

<b>Governing Body</b>	The Baptist Union of Queensland Carinity		
<b>Responsible Persons</b>	Office of Chief Executive Officer Executive Manager Education Services State Manager Community Services		
<b>Establishment Date</b>	12/03/2012	<b>Review Cycle</b>	Annual
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## 1 POLICY

The purpose of this policy is to:

- Provide a written statement regarding Carinity's commitment to the safety, wellbeing and the protection of children;
- Provide written processes about how Carinity will respond to disclosures of harm or suspected harm of a child;
- Provide written processes for handling allegations of 'inappropriate behaviour' towards a child by a person who is a Carinity worker;

- Outline the responsibilities of Carinity staff members who are 'mandated notifiers' in relation to reporting that a child may be in need of protection as a result of significant physical or sexual abuse;
- Outline procedures for handling breaches of Carinity Child Protection Risk Management Strategies;
- Ensure compliance with legislative requirements relating to child protection; and
- Ensure the privacy and confidentiality of children is maintained.

## 2 SCOPE

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This policy applies to members of the Carinity workforce that provide care to children, and students within it schools.

It applies to 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 Carinity as well as students within Carinity Schools, and clients within Carinity services, and covers information about the reporting of harm and abuse.

This policy should be read in conjunction with the *Child Protection Risk Management Strategy* documents, *Code of Conduct*, *Appropriate Interactions with Young People*, *Employee Guidelines* and *Volunteer Guidelines*.

## 3 POLICY STATEMENTS

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- Carinity will protect children and students who are part of or use our services from harm as far as it is reasonably practicable and is committed to actively promoting child safety and the well-being of children.
- Carinity recognises that children, including those with disabilities have the same right to be supported in a way that is in their best interests.
- Carinity recognises that people who are subject to abuse are harmed by it.
- Carinity recognises that sexual acts by an adult worker with a child will always be considered an act of sexual abuse.
- When Carinity receives any information alleging 'harm' to a child, it will be dealt with in accordance with the Child Protection Risk Management Strategy for Schools, and the Child Protection Risk Management Strategy for Youth and Community Services.
- Carinity will maintain written processes about the health and safety of its staff and clients (including students within its Schools) in accordance with relevant health and safety legislation.
- All workers will ensure that their behaviour towards and relationships with children reflect proper standards of care for children.
- Carinity will ensure proper, fully informed delegation 'Under section 366 B of the Education (General Provisions) Act 2006, of the directors' function under section 366 A from the Board of Queensland Baptists (as the Governing Body of Carinity Schools), to appropriately qualified individuals within Carinity Executive – ordinarily the Executive Manager Education Services and the Carinity Chief Executive Officer.'

## 4 CARINITY STATEMENT OF COMMITMENT

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## STATEMENT OF COMMITMENT TO PROTECT CHILDREN

Carinity is committed to the safety and wellbeing of children. As part of that commitment, Carinity has implemented a Statement of Commitment to Protect Children.

We endeavour to provide safe and supportive service environments for children and to protect them from potential harm.

Our values, applied to the care and protection of children, are:

**COMPASSION** – We uphold the dignity of every child in a safe and nurturing environment. We listen to them, and seek to understand and address their vulnerabilities.

**RESPECT** – We value the uniqueness of each child and their right to feel safe and protected from harm in a welcoming environment that respects their individual culture and differences.

**EXCELLENCE** – We strive to provide outstanding services in the best interests of children. We use nurturing relationships to address developmental needs and integrate specialist therapeutic interventions with everyday care leading to hope and healing.

**ACCOUNTABILITY** - We take responsibility for our decisions, behaviours and actions, holding each other accountable to ensure a child-safe environment.

**TEAM WORK** - We work together to create a safe and welcoming space where we strengthen and develop each child's skills, confidence and relationships so that they may reach their full potential.

**ENGAGING POSITIVELY** - We each contribute to the creation of a caring, welcoming and inclusive workplace culture that values children and protects children from harm.

**It is the responsibility of ALL workers to ensure that they and their co-workers adhere to our Carinity Child Protection Risk Management Strategy Procedures. Failure to do so may result in disciplinary action.**

A handwritten signature in black ink, appearing to read "A. Campbell", is positioned above a horizontal dotted line.

Chief Executive Officer

An outreach of  Queensland Baptists

## 5 DEFINITIONS

**Allegation:** Means a claim or assertion, without definitive proof that a wrongdoing (i.e. abuse or grooming of a child) has happened or is likely to happen.

**Child:** (Section 8 of the Child Protection Act 1999) A person under 18 years of age .

**Child abuse:** Is physical abuse, sexual abuse, emotional abuse and/or neglect of a child.

**Child in need of protection** (Section 10 of the Child Protection Act 1999) is a child who:

- Has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- Does not have a parent able and willing to protect the child from the harm.

A parent may be unable to protect the child from harm due to ill health or being a victim of domestic violence.

A parent may be unwilling to protect the child from harm due to choosing an ongoing relationship with a person who is harming their child.

**Child protection:** Is an activity or strategy for the purpose of preventing or responding to a specific incident of child abuse.

**Child sexual abuse:** Occurs when an adult or stronger child uses their power or authority to involve a child in a sexual activity. Sexual abuse can be physical, verbal or emotional and can include but is not limited to the following:

- kissing or holding a child in a sexual manner
- exposing a sexual body part to a child
- having sexual relations with a child
- talking in a sexually explicit way that is not age or developmentally appropriate
- making obscene phone calls or remarks to a child
- sending obscene mobile text messages or emails to a child
- fondling a child in a sexual manner
- persistently intruding on a child's privacy
- penetrating the child's vagina or anus
- oral sex
- rape
- incest
- showing pornographic films, magazines, internet sites or photographs to a child
- having a child pose or perform in a sexual manner
- forcing a child to watch a sexual act
- child prostitution.

Child sexual abuse may also be suspected based on a child displaying sexualised behaviour which is considered outside the range of age-appropriate sexualised behaviours.

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 significant disparity between the relevant person and the other person in intellectual capacity or maturity.

**Disclosure:** When someone, including a child, tells another person about child abuse that has happened or is likely to happen.

**Emotional/psychological abuse:** Examples include rejection, hostility, and teasing/bullying, yelling criticism, exposure to domestic and family violence. The harm to the child may have a cumulative effect and/or be observable in behaviours such as severe anxiety, depression, withdrawal, indicators of inappropriate attachment or bonding, self-harming behaviour or aggressive behaviour towards others.

**First Person:** The staff member who reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years attending the school has been sexually abused by another person or is likely to be sexually abused by another person.

**Grooming:** Is actions by an adult, adolescent or child to develop opportunities to sexually offend against a child.

**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.

**Immediately:** Without unreasonable delay.

**Inappropriate behaviour:** Includes but is not limited to any behaviour of an unacceptable or unprofessional nature, between children and staff or volunteers, including words, that is contrary to what is required by the Carinity Code of Conduct, Appropriate Interactions with Young People Procedure and contractual obligations.

**Manager:** Refers to managing party; i.e. manager, supervisor, principal etc.

**Mandatory Reporter:** Sections 13E and 13F of the Act specify certain professionals who must report a reasonable suspicion that a child may be in need of protection as a result of significant physical or sexual abuse. Mandatory reporters include doctors, registered nurses, approved teachers, certain police officers, officers of the Public Guardian, employees of DCSYW and employees (if 18 or over) of approved Early Childhood Education and Care services or approved provider. An employee could be an educator or the nominated supervisor.

**Neglect:** Examples of neglect include providing unhygienic or unsafe housing, failing to seek medical treatment when required, insufficient supervision, providing insufficient food, clothing or bedding. It can also include failing to act protectively in response to another person's actions (e.g. allowing a convicted child sex offender to have unsupervised contact with a child).

**Parent of a child:** Means each of the following persons:

- (a) the child's mother or father;
- (b) a person in whose favour a residence order or contact order for the child is in operation under the *Family Law Act 1975* (Cwlth);
- (c) a person, other than the chief executive, having custody or guardianship of the child under—
  - (i) a law of the State, other than this Act; or
  - (ii) a law of another State;

(d) a long-term guardian of the child;

(e) a permanent guardian of the child. (*Child Protection Act 1999*).

**Physical abuse of a child:** Is the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, punching, hitting, beating, kicking, biting, burning, shaking, throwing, strangling, drowning, using a weapon to inflict punishment and poisoning.

**Reasonable suspicion:** Means a suspicion that would be formed by a reasonable person based on evidence (specific facts or circumstances) available to them. Child abuse may be reasonably suspected if:

- observations or reports of behaviour of another person, or material related to another person, are consistent with the definition of child abuse; and/or
- observations of the behaviour of a particular child, or knowledge of the child, generally lead them to suspect that abuse may be occurring; and/or
- physical injuries are observed, which could be reasonably attributed to abuse.

**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.

**Respondent:** Is a staff member, volunteer, or other member of the Carinity community who is the subject of an allegation or reasonable suspicion of causing harm to a child.

**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:

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 significant disparity between the relevant person and the other person in intellectual capacity or maturity.

**Risk Management Strategy:** Means a written strategy required to be developed and implemented.

**Staff Member:** A Carinity employee.

**Student:** Is any person who is enrolled at a Carinity School and includes a "relevant person" for the purposes of mandatory reporting under sections 366 and 366A of the Education (General Provisions) Act 2006.

**Student Protection Contact (SPC):** Person nominated in each school in compliance with the Education (Accreditation of Non-State Schools) Regulation 2017 (section 16[3]) to whom a student can report behaviour by a staff member that the student considers inappropriate.

**Teacher:** means an approved teacher under the Education (Queensland College of Teachers Act 2005 employed at a Carinity School.

**Visitor:** Any person other than a staff member or student, who, on a one-off or regular basis visits a Carinity school or has contact with students off-site or online to provide services to a Carinity School (e.g. volunteers, external contractors, guest speakers).

**Worker:** Refers to all members of the Carinity workforce, that is employees, volunteers, students, trainees, independents contractors and subcontractors.

## 6 RESPONSIBILITIES

### 6.1. The Chief Executive Officer

Is responsible for:

- Oversight of the development and implementation of this policy and related strategy; and
- Reporting on child protection at Carinity services.

### **6.2. Executive Management**

Is responsible for:

- Oversight of the development and implementation of this policy and related strategy;
- Ensuring compliance with all relevant legislation.

### **6.3. Managers**

Are responsible for:

- Providing and maintaining services that are delivered in accordance with legislation, this policy and all other Carinity Policies and Procedures including *Child Protection Risk Management Strategy, Code of Conduct, Appropriate Interactions with Young Children, Employee Guideline Handbook and Volunteer Guidelines*.

### **6.4. Workers**

Are responsible for:

- Delivering services to young people and children within a culturally appropriate, safe and supportive environment in accordance with their care plan and following legislation, this policy and all other Carinity Policies and Procedures including *Child Protection Risk Management Strategy, Code of Conduct, Appropriate Interactions with Young People, Employee Guideline Handbook and Volunteer Guidelines*.

## **7 LEGISLATIVE OBLIGATIONS**

Carinity is committed to complying with the obligations imposed on Carinity under all legislation relevant to maintaining and protecting individuals, including but not limited to the:

- Child Protection Act 1999 (Qld)
- Child Protection Regulation 2011 (Qld)
- Child Protection Reform Amendment Act 2017
- Criminal Code Act 1899 (Qld)
- Education (General Provisions) Act 2006 (Qld)
- Education (General Provisions) Regulation 2017 (Qld)
- Education (Queensland College of Teachers) Act, 2005 (Qld)
- Education (Accreditation of Non-State Schools) Act 2017 (Qld)
- Education (Accreditation of Non-State Schools) Regulation 2017
- Human Rights Act 2019 (Qld)
- National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018
- Work Health and Safety Act 2011 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)
- Working with Children (Risk Management and Screening) Regulation 2020 (Qld)
- (Qld) Education Services for Overseas Students (ESOS) Act 2000 (Cth) Education (Overseas Students) Act 1996 (Qld)

## 8 RELATED DOCUMENTATION

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### 8.1. Policies

- (a) Feedback & Complaints Policy & Procedure
- (b) General Employment Policy
- (c) Privacy Policy
- (d) Recruitment and Selection Policy
- (e) Statement of Commitment to Protect Children
- (f) Volunteer Management Policy
- (g) Workplace Health & Safety Policy

### 8.2. Procedures

- (a) Appropriate Interactions with Young People Procedure
- (b) Blue Card Services Application Procedure
- (c) Child Protection Risk Management Strategy for Community Programs
- (d) Child Protection Risk Management Strategy for Carinity Education Services
- (e) Conflict of Interest Procedure
- (f) Criminal History Screening Checks Procedure
- (g) Disciplinary Procedure
- (h) Incident Management Procedure
- (i) NDIS Worker Screening Clearance Procedure
- (j) Privacy Procedure
- (k) Recruitment and Selection Procedure
- (l) Volunteer Management Procedure

### 8.3. Forms

- (a) Allegation of Inappropriate Behaviour by a Staff Member Form
- (b) Agreement to Comply with Child Protection Risk Management Strategy for Education Services
- (c) Agreement to Comply with Child Protection Risk Management Strategy for Community Services
- (d) Critical /Non Critical Incident Report Form (On Track)
- (e) Carinity Incident Report Form
- (f) Child Protection Reporting Form Education Services
- (g) Minutes of Quarterly Child Protection Meeting Template

### 8.4. Internal Documents

- (a) Carinity Code of Conduct
- (b) Employee Guidelines
- (c) Position Descriptions
- (d) Volunteer Guidelines

### 8.5. External Documents

- (a) The Queensland 'Child Protection Guide' (Online Tool)
- (b) Child and Youth Risk Management Strategy

- (c) National Principles for CHILD safe Organisations
- (d) NDS Zero Tolerance Initiative