



Kutta Mulla Gorinna Inc

CHILD PROTECTION POLICY

Kutta Mulla Gorinna Inc acknowledges the traditional custodians of country and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the culture and the elders past, present and emerging.

Version 3

Approval Date: 22.11.2023

Review Date: 21.11.2024

Kutta Mulla Gorinna Inc

POLICIES AND PROCEDURES HANDBOOK

Section:	1 - Student Learning and Welfare	Pages: 6
Item:	Policy – Child Protection	
Policy Owner:	School Board	
Approver:	Board Chairperson	
First Approved:	17/01/2020	
Revision Cycle:	1 Year	
Revision Dates:	22 November 2023	
Next Review:	21 November 2024	

PURPOSE

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

- How the school will respond to harm, or allegation of harm, to students under 18 years.
- The appropriate conduct of the school's employees and students to comply with accreditation requirements.

SCOPE

Students (inclusive of those over the age of 18) 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 Kutta Mulla Gorinna Inc., and covers information about the reporting of harm and abuse.

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 \(Risk Management and Screening\) Regulations 2020 \(Qld\)](#)
- [Criminal Code Act 1899](#)
- [Child Protection Regulation 2023](#)
- Kutta Mulla Gorinna Inc Complaints Handling Policy
- Kutta Mulla Gorinna Inc Complaints Handling Procedure
- Kutta Mulla Gorinna Inc Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*)

- Kutta Mulla Gorinna Inc Work Health and Safety Policy (for the *Work Health and Safety Act 2011* (Qld))
- Kutta Mulla Gorinna Inc Child Protection Reporting Form

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 an 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 & SAFETY

The school has a Workplace Health & Safety Policy to ensure compliance with relevant legislation.

RESPONDING TO REPORTS OF HARM

When the School receives any information alleging ‘harm’ 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 Child Risk Management Strategy.

Information relating to physical or sexual abuse is handled differently in the School’s Child Risk Management Strategy.

Relevant School staff acknowledges that First Nations students may need culturally appropriate assistance in this process and will endeavour to provide that to them. The school has employed a School Liaison Officer who will be called upon to consult in these instances.

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. Professional boundaries must be maintained at all times. If in doubt, staff should seek assistance from a more senior member of staff.

REPORTING INAPPROPRIATE BEHAVIOUR

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

- Executive School Director, Justin Giblett or
- Director of Teaching & Learning, Teresa Hackney or
- Director of Student Services, Simone Baker or
- Director of Corporate Services, Tyshaya Bickey or
- School Liaison Officer, Lisa Johnston.

DEALING WITH A REPORT OF INAPPROPRIATE BEHAVIOUR

A staff member who receives a report of inappropriate behaviour must report it to the Executive School Director. Where the Executive School Director is the subject of the report of inappropriate behaviour, the staff member must inform a member of the Governing Body. Reports will be dealt with under the School's Complaints Handling Policy.

REPORTING SEXUAL ABUSE

Section 366 of the Educational (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 student under 18 years attending the school
- A kindergarten aged child registered in a kindergarten learning program at the school
- A person with a disability who:
 - Under section 420(2) of the Education (General Provisions) Act 2006 is being provided with special education at the school; and
 - 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 Executive School Director or to a Director of the School's Governing Body immediately.

The School's Executive School Director or the Director must immediately give a copy of the reports to a police officer.

If the first person who becomes aware or reasonably suspects child abuse is the School's Executive School Director, the Executive School Director 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 a Director of the School's governing body immediately.

A report under this section must include the following particulars:

- The name of the person giving the report (the **first person**)
- The student's name and sex
- Details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person.
- Details of the abuse or suspected abuse
- Any of the following information of which the first person is aware:
 - The student's age
 - The identity of the person who has abused, or is suspected to have abused, the student.
 - 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 school, that any of the following is likely to be sexually abused by another person:

- a student under 18 years attending the school
- a kindergarten aged child registered in a kindergarten learning program at the School
- a person with a disability who:
 - under section 420(2) of the Education (General Provisions) Act 2006 is being provided with special education at the school; and
 - is not enrolled in the preparatory year at the school.

then the staff member must give a written report about the suspicion to the Executive School Director or to a Director of the School's governing body immediately. The School's Executive School Director or the Director must immediately give a copy of the report to a police officer. If the first person who reasonably suspects there is likely sexual abuse is the School's Executive School Director, the Executive School Director must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a Director of the School's governing body immediately.

A report under this section must include the following particulars:

- the name of the person giving the report (the first person)
- the student's name and sex
- details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person
- any of the following information of which the first person is aware:
 - the student's age
 - the identity of the person who is suspected to be likely to sexually abuse the student
 - the identity of anyone else who may have information about the 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, 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:

- has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse
- 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 Executive School Director.

A report under this section must include the following particulars:

- the basis upon which the person has formed the reportable suspicion
- the child's name and sex
- the child's age
- details of how to contact the child
- details of the harm to which the reportable suspicion relates
- 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
- particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

Child Safety Regional Intake Service:

- Business hours are from 9am to 5pm Monday to Friday.
- 110 Wood Street, Mackay QLD 4740.
- (07) 4864 1400
- Outside business hours, you can contact the Child Safety After Hours Service Centre on 1800177135 (Qld only).

RESPONSIBILITIES UNDER CRIMINAL CODE ACT 1899 (QLD)

The Criminal Code Act 1899 (the Code) 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

Under section 229BC of the Code, all adults (inclusive of students over the age of 18) 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. A reasonable excuse not to make a report 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 Protect

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, parents and carers 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. All incoming staff will receive induction regarding these issues as well as undertaking ISQ's online Child Protection modules annually.

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.

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.

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.

COMPLAINTS PROCEDURE

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