  <i>Criminal Code Act 1899 (Qld)</i>            AITC Complaints Handling Policy            AITC Complaints Handling Procedure            AITC Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)            AITC Child Risk Management Strategy (for the <i>Working With Children (Risk Management and Screening) Act 2000 (Qld)</i>)            AITC Child Protection Reporting Form</p>		
<b>Status</b>	Approved	<b>Supersedes</b>	All previous versions
<b>Authorised by</b>	AITC Board	<b>Date of Authorisation</b>	14 Sep 2022
<b>Review Period</b>	Annually	<b>Next Review Date</b>	Term 3, 2023
<b>Policy Owner</b>	CEO	<b>Version</b>	7.0

## CHILD PROTECTION POLICY

### Definitions

<b>child</b>	Is a person under 18 years of age.
<b>Young person (young people)</b>	Is any person regardless of age who is enrolled as a student at the AITC. May also appear as ‘student’ or ‘Team Member’.
<b>harm</b>	<p>Section 9 of the Child Protection Act 1999 -</p> <ol style="list-style-type: none"> <li><i>Harm</i>, to a child, is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing.</li> <li>It is immaterial how the harm is caused.</li> <li>Harm can be caused by—               <ol style="list-style-type: none"> <li>physical, psychological or emotional abuse or neglect; or</li> <li>sexual abuse or exploitation.</li> </ol> </li> <li>Harm can be caused by—               <ol style="list-style-type: none"> <li>a single act, omission or circumstance; or</li> </ol> </li> </ol>

	b) a series or combination of acts, omissions or circumstances.
<b>child in need of protection</b>	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.
<b>Executive Principal</b>	The AITC Executive Principal role is held by the CEO. In periods of extended absence, the delegation of the Executive Principal role (Acting) is at the discretion of the CEO and can be separate from the CEO role responsibilities.
<b>Principal</b>	For the purposes of this policy, and in accordance with the AITC organisational structure, the Principal refers to any individual who holds the position of: - Deputy Head of Industry Education (‘Region name’) In carrying out their responsibilities outlined in this policy, any Deputy Head of Industry Education (‘Region name’) is the Principal only for AITC campuses within their allocated region. In their absence, the matter must be directed to the Head of Industry Education or the Executive Principal who will fulfil the role of the Principal. Employees raising a matter or submitting a report to the Principal must submit this to the Principal of the AITC campus of the young person involved.
<b>Sexual abuse</b>	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.

## Policy

The AITC is committed to taking all reasonable steps to promote the safety and wellbeing of young people 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).

## Principles upheld in this policy

- Protecting young people 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 young person will always be a primary consideration.
- All employees must ensure that their behaviour towards and relationships with young people reflect proper standards of care for young people, and are not unlawful.
- Sexual acts by an adult employee or volunteer with a young person who is a child will always be sexual abuse.

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- The AITC will respond diligently to a report of suspected or actual harm, or risk of harm to a young person.
  - Reprisals against young people or others making a complaint will not be tolerated.
  - Young person 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 young person.
  - 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.

## 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.

The [Child Risk Management Strategy](#) includes the reporting form and all relevant resources. This is available on the [AITC Website](https://www.aitc.qld.edu.au/about-aitc/policies-and-reports/) (<https://www.aitc.qld.edu.au/about-aitc/policies-and-reports/>).

The Child Protection Policy, Child Risk Management Strategy and the Child Protection Reporting Form are also made available to AITC employees on The Hub – Risk and Compliance Site (<https://aitc.sharepoint.com/sites/RiskandCompliance>).

## 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 the AITC receives any information alleging ‘harm’<sup>1</sup> to a young person (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. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>2</sup>.

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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)

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## Conduct of Staff and Young People

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<sup>3</sup>.

### Reporting to the AITC Board

The Executive Principal will provide periodic reports to the Board in relation to child protection matters.

### Reporting Inappropriate Behaviour

*[This section was last updated: 15 August 2022]*

If a young person considers the behaviour of a staff member to be inappropriate, the young person should report the behaviour to one of the identified campus staff below<sup>4</sup>.

CAMPUS	CONTACT		
<b>Gold Coast Campus</b>	Mark Bohan	Campus Manager (Gold Coast)	Mark.Bohan@aitc.qld.edu.au
	Mia Cousens	Personal Industry Coach	Mia.Cousens@aitc.qld.edu.au
	Richard Petherbridge [Principal]	Deputy Head of Industry Education (Gold Coast) - Acting	Richard.Petherbridge@aitc.qld.edu.au
<b>Redlands Campus</b>	Damian Watt	Campus Manager (Redlands)	Damian.Watt@aitc.qld.edu.au
	Michelle McTegg	Personal Industry Coach	Michelle.McTegg@aitc.qld.edu.au
	Donna Loughran [Principal]	Deputy Head of Industry Education (Central)	Donna.Loughran@aitc.qld.edu.au
<b>Sunshine Coast Campus</b>	Nick Harrison [Principal]	Deputy Head of Industry Education (Northern) - Acting	Nick.Harrison@aitc.qld.edu.au
	Maddison Ward	Personal Industry Coach	Maddison.Ward@aitc.qld.edu.au
	Eliza Lane	Head of Industry Education	Eliza.Lane@aitc.qld.edu.au
<b>Toowoomba Campus</b>	Di Tumbridge	Campus Manager (Toowoomba)	Di.Tumbridge@aitc.qld.edu.au
	Robert Stephens	Team Leader	Robert.Stephens@aitc.qld.edu.au
	Tim Saal [Principal]	Deputy Head of Industry Education (Western)	Tim.Saal@aitc.qld.edu.au
<b>Ipswich Campus</b>	Yvette Pratt	Campus Manager (Ipswich)	Yvette.Pratt@aitc.qld.edu.au

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<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)

	Michael Webb	Personal Industry Coach	Michael.Webb@aitc.qld.edu.au
	Tim Saal [Principal]	Deputy Head of Industry Education (Western)	Tim.Saal@aitc.qld.edu.au
<b>Brisbane Campus</b>	Rhys Cassidy	Campus Manager (Brisbane)	Rhys.Cassidy@aitc.qld.edu.au
	Ruth MacLean	Team Leader	Ruth.MacLean@aitc.qld.edu.au
	Andrew Dutton [Principal]	Campus Principal (Brisbane)	Andrew.Dutton@aitc.qld.edu.au
<b>College-wide Contacts</b>	Eliza Lane	Head of Industry Education	Eliza.Lane@aitc.qld.edu.au
	Mark Hands	CEO/Executive Principal	Mark.Hands@aitc.qld.edu.au
	Caroline McGuire	Head of People	Caroline.McGuire@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 Principal. Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform the Head of Industry Education or Head of People **and** a director of the College's governing body. Reports will be dealt with under the College's *Complaints Handling Policy*.

## 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 College, 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 staff member must give a written report about the abuse or suspected abuse to the Principal or a director of the College's governing body immediately.

If the report concerns the Principal, the written report must be given to the Head of Industry Education or a director of the College's governing body immediately.

The Principal, Head of Industry Education or a director of the College's governing body **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 must give a written report about the abuse, or suspected abuse to a police officer

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

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immediately and must also give a copy of the report to the Head of Industry Education **and** a director of the College's governing body 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 young person's name and sex;
- c) details of the basis for the first person becoming aware, or reasonably suspecting, that the young person 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 young person's age;
  - ii. the identity of the person who has abused, or is suspected to have abused, the young person;
  - iii. the identity of anyone else who may have information about the abuse or suspected abuse<sup>6</sup>.

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

- a) a young person 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 staff member must give a written report about the suspicion to the Principal or a director of the College's governing body immediately.

If the report concerns the Principal, the written report must be given to the Head of Industry Education **or** a director of the College's governing body immediately.

The Principal, Head of Industry Education 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 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 Head of Industry Education **and** a director of the College's governing body 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 young person's name and sex;

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

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

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- c) details of the basis for the first person reasonably suspecting that the young person is likely to be sexually abused by another person;
  - d) any of the following information of which the first person is aware:-
    - i. the young person's age;
    - ii. the identity of the person who has abused, or is suspected to be likely to abuse the young person;
    - iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>8</sup>.

### 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 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 Principal.

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

- a) the child's name and sex;
- b) the child's age;
- 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 relates<sup>10</sup>.

### Contact details of the Child Safety Regional Intake Services for each AITC campus

A Regional Intake Service receives information and child protection concerns from community members, government, and non-government agencies during business hours (from 9am to 5pm Monday to Friday).

Outside of these hours, you can contact the Child Safety After Hours Service Centre on phone freecall 1800 177 135 (Queensland only).

- **Gold Coast Campus:** South East 1300 679 849
- **Redlands Campus:** Brisbane 1300 682 254 or South East 1300 679 849
- **Sunshine Coast Campus:** North Coast 1300 703 921

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

<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"

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- **Toowoomba Campus:** South West (Darling Downs) 1300 683 390
  - **Ipswich Campus:** South West (West Moreton) 1800 316 855
  - **Brisbane Campus:** Brisbane 1300 682 254

### Response to allegations of harm for young person who is 18 years or older

The *Child Protection Act* and the reporting provisions within the *Education (General Provisions) Act* only apply to young people under 18 years of age. However, the AITC acknowledges that the safety and wellbeing of all AITC young people, regardless of their age, is paramount.

When there is suspicion of harm to a young person who is 18 years of age or older, the staff member must advise the Principal **and** the Head of Industry Education immediately.

The Principal will:

- speak with the young person to obtain more information about:
  - the nature of the concerns;
  - the details of any individuals involved, including the alleged person responsible; and
  - any ongoing risks to the student's safety;
- wherever possible, take steps to address any identified safety concerns;
- when the concerns may involve a criminal offence, advise the young person of their right to report the alleged offence to the police:
  - the college should encourage the young person to lodge the report;
  - the college may report to the police only if consent is provided by the young person;
- if requested, support the young person during and after any police investigation;
- immediately report the concerns to the Head of Industry Education or the Executive Principal, when the alleged person responsible is or was a staff member or volunteer;
- refer the young person, as required, to support services;
- seek the young person's consent to inform their parents of the concerns. Where consent is not given, the College should encourage the young person to inform their parents;
- document all actions and decisions; and
- store all records in accordance with other child protection records management policy and procedures.

### Awareness<sup>11</sup>

The College will inform staff, young people and parents of its processes relating to the health, safety and conduct of staff and young people in communications to them and it will publish these processes:

- on the AITC website and the College intranets (The Hub, Student Café, and Parent Lounge)
- 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 noticeboard at each campus

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<sup>11</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(4)(a)

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

### Staff Training<sup>12</sup>

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

- The preferred training program is offered online through Independent Schools Queensland
- AITC People team will receive regular reports from Independent Schools Queensland detailing the completion of compulsory training by new and continuing employees and will maintain this information internally
- This information is reported regularly to the Executive Leadership Team and the AITC Board

### Implementing the Processes<sup>13</sup>

AITC will ensure it is implementing processes relating to the health, safety and conduct of staff and young people 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 College website and will be available on request from AITC's administration on each campus<sup>14</sup>.

### Records Management

The AITC will maintain appropriate records of the decisions and actions relating to each reported child protection matter. For each matter, the original completed Reporting Form along with any other documentation collected for the purpose of the report will be maintained centrally in a secure location by the Executive Principal and accessible only to relevant parties.

### Complaints Procedure<sup>15</sup>

Suggestions of non-compliance with AITC's processes may be submitted as complaints under the AITC Complaints Handling Policy. This is available on the [AITC Website](https://www.aitc.qld.edu.au/about-aitc/policies-and-reports/) (<https://www.aitc.qld.edu.au/about-aitc/policies-and-reports/>)

Note: Reporting under this policy fulfils 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.229BC<sup>16</sup>.

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<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(4)(c)

<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)

<sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(5) and s.16(6)

<sup>16</sup> *Criminal Code Act 1899* (Qld) s.229BC(4)(b)

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## 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 Executive Principal 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 all AITC employees hold a Blue Card (Working with Children check). Evidence of the Blue Card will be required prior to commencement.
- Ensure that all teaching staff hold a current Queensland College of Teachers (QCT) registration. Evidence of current registration must be provided prior to commencement.

### 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.

### Team Leaders

If a respondent to an allegation is a registered teacher, the AITC, as an employing authority, will give notification to the Queensland College of Teachers, as obliged under the *Education (Queensland College of Teachers) Act 2005* (Qld).

### 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 employees, young people and their families and for the media.

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## 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/Executive Principal from seeking advice from police regarding the duty of care to existing young people 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.