


CHILD PROTECTION POLICY

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Name	Position	Signature	

1. PURPOSE

The purpose of this Policy is to outline how Speech & Language Development Australia (SALDA) and its various business units will respond to harm, or allegations of harm, to students under 18 years old, and the appropriate conduct of TGS staff and students, to comply with accreditation requirements.

2. SCOPE

This Policy applies to students, employees, contractors, volunteers and agents of SALDA, persons undertaking work experience or vocational placements, and the SALDA Board.

3. REFERENCES

- Child Risk Management Strategy
- Complaints Resolution Policy
- *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 2011 (Qld)*
- Report of Suspected Harm or Sexual Abuse Form

4. 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
 - b) sexual abuse or exploitation.
3. Harm can be caused by—
 - a) a single act, omission or circumstance
 - 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
- 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.

5. POLICY

5.1 Health and Safety

SALDA has written processes in place about the health and safety of its staff and students in accordance with relevant workplace health and safety legislation.

5.2 Responding to Reports of Harm

When SALDA receives any information alleging 'harm'¹ to a child or young person (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 organisation’s Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy².

5.3 Conduct of Staff

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.

¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(7)*

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

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

5.4 Reporting Inappropriate Behaviour

If a child or young person considers the behaviour of a staff member to be inappropriate, they should report the behaviour to a member of staff or management.

5.5 Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the TGS Principal/Chief Executive Officer (CEO). Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform the CEO, who shall also advise the Chair of the Board⁴. Reports will be dealt with under the Complaints Resolution Policy.

5.6 Reporting Sexual Abuse⁵

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 SALDA, that any of the following have 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 section 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/CEO or to the Chair of the Board immediately.

The Principal/CEO or the Chair of the Board 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 Principal/CEO, they 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 Chair of the Board.

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

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

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

- iii. the identity of anyone else who may have information about the abuse or suspected abuse⁶.

5.7 Reporting Likely Sexual Abuse ⁷

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 pre-preparatory aged child registered in a pre-preparatory 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
 - 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/CEO or to the Chair of the Board.

The Principal/CEO or the Chair of the Board must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the Principal/CEO, they must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to the Chair of the Board.

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 abuse⁸.

5.8 Reporting Physical and Sexual Abuse ⁹

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: -

⁶ *Education (General Provisions) Regulation 2017 (Qld) s.68*

⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.69*

⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2) (d)*

- a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse
- 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 Child Safety, Youth and Woman (or another department administering the *Child Protection Act 1999*). The doctor, nurse or teacher should give a copy of the report to the Principal/CEO.

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

- a) state the basis on which the person has formed the reportable suspicion
- b) include the information prescribed by regulation, to the extent of the person's knowledge¹⁰.

5.9 Awareness

SALDA will inform staff, children/young people 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 website¹¹.

5.10 Accessibility of Processes

Processes relating to the health, safety and conduct of staff and students are accessible on the SALDA website and will be available on request from administration.¹².

5.11 Training

SALDA will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹³. Training attendance will be recorded and monitored through the SALDA Human Resources Information system. Visitors and contractors will be made aware of processes relating to the health, safety and conduct expectations through the sign in process.

5.12 Implementing the Processes

SALDA will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually¹⁴.

5.13 Complaints Procedure

Suggestions of non-compliance with SALDA processes may be submitted as a complaint under the Complaints Resolution Policy.¹⁵

6. REVIEW

6.1 This policy is due to be reviewed annually.

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

¹¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*