

# POL20 Child Protection Policy

## Purpose of this Policy

The purpose of this policy is to provide a policy as part of Brisbane Independent School written processes about:

- 1) how the school will respond to harm, or allegations or harm, to students under 18 years old as the safety and needs of the child are central to our Philosophy and Values; and
- 2) the appropriate conduct of the school's staff and students. To comply with accreditation requirements and legislation.

## 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 Brisbane Independent School and covers information about the reporting of harm and abuse.

## Relevant legislation

- [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 2020 \(Qld\)](#)
- [Criminal Code Act 1899 sections 229BB and 229BC](#)

## Change Register and Review Schedule

As a Policy this document is owned by the Management Committee of Brisbane Independent School Inc. Any changes to this document must be authorised by a Management Committee Meeting or as delegated by the Management Committee.

Document control is maintained by ensuring that Versions are saved by each person who has changed the document using the format - Author, yyyyymmdd, description of the change

- Annual
- Next Date: May 2024 or when regulation changes

- Review responsibility sits with: The Management Committee

Change Register			
Document Version	Change Description	Authorised By	Date Implemented
1.0	Footer, Front Page, Change Register	Management Committee/R. Patterson Principal/J. Haynes	2010/02/23
1.1	Removed Templates to Separate Files	Management Committee/R. Patterson Principal/J. Haynes	2010/03/07
1.2	Adding New legislation changes dealing with possible future	Management Committee Principal/J. Haynes	2012/02/11
1.3	<i>Change not recorded</i>	Management Committee Principal/J. Haynes	2014
1.4	<i>Change not recorded</i>	Management Committee Principal/J. Haynes	2015/04/29
1.5	<i>Change not recorded</i>	Management Committee Principal/J. Haynes	2016/06/09
1.6	<i>Change not recorded</i>	Management Committee Principal/J. Haynes	2017/09/27
2.0	Converted from Word to Google Doc, updated, policy number change from <b>POL02</b> to <b>POL20</b>	Management Committee Principal/J. Haynes	2018/08/28
2.1	Staff Training updated	Management Committee Principal/J. Haynes	2019/09/13
2.2	Definitions, links updated	Management Committee Principal/J. Haynes	2020/10/09
2.3	Definitions updated	Management Committee/M. Foley Principal/J. Haynes	2021/05/19
2.4	Additional of Change Register, Updated policy links, legislation links and references	Management Committee/P. Vazey Principal/L. Bowie	2022/09/28

2.5	Add explicit reference to the Designated Management Committee director. Update reporting process/use of Form, notification options.	Management Committee/ A. Scown Principal/L. Bowie	2022/11/07
2.6	First person reporting wording update(page 9), Student Protection Officers Update (page 8), STD02 change to POL33 (page 5 + 12)	Management Committee/ A. Scown Principal/L. Bowie	2023/02/21
2.7	Ensure notification is via Designated Management Committee Director and not the Board Chair	Management Committee/S. Eastwell Principal/L. Bowie	2023/05/12

## Feedback Process

If you would like to provide feedback on any aspect of this Guideline please email [policy@bis.qld.edu.au](mailto:policy@bis.qld.edu.au)

## Definitions

### **Adult associated with an institution:**

- owns or is involved in the management or control of, the institution; or
- is employed or engaged by the institution; or
- works as a volunteer for the institution; or
- Engages in an activity in relation to the institution for which a working with children authority under the working with children ( risk management and screening ) Act 2000 is required

**Harm - 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.

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**Child in need of protection - 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; and
2. does not have a parent able and willing to protect the child from the harm.

**Sexual abuse- 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.

**Notifier** - a person who brings notice of a Student Protection matter to the attention of the College.

**Student Protection Contact Officers** – refers to (at least 2) named and published Staff Members (as required under the Accreditation Act 2001) to whom Students may refer complaints.

**Designated Management Committee Director** - The Director appointed unanimously by the Management Committee to receive and report sexual abuse matters regarding Students.

**Vexatious Complaint** – a vexatious complaint is a complaint which has no substance and which may be brought with ill intent. Vexatious complaints may have serious consequences under the School Policy and legislation.

**Unacceptable Risk** – if the report of alleged Inappropriate Behaviour/harm is of such concern that in the reasonable view of the Principal (with consultation) the person implicated would be a danger – that person can be stood down or suspended in the interim.

**Incident** – any activity or set of circumstances of Inappropriate Behaviour, sexual abuse, or suspected sexual abuse, or where harm has occurred or is reasonably suspected.

**Institution** - an entity other than an individual, that:

- Provides services to children; or
- Operates a facility for, engages in activities with, children under the entity’s care, supervision or control
- An institution may include government and non-government entities, including a government department and a non-state school

**Unprofessional Conduct** - any behaviour which, by its nature, is inappropriate, unwise and has potentially damaging consequences.

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**Relevant State Authority** - the Police or Department of Communities Child Safety Youth and Women

**Neglect** – The term neglect in this Policy may be defined as any act or omission whereby the Child is not cared for in the reasonable opinion of the School. According to the Department of Communities, neglect occurs when a Child's basic necessities of life are not met, and their health and development are affected. Basic needs include:

1. Food
2. Housing
3. Health care
4. Adequate clothing
5. Personal hygiene
6. Hygienic living conditions
7. Timely provision of medical treatment
8. Adequate supervision

## Policy and Procedure

### Awareness

The school will inform staff, students and parents of its processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website<sup>1</sup> in the Parent and Staff Portal. 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<sup>2</sup>. This is reported to the Management Committee through an annual report on Child Safety Management published in December and in the April Policy Review Report.

### Training

The School is committed to protecting children. We work with the commitment through three core training components:

#### 1) Staff Training

Staff are trained in child protection strategies, identification of child abuse and take part in annual discussions around appropriate behaviour in our own context. The Staff Training Register is held digitally in Google Mail's **Streak** Application and papercopy in their Staff File - **Staff Yearly Training Log**. Our staff comply to a stringent training regime that covers:

- Annual Training through ISQ Connect and Learn

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<sup>1</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

<sup>2</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(6)

- Annual Training in Nonviolent Communication (NVC)
- **POL33 BIS Staff Code of Conduct**
- **STD04 BIS Child Protection Interaction Staff Standards**
- **POL19 BIS Workplace Health and Safety Policy**
- POL30 Child Safety Risk Management Strategy

We also implement a range of strategies to improve awareness of individual children and what is happening in their lives:

- Our Weekly staff meetings have a permanent agenda item that asks for any Child Protection Concerns and Family Issues
- We have a “Current Child Updates” section in our Google Chat to ensure that concerns about children can be monitored
- Our staff are trained annually in NVC to ensure they can provide a warm and supportive environment for children to feel safe to share concerns

## 2) Student Training

Our philosophy is based on individual development and empowerment. This means our school has a core focus and value of Courageous Learning that empowers students with the personal skills to tell others when their safety or trust has been breached. Core to all our curriculum learning decisions is an inbuilt process of engaging children to increase their volition and sense of safety and self worth. The details of this are explored further in:

- **POL03 BIS Relationship Based Behaviour Process (Policy)**
- **POL19 BIS Workplace Health and Safety Policy**
- **PRO05 BIS Bullying Response Procedure**
- **MA04 BIS Expedition Framework** - Study of Self Strand

Students are trained twice a year in how to communicate concerns with trusted adults at school and home and are shown the reporting mailbox in the Admin that is private and able to be accessed easily by students.

## 3) Parent Training

Providing a supportive community that openly discusses parenting challenges and strategies is essential to our goals for child safety:

- Our parents agree to uphold our Values and School Rules when on site and many parents have engaged in targeted Conflict Resolution Training for use at home and school.
- Our Values training and philosophy is attended by all parents at an annual workshop that encourages our parents to employ empowering behaviour management in their home.

- We also run regular workshops each term on Child Development and Behaviour as well as an annual opportunity for parents to attend a Compassionate Communication Workshop.
- The Life Education Parent Workshops are also offered to our parents
- Annual Survey asks for their needs in education and support.

Parents have access to this supportive response in this child protection policy as well as:

- ***POL03 BIS Relationship Based Behaviour Process (Policy)***
- ***POL21a BIS Enrolment Contract***
- ***STD03 BIS Values Standards***

Parents are also supplied with a copy of this policy at Induction and changes to the policy are highlighted in the School Stream Admin Update and at the Whole Community Meeting each term.

### Implementing the Processes

The school will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually<sup>3</sup>. The Management Committee and Administration engage in annual audits of compliance and child safety compliance specifically.

### Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the school website, network and will be available on request from the school administration<sup>4</sup>.

### Complaints Procedure

Suggestions of non-compliance with the school's processes may be submitted as complaints under Brisbane Independent School ***PRO06 BIS Complaints Handling Procedure***.<sup>5</sup>

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<sup>3</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(6)

<sup>4</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(6)

<sup>5</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.10(7) and s.10(7A)

## 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).

## Reporting Procedure

### Responding to Reports of Harm

When the school receives any information alleging 'harm'<sup>6</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 school's ***POL30 Child Risk Management Strategy***. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>7</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>8</sup>.

### Reporting

There are different types of concerns or behaviours that need reporting. Each one may have a different process so read through the reporting types below:

1. [Reporting Inappropriate Behaviour](#)
2. [Reporting Sexual Abuse](#)
3. [Reporting Likely Sexual Abuse](#)
4. [Mandatory Reporting Physical and Sexual Abuse](#)

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<sup>6</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>7</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

<sup>8</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*



## Reporting Inappropriate Behaviour

If a staff member or student considers the behaviour of a staff member to be inappropriate, the individual should report the behaviour to:-

- 1) **Student Protection Officers** - Principal - Lachlyn Bowie; or
- 2) **Student Protection Officers** - Teacher - Sarah Webber<sup>9</sup>; or
- 3) **Designated Management Committee Director** - Paul Vazey<sup>10</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 the <sup>11</sup>Designated Management Committee Director or Chairperson. Reports will be dealt with under the school's **POL06 Complaints Policy**.

## Reporting Sexual Abuse<sup>12</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 staff member must give a written report about the abuse or suspected abuse to either:-

1. **Principal** - Lachlyn Bowie; or
2. **Designated Management Committee Director** - Paul Vazey;

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<sup>9</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

<sup>10</sup> Under section 366B of the *Education (General Provisions) Act 2006* the directors of a school's governing body may delegate the directors' function under section 366 to an appropriately qualified individual (this cannot be the principal or any other staff member of the school). Directors should ensure they are well briefed about the requirements of section 366B before delegating this function, including identifying the delegation in this policy and informing the school community of the delegate/s name/s, their contacts and their role in the school's processes.

<sup>11</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

<sup>12</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

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and submit an **F24 BIS Child Protection School Report (Abuse Incident)Form** about the abuse or suspected abuse. The school's Principal or Designated Management Committee Director must immediately give a copy of the form record to the police, the School's Management Committee Chairperson and to the Insurance company.

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 Designated Management Committee Director 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>13</sup>.

## Reporting Likely Sexual Abuse <sup>14</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 staff member must immediately report the behaviour to:-

1. **Principal** - Lachlyn Bowie; or
2. **Designated Management Committee Director** - Paul Vazey

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<sup>13</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

<sup>14</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

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and submit an **F24 BIS Child Protection School Report (Abuse Incident)Form** about the likely abuse. The school's Principal must immediately give a copy of the form record to the Designated Management Committee Director.

The Principal or Designate will follow the **PRO13 Child Protection Decision Making Tree** and utilise the Department of Families online tool to decide on the next action.

If the Decision-making process outcome identifies formal notification, the school's Principal or the director of the school's Management Committee must immediately give a copy of the **F24 BIS Child Protection School Report (Abuse Incident)Form** and the Child Protection Reporting Form, to the police and the Regional Intake Service.

If the staff member who becomes aware or reasonably suspects likely sexual abuse is the school's Principal then they must report the suspicion directly to the Designated Management Committee Director. The Designated Management Committee Director must report the abuse, or suspected abuse immediately to the police and the Insurance company.

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<sup>15</sup>.

## Mandatory Reporting Physical and Sexual Abuse <sup>16</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early 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.

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<sup>15</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

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

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 education and care professional must give a written report ( a template is available in the Google Drive Template Gallery) 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, teacher or early education and care professional should give a copy of the report to the principal. The Principal uses the report to submit an **F24 BIS Child Protection School Report (Abuse Incident)Form** about the likely abuse. The school's Principal must immediately give a copy of the form record to the School's Management Committee Chairperson.

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>17</sup>.

## Documents that inform this Policy

- POL06 BIS Complaints Handling Policy
- PRO06 BIS Complaints Handling Procedure
- POL30 BIS Child Safety Risk Management Strategy
- POL19 BIS Workplace Health & Safety Policy
- F24 BIS Child Protection School Report (Abuse Incident) Form
- POL09 BIS Employment Policy
- POL33 BIS Staff Code of Conduct Policy
- STD04 BIS Child Protection Interaction Staff Standards
- BIS Management Committee Annual Child Protection Checklist - *Template Gallery*
- BIS Management Committee Annual Compliance Checklist - *Template Gallery*

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<sup>17</sup> See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*