



RIVERMOUNT COLLEGE

Realising the Potential Within

8.03.01 CHILD PROTECTION POLICY

PURPOSE OF POLICY

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

- how the school will respond to harm, or allegations or harm, to students under 18 years; and
- the appropriate conduct of the College's staff and students to comply with accreditation requirements.

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 Rivermount College and covers information about the reporting of harm and abuse.

RESPONSIBILITY

Principal reporting to the Board of Directors

LEGISLATION AND REFERENCES

[Child Protection Act 1999 \(Qld\)](#) [Criminal Code 1899 \(Qld\)](#)
[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 \(Qld\)](#)
[Qld Child Protection Guide](#)

Complaints Handling Policy and Procedure 03.16.01

Child Risk Management Strategy 08.03.02

Work Health and Safety Policy 08.11.01 re the [Work Health and Safety Act 2011 \(Qld\)](#)

Rivermount College Report a Safety Concern Form

Area: 8.0 Legal and Compliance	Policy: 8.01.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 1
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Annual Review Cycle

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 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; and
- c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

HEALTH AND SAFETY

The College has written policies 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 College receives any information alleging 'harm'¹ 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 College’s *Child Risk Management Strategy*. Information relating to physical or sexual abuse is handled under obligations to report set out in this Policy².

¹ *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)*

² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

Area: 8.0 Legal and Compliance	Policy: 8.03.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 2
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Next Review: 2025

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 students³.

REPORTING INAPPROPRIATE BEHAVIOUR

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

- a) Classroom Teacher;
- b) College Counsellor;
- c) College Nurse;
- d) Year Level Coordinator;
- e) Head of Primary School;
- f) Deputy Principal; or
- g) Principal⁴.

Dealing with a Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Principal. The process at Rivermount College is to complete the online form 'Report a Student Safety Concern', found on Teacher Kiosk (General Links/Online Forms). Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the College's governing body⁵. Reports will be dealt with under the College's *Complaints Handling Policy and Procedure*.

REPORTING SEXUAL ABUSE OR LIKELY SEXUAL ABUSE

Reporting Sexual Abuse⁶

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 College;
- b) a kindergarten aged child registered in a kindergarten 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 College; and
 - ii. is not enrolled in the preparatory year at the College

then the staff member must give a written report about the abuse, or suspected abuse, to the College Principal or to a Director of the College's governing body immediately. The process at Rivermount College is to complete the online form 'Report a Student

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

Area: 8.0 Legal and Compliance	Policy: 8.03.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 3
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Next Review: 2025

Safety Concern’, found on Teacher Kiosk (General Links/Online Forms). The College Principal or the Director 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 College Principal, the Principal must give a written report about the abuse, or suspected abuse, to a police officer immediately and must also immediately give a copy to a College Director.

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 abuse⁷.

Reporting Likely Sexual Abuse⁸

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 College;
- b) a kindergarten aged child registered in a kindergarten 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 College; and
 - ii. is not enrolled in the preparatory year at the College

then the staff member must give a written report about the suspicion to the College Principal or to a Director of the College’s governing body immediately. The process at Rivermount College is to complete the online form ‘Report a Student Safety Concern’, found on Teacher Kiosk (General Links/Online Forms). The College Principal 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 College Principal, the Principal must give a written report about the suspicion to a police officer immediately and must also immediately give a copy to a College Director.

A report under this section must include the particulars:

- a) the name of the person giving the report (the **first person**);
- b) the student’s name and sex;

⁷ *Education (General Provisions) Regulation 2006 (Qld) s.68*

⁸ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

Area: 8.0 Legal and Compliance	Policy: 8.03.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 4
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Next Review: 2025

- 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 is suspected to be likely to sexually abuse the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse⁹.

MANDATORY REPORTING OF PHYSICAL AND SEXUAL ABUSE¹⁰

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 relevant person must give the written report to the Chief Executive of the Department of Child Safety, Seniors and Disability Services (or another department administering the Child Protection Act 1999) and should give a copy of the report to the Principal. The process at Rivermount College is to complete the online form 'Report a Student Safety Concern', found on Teacher Kiosk (General Links/Online Forms).

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

- the basis on which the person has formed the reportable suspicion ¹¹.
- the child's name, age and sex descriptor;
- 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.¹²

Responsibilities under Criminal Code Act 1899 (Qld)

The *Criminal Code Act 1899* 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.

⁹ Education (General Provisions) Regulation 2017 (Qld) s.68A

¹⁰ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)

¹¹ See Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"

¹² See Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"

Area: 8.0 Legal and Compliance	Policy: 8.03.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 5
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Next Review: 2025

Failure to Report¹³

Under section 229BC of the Criminal Code, all adults 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. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. A reasonable excuse not to make a report under the *Criminal Code Act 1899* 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 Protect¹⁴

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.

QUEENSLAND CHILD PROTECTION GUIDE (CPG) - A TOOL TO ASSIST DECISION-MAKING

Use one or more of the following when considering whether suspicions of harm reach the threshold for reporting to QPS and/or Child Safety:

- the online Qld Child Protection Guide (<https://secure.communities.qld.gov.au/cpguide/engine.aspx>)
- professional judgement
- conferral with senior management
- consultation with the relevant Child Safety Regional Intake Service (RIS)
- consultation with the relevant Family and Child Connect service.

Child Safety Officers will record and assess the information provided, along with information that may be known to the Department, to determine whether the report:

- does not meet the threshold for a notification; or
- is a notification, and an investigation and assessment is required.

The Department is expected to provide mandatory reporters with information about their response to the child protection concerns reported. The Notifier is to be asked whether they require feedback at the time of the initial contact with Child Safety. If the Notifier requests feedback the Department must:

- provide information about the Departmental response, the rationale for the decision and the likely timeframes for any Departmental contact with the child or family.
- provide the feedback either at the time of the initial contact by the Notifier, if the Departmental response is apparent, or by a follow up phone call, facsimile, email or letter, once the information has been screened and the Departmental response has been determined.¹⁵

¹³ *Criminal Code Act 1899 (Qld) s.229BC*

¹⁴ *Criminal Code Act 1899 (Qld) s.229BB*

¹⁵ QLD Government, Department of Children, Youth Justice and Multicultural Affairs - Mandatory Reporting <https://www.csyw.qld.gov.au/child-family/protecting-children/about-child-protection/mandatory-reporting>

Area: 8.0 Legal and Compliance	Policy: 8.03.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 6
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Next Review: 2025

Irrespective of what Department does, it is important to maintain your professional relationship with the family for as long and as much as appropriate and possible.

The College shall consider a referral to Family and Child Connect, Intensive Family Support or other relevant support service when there are concerns for the wellbeing of a student that do not meet the threshold for a report to QPS or Child Safety and it is believed that the child and family would benefit from support services. Information must be shared in accordance with the Child Protection Act 1999 (Qld).

A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes:

- a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;
- b) for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);
- c) for the relevant person to make a report or keep a record about giving a report;
- d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.

AWARENESS

The College will inform staff, students and parents/guardians 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 website¹⁶.

The College Board of Directors ensures that staff, students and parents/guardians are made aware of the College's child protection processes by way of publishing this policy in the Staff Handbook, Student Handbook, Parent and Student online portals and on the College website.

Staff are aware of the failure to protect offence and understand the need to consider known risks of child sexual offences seriously, and if necessary, to take action on an institutional level to reduce or remove the risk

Staff are aware of their reporting obligations, and that failure to report to police a belief that a sexual offence is or has been committed against a child is an offence.

ACCESSIBILITY OF 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 the College administration¹⁷.

TRAINING

The College will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁸. The College Board of Directors ensures that all staff are trained in implementing the child protection processes

¹⁶ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

¹⁷ Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s. 16(4)(b)

¹⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

Area: 8.0 Legal and Compliance	Policy: 8.03.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 7
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Next Review: 2025

with staff training reports, Staff Handbook acknowledgements and records of PD Day attendance.

All volunteers, tutors and contractors are made aware of child protection reporting responsibilities and processes via annual induction training.

IMPLEMENTING THE PROCESSES

The College will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually¹⁹.

COMPLAINTS PROCEDURE

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College's *Complaints Handling Policy & Procedure*.²⁰

¹⁹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s. 16(4)(d)

²⁰ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)

Area: 8.0 Legal and Compliance	Policy: 8.03.01 Child Protection	Current Version: K Original Release Date: April 2011	Page 8
Reviewed by Compliance Officer: January 2024	Approved by Executive Committee: 15 Nov 2023	Approved by Board of Directors: 20 February 2024	Next Review: 2025