

Policy: Member Protection Policy - Part B - Child Protection

Version Control

Adoption Date	Version	Details	Author
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Purpose:	The purpose of this policy is to provide a policy as part of the Brisbane German Language School written processes about how the school will respond to harm, or allegations or harm, to students under 18 years old, and the appropriate conduct of the school’s staff and students, to comply with legal requirements.
Scope:	Students and employees, including full-time, part-time, permanent, fixed- term and casual employees, and volunteers at BGLS and covers information about the reporting of harm and abuse.
References:	<ul style="list-style-type: none"> • Child Protection Act 1999 (Qld) • Education (General Provisions) Act 2006 (Qld) • Education (General Provisions) Regulation 2017 (Qld) • Working with Children (Risk Management and Screening) Act 2000 (Qld)
Related Policies	<ul style="list-style-type: none"> • Working with Children (Risk Management and Screening) Regulation 2020 (QLD) • Brisbane German Language School suite of Member Protection Policies (available at www.bgls.org.au) • Brisbane German Language School Complaint Handling Policy and Procedure (available at www.bgls.org.au) • Brisbane German Language School Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (QLD)</i>) (yet to be developed)

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 student 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 & Safety Act 2011* (Qld) and the *Working with Children (Risk Management and Screening) Act 2000* (Qld).

Conduct of Staff and Students

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

Reporting Inappropriate Behaviour

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

- The Youth Programs Coordinator, or the Adult programs Coordinator
- or
- The Secretary of the BGLS

Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Coordinator. Where the Coordinator is the subject of the report of inappropriate behaviour, the staff member must inform a member of the management committee. Reports will be dealt with under the school’s Complaints Handling Policy.

Reporting 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 a student attending the school has been sexually abused by another staff member, then the staff member must give a written report about the abuse or suspected abuse to the Secretary of BGLS immediately.

The School’s Secretary, or President must then make a report to the police, and inform the management committee.

If the first person who becomes aware or reasonably suspects sexual abuse is the

school's President or Secretary, they must give a written report about the abuse, or suspected abuse to the police immediately and must also inform the rest of the management committee.

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 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

then the staff member must give a written report about the suspicion to the President or Secretary immediately.

The school's President or Secretary must immediately give a copy of the report to the police.

If the first person who reasonably suspects likely sexual abuse is the school's President or Secretary, they must give a written report about the suspicion to the police immediately and must also inform the rest of the management committee 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 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 Psychological Abuse, and other forms of Harm.

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.

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, psychological 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 to the Chief Executive of the Department of Child Safety, Youth and Women (or other department administering the *Child Protection Act 1999*).

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, 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 website¹².

The communication methods utilised by BGLS to inform the School community are:-

- Email communication
- School Website

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 Brisbane German Language School Complaint Compliant Handling, Mediation & Discipline Policy (available at www.bgls.org.au).