

Child Protection Risk Management Strategy and Procedure for Education Services

Responsibility:	The Baptist Union of Queensland - Carinity		
Points of Contact:	Chief Executive Officer Executive Manager Education Services		
Implementation:	12 March 2012	Review: Biennial	12/04/2020
CEO Approval:			

1 PURPOSE

The purpose of this strategy and procedure is to provide to Carinity schools and staff written processes to be undertaken for the purpose minimise risk of harm to children, and to ensure compliance with the Carinity Child Protection Policy and associated legislative obligations.

2 STATEMENT OF COMMITMENT

Carinity is committed to the safety and wellbeing of students enrolled at Carinity School. In accordance with sections 171 and 172 of the *Working with Children (Risk Management and Screening) Act 2000* (Qld), Carinity is dedicated to eliminating and minimising risks to child safety through this Strategy which includes and refers to various other policies and procedures to effectively ensure the safety and wellbeing of children in the schools' care.

This Child Risk Management Strategy is evidence of Carinity's commitment to the safety and wellbeing of children and the protection of children from harm in fulfilment of the requirements of section 3(1)(a) of the *Working with Children (Risk Management and Screening) Regulation 2011* (Qld).

3 SCOPE

This strategy and procedure applies to students, staff members, volunteers, contractors and people undertaking work experience or vocational placements at Carinity Schools and covers information about reporting of harm and sexual abuse.

This strategy should be read in conjunction with the Carinity Child Protection Policy, Code of Conduct, Employee Guidelines, Volunteer Guidelines and Appropriate Interactions with Young People Procedure.

4 IMPLEMENTATION

In practice, Carinity's commitment to acting in accordance to the *Working with Children (Risk Management and Screening) Act ("the Act")* to ensure the safety and wellbeing of students means that it will implement the control measures outlined below.

At Carinity School employees are expected to always behave in ways that promote the safety, welfare and well-being of children and young people. They must actively seek to prevent harm to children and young people, and to support those who have been harmed.

Specific responsibilities include:

- Employees should avoid situations where they are alone in an enclosed space with a student.
- When physical contact with a student is a necessary part of the teaching/learning experience, employees must exercise caution to ensure that the contact is appropriate and acceptable. Employees must always advise the student of what they intend doing and seek their consent.
- For guidance of incidental or other types of physical contact, employees are required to comply with **Appropriate Interactions with Young People Procedure**.
- Employees must not develop a relationship with any student that is, or that can be interpreted as having a personal rather than a professional interest in a student.
- Employees must not have a romantic or sexual relationship with a student.

These commitments, combined with Carinity's Employee **Code of Conduct** is evidence of fulfilment of the requirements of section 3(1)(b) of the Regulation.

5 DEFINITIONS

Child in need of Protection (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.

Harm (Section 9 of the *Child Protection Act 1999*) 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.

Inappropriate behaviour includes but is not limited to any behaviour of an unacceptable or unprofessional nature, between students and staff or volunteers, including words, that is contrary to what is required by the Carinity Code of Conduct and contractual obligations.

Parent: A parent of a child is the child's mother or father, or a person who exercises parental responsibility for the child. However a person standing in the place of a child on a temporary basis is the parent of the child.

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.

Reasonable suspicion means a suspicion that would be formed by a reasonable person based on evidence (specific facts or circumstances) available to them.

Respondent is a staff member, volunteer, other member of the school community or student who is the subject of an allegation or reasonable suspicion of causing harm to a student.

Sexual Abuse (Section 364 of the *Education (General Provisions) Act (2006)*) 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

6 RISK MANAGEMENT ACTIVITIES

Accessibility and Awareness

The Principal will ensure that the Carinity Child Protection Policy and this document are made available:

- to staff members generally via the Carinity Intranet;
- to each new staff member, on induction;
- to staff, families and students by its display on the school website;
- to agreed contractors; and
- on request, to staff, families and students from the school reception.

The Principal will ensure that all staff acknowledges that they have received training in the Carinity Child Protection Policy and Child Protection Strategy and Procedure for Education Services (refer to *Agreement to Comply with Child Protection Risk Management Strategy and Procedure for Education Services*).

Carinity's policy, strategy and attitude towards child protection is conveyed via the newsletter on a regular basis, including details about how to report harm or suspected harm. Students are also informed at assembly and in regular classroom meetings about how to protect themselves and who to report to if they are concerned about their safety.

Blue Cards

All staff members, including Board members, and other people in contact with students of the school, must have current prescribed notices (blue cards) where required by legislation.

Each school maintains a register of:

- all teacher registration numbers; and
- all blue card numbers of non-registered teacher staff members and the dates for renewal.

Head Office maintains a register of:

- all blue card numbers of Board members and the dates for renewal.

Choosing, training and managing staff

Carinity recognises that risk management for child protection begins with the recruiting, screening and selection of the right people to work in schools, and continues by having consistent procedures in place for all staff and contractors to follow, with adequate management and supervision to ensure they comply with these procedures.

Carinity, therefore, has written policies on the recruitment and selection and management of staff members and contractors. *Refer to Carinity Recruitment and Selection Policy, Recruitment and Selection Procedure, Volunteer Management Policy and Volunteer Management Procedure, Employee Performance Review and Future Development Procedure, and Disciplinary Procedure.*

These policies and procedures are evidence of fulfilment of the requirements of section 3(1)(c) of the Regulation.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. Carinity is unable to promise absolute confidentiality since applicable legislation and its policies will require disclosing, internally and externally, certain details involved in responding to disclosures.

Conduct of staff members and students

All staff and contractors must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff and contractors must not cause harm to students (refer - Protocols of this procedure).

Complaints

Suggestions of non-compliance with the school's processes may be submitted as complaints under Carinity's Complaint Management Policy and Complaint Management Procedure.

Criminal Law

Where there are allegations of criminal misconduct, the allegations should be referred to the police.

Defamation

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability.

Disciplinary action

Carinity staff members who fail to comply with the *Carinity Education Child Protection – POLICY and Child Protection Risk Management Strategy and Procedure for Carinity Education Services* may face disciplinary action and termination of their employment.

End of Term Child Protection Policy and Child Protection Risk Management Meeting

Chairperson will be the School Principal or his/her delegate. Members will include staff working at the school.

Operating Procedures

- meetings will be held quarterly at the end of each term
- the Chairperson shall prepare Agendas and issue Notice of Meetings
- the Chairperson or nominated person will take notes of proceedings and prepare minutes of meeting. Minutes will be made available to participants and included in the Principal's monthly report to the Executive Manager Education Services.

Main function

- discuss key issues relating to child protection
- one staff member will present a child protection case study
- to recommend any procedural or administrative changes relating to child protection at the School.

Harassment, Discrimination and Victimisation

Carinity Schools have a responsibility to take reasonable steps to promote a learning environment free from harassment, discrimination and victimisation. To this end, Carinity has processes in place to assist in the management of an appropriate learning environment.

Health and Safety

Carinity has written health and safety policy in place.

Induction

Carinity has a written induction process which applies to all staff members during the first twelve months of appointment, and includes procedures for making staff members aware of the legislation on Child Protection and the Carinity Code of Conduct.

The Induction process includes, but is not limited to:

- professional development about identifying and reporting harm or suspected harm and sexual abuse
- making staff aware of the protocols for the protection of children (refer to **Protocols** of this procedure)
- working through policies and procedures related to child protection

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 Principal from seeking advice from police regarding the duty of care to existing students which may involve the standing down of a staff member during an investigation. The police are not required to inform the school about their investigation.

Professional Development

All staff members are required, on an annual basis, to sign a register that they have read and understood Carinity's Child Protection Policy and Child Protection Strategy and Procedure for

Education Services. In addition, Carinity provides professional development in relation to child protection on a regular basis and a record is kept of such activities.

At least one staff meeting per term includes discussion of a child protection case study.

Protocols

It is a requirement that:

- staff members are not alone with individual students in areas where they cannot be seen by other staff members or students;
- interviews with a student in relation to serious behaviour management issues are carried out in the presence of at least two members of staff;
- staff members do not use their private vehicles to transport students without the permission of the Principal;
- staff members do not provide students with personal contact details (e.g. home/mobile phone numbers and personal email addresses);
- staff members do not have current students as friends on social networking sites such as Facebook; and
- Carinity's Appropriate Interaction with Young People Procedure is also required to be followed.

Review of this procedure

Carinity will ensure this procedure is reviewed at least once every 2 years or sooner as changes in legislation deem it necessary.

Support

The school will offer support for both the student who has been or is suspected of having been harmed and the respondent through professional external counselling services, even if allegations have not yet been proven or disproven.

Teachers

If the *respondent* is a registered teacher, the school will give notification of the matter to the Queensland College of Teachers, if required to do so under applicable legislation.

Volunteers

Volunteers within the school environment who are parents of students who are enrolled at a Carinity school do not require a current positive suitability notice 'Blue Card' where they are engaged in volunteer activities not involving overseeing, guiding and/or leading students (e.g. a parent making materials), and/or they are in the constant presence of a staff member (e.g. a parent facilitating a reading group within a teacher directed classroom).

Volunteers attending 'Going Out' activities where they will be escorting children outside of the school environment without the presence of a staff member, must have a current positive suitability notice 'Blue Card'.

6 PROCEDURE

When a Carinity 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.

Reporting Inappropriate Behaviour

How a student reports inappropriate behaviour of a staff member.

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

- The School Principal or
- School Counsellor or
- Health and Well Being Coordinator or
- Any other member of staff.

How a staff member must deal with information about 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 Chief Executive Officer (*who, under section 366 B of the Education (General Provisions) Act 2006, has been appropriately delegated to receive such reports outlined in section 366 A on behalf of the Board of the Directors of Queensland Baptist Union – the Governing Body of Carinity Schools*), (refer to *Allegation of Inappropriate Behaviour by an Employee Form*).

How the Principal must report inappropriate behaviour.

The Principal must:

Consult as appropriate to decide on the investigation process

Establish that the matter is inappropriate behaviour and not harm or sexual abuse

- If inappropriate behaviour commence an investigation and notify the Executive Manager Education Services
- Take appropriate action based on findings

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 any of the following has been sexually abused by another person:-

- (a) a student under 18 years attending the school;
- (b) a pre-preparatory aged child registered in a pre-preparatory learning program at the school;
- (c) a person with a disability who:-
 - (i) under s.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 the Chief Executive Officer immediately.

If the staff member 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 Chief Executive Officer immediately.

On receipt of this report from a staff member the Principal or Chief Executive Officer acting in accordance with the *Education (General Provisions) Act 2006* [sections 366(4) and 366A (6)] must provide a copy of that report to a police officer immediately.

A report under this section must include the particulars required by s.68 of the *Education (General Provisions) Regulation 2006* which are currently:-

- (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;
- (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 becomes aware, or 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 pre-preparatory aged child registered in a pre-preparatory learning program at the school;
- (c) a person with a disability who:-
 - (i) under s.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 the Chief Executive Officer immediately.

If the staff member who becomes aware or reasonably suspects likely sexual abuse is the school's 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 Chief Executive Officer 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 Sexual Abuse (additional responsibilities for doctors, registered nurses and teachers).

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse or a teacher 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 or teacher must give a written report 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 or teacher should give a copy of the report to the Principal.

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.

Self-Harm by Students

During their schooling, some students may be at risk of harming themselves. This harm may occur with or without suicidal intent; or may be symptomatic of, or associated with, a known medical condition or intellectual disability.

Staff members who suspect or discover that a student has self-harmed or is at risk of self-harming must ensure the student's immediate safety and arrange first aid in the first instance then report the incident to the Principal.

Not all cases of self-harm relate to suicidal intent. Students may engage in a variety of high risk behaviours, such as: alcohol/substance abuse; drug-taking; unsafe promiscuity; or cutting/burning oneself.

The school provides educational programmes to assist students to make appropriate choices in relation to drug and alcohol use and sexual activity.

Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation	Status
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal, through to Police	EGPA, sections 366 and 366A	Unchanged
Teacher	Sexual and physical	Significant harm Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G	New
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 10	Amended
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M	New
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M	New
Any member of the public	Any	Significant harm Parent may not be willing and able	Child Safety	CPA, section 13A	Unchanged

Recording and Reporting

Each school keeps a register in the Principal's office of all incidents related to sexual abuse, harm or inappropriate behaviour (*refer to Child Protection Register located at each school*).

Where legislation requires, incidents of harm or suspected harm are reported to the relevant state authorities immediately, and the incident is noted in the register.

Where an incident of inappropriate behaviour is reported, full details, including the steps taken to resolve the incident, are entered in the register.

7 RELATED DOCUMENTATION

7.1 Policies

- (a) Child Protection Policy
- (b) Conflict of Interest Policy
- (c) Complaints Management Policy
- (d) Criminal History Checks Policy
- (e) Incident Reporting and Incident Investigation Policy
- (f) Privacy Policy
- (g) Recruitment and Selection Policy
- (h) Education and Care Services National Law Act 2011 (QLD)
- (i) Education and Care Services National Regulation 2011 (QLD)

7.2 Procedures

- (a) Appropriate Interactions with Young People Procedure
- (b) Conflict of Interest Procedure
- (c) Complaints Management Procedure
- (d) Criminal History Checks - Procedure
- (e) Employee Performance Review and Future Development Procedure
- (f) Disciplinary Procedure.
- (g) Incident Reporting and Incident Investigation Procedure
- (h) Privacy Procedure
- (i) Recruitment and Selection Procedure

7.3 Forms

- (a) Agreement to Comply with Child Protection Risk Management Strategy and Procedure Education Services
- (b) Carinity Incident Report Form
- (c) Child Protection Reporting Form Education Services
- (d) Allegation of Inappropriate Behaviour by an Employee Form

7.4 Internal Documents

- (a) Carinity Code of Conduct
- (b) Employee Guidelines for Education and Training Centres
- (c) Volunteer Guidelines