
Child Protection Policy

Purpose of the Policy

The purpose of this policy is to provide written processes about the appropriate conduct of Caboolture Montessori School staff and students that accord with legislation applying in Queensland about the care and protection of children.

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 Caboolture Montessori School and covers information about the reporting of harm and abuse.

Responsibility

School Board

Point of Contact

Principal

Definitions

A **child** is a person under 18 years of age.

A **student** is any person regardless of age who is enrolled at the school.

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.

Legislation

- [Child Protection Act 1999 \(Qld\)](#)
 - [Child Protection Reform Amendment Bill 2016 \(Qld\)](#)
 - [Education \(General Provisions\) Act 2006 \(Qld\)](#)
 - [Education \(General Provisions\) Regulation 2006 \(Qld\)](#)
 - [Education \(Accreditation of Non-State Schools\) Act 2001 \(Qld\)](#)
 - [Education \(Accreditation of Non-State Schools\) Regulation 2001 \(Qld\)](#)
 - [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)
 - [Working with Children \(Risk Management and Screening\) Regulations 2011 \(Qld\)](#)
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Policy

Principles

The Caboolture Montessori School will uphold the following principles under this Policy:

- Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential.
- The Caboolture Montessori School recognises that people who are subjected to abuse are harmed by it.
- At the Caboolture Montessori School, the welfare and best interests of the child will always be a primary consideration.
- The Caboolture Montessori School expects our students to show respect to our staff and volunteers and to comply with safe practices.
- All employees must ensure that their behaviour towards and relationships with students reflect proper standards of care for students, and are not unlawful.
- Sexual acts by an adult employee or volunteer with a student who is a child will always be sexual abuse.
- The Caboolture Montessori School will respond diligently to a report of suspected or actual harm, or risk of harm to a student.
- Reprisals against students or others making a complaint will not be tolerated.
- Student management practices will be administered with respect and in a manner which maintains the student's dignity.
- The Caboolture Montessori School will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct.
- The Caboolture Montessori School will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a student.
- Anybody within the Caboolture Montessori School who becomes aware or reasonably suspects that a student is being harmed must report it to the School in accordance with the School's Procedures for Reporting Harm.
- The Caboolture Montessori School will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others.
- The Caboolture Montessori School will not permit people to work in a position if the School believes on the basis of all information available that, if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.

The Caboolture Montessori School will cooperate with state authorities in resolving allegations of harm.

Guidelines

In complying with these principles, the Caboolture Montessori School will be guided by the following.

Natural Justice

The principles of natural justice will apply to decisions to be made under this Policy. The two fundamental principles of natural justice are:

- That those making a decision are not biased.
- That nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

Process

It is important to make the lodging of a complaint easy.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. The Caboolture Montessori School is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions arising from the Policy and to produce documents.

Criminal Law

Where there are allegations of criminal misconduct, the allegations should be referred to the police. The Principal must refer all allegations of paedophilia to the police, including those from the past.

Defamation

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

Promptness

All steps under the Policy should be carried out promptly. The School will keep the victim and the alleged perpetrator informed of progress.

Protection

The Principal will ensure that the following are undertaken in order to reduce the chance of abuse occurring:

- Ensure that each staff member understands and fulfils their obligations under this Policy.
- Ensure that there is an acceptable reference for each staff member engaged since the commencement of this protocol, from their previous employer.
- Ensure that each non-teaching staff member and volunteer who has contact with children has a current positive prescribed notice issued by the Commissioner for Children and Young People and Child Guardian.
- Ensure that each teaching staff member is a Registered Teacher.

Support

The School will provide support for the victim through professional counselling if it is requested, even if any allegation is not yet proved or disproved. The School will support the respondent to a complaint with professional counselling if it is requested until the matter has been resolved.

Interviews

There will be two representatives of the School present at interviews, where practical. In cases of allegations of serious harm we will interview a student who is a child with a properly qualified person to conduct the interview.

Teachers

If a respondent to an allegation is a registered teacher, the School will give notification to the College of Teachers, if required to do so under the Education (Queensland College of Teachers) Act, 2005 (Qld).

Public Relations

The Principal will ensure that the School is able to react quickly to allegations of harm so that accurate and relevant information is available for staff members, students and their families and for the media.

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. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

Insurer

The School will keep its insurer informed about developments.

Publication

The Principal will ensure that this policy is published:

- to staff members generally, at least once each year
- to each new staff member, on induction
- by reference to it in the Parent Handbook

The Principal will ensure that a copy of the policy is always available from the school's administration.

Review

The School will ensure that this Policy is reviewed at least once every two years.

Dealing With Allegations of Harm**Suspicion of harm**

You have 'reasonable grounds' to suspect harm if:

- A child or young person tells you they have been harmed,
- Someone else, for example another child, a parent, or staff member, tells you that harm has occurred or is likely to occur,
- A child or young person tells you they know of someone who has been harmed (it is possible they may be referring to themselves),
- You are concerned at significant changes in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries, or
- You see the harm happening.

Disclosures of harm may sound like:

- “I think I saw ...”
- “Somebody told me that ...”
- “Just think you should know ...”
- “I’m not sure what I want you to do, but ...”

Any disclosure of harm is important and must be acted upon, regardless of whether:

- The harm to a child or young person has been caused by a person from within or outside your organisation, or
 - The child or young person disclosing the harm to you is from within or outside your organisation.
- It is crucial to have procedures in place so any disclosure from an adult, child or young person is dealt with efficiently and effectively.

What to do when a disclosure is made:

- Don’t panic,
- Find a private place to talk,
- Listen,
- Believe the person, and
- Don’t ask leading questions.

Procedures for Reporting Harm

Reporting Sexual Abuse¹

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 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 or to a director of the school’s governing body immediately.

The school’s Principal or the director of the school’s governing body 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 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 a director of the school’s governing body.

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;

¹ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

- iii. the identity of anyone else who may have information about the abuse or suspected abuse².

Reporting Likely Sexual Abuse³

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 or to a director of the school's governing body immediately.

The school's Principal or the director of the school's governing body must immediately give a copy of the report to a police officer.

If the first person who 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 a director of the school's governing body.

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 abuse⁴.

Reporting Physical and Sexual Abuse

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 regulation⁵, to the extent of the person's knowledge⁵.

² *Education (General Provisions) Regulation 2006 (Qld) s.68*

³ *Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) s.10(5)(a)*

⁴ *Education (General Provisions) Regulation 2006 (Qld) s.68A*

Actions Required:

Subject	If	Then
Reporting harm (<i>Accreditation Regulation s.10</i>)	You as a student are aware or reasonably suspect that harm has been caused by anyone to a student of the school who was under 18 at the time.	<ul style="list-style-type: none"> report it to any staff member
	You are a staff member and you are aware or reasonably suspect that harm has been caused by anyone to a student of the school who was under 18 at the time.	<ul style="list-style-type: none"> report it to the principal keep a written record of your actions
	You are the Principal and you receive a report of harm or suspected harm to a student of the school; and you are aware of the harm having been caused or you reasonably suspect the harm to have been caused.	<ul style="list-style-type: none"> report it to the police or the Department of Child Safety keep a written record of your actions
Reporting inappropriate behaviour (<i>Accreditation Regulation s.10</i>)	You are a student and you wish to report behaviour by a staff member that you consider inappropriate.	<ul style="list-style-type: none"> report the behaviour to the Principal
	If the subject of the report of inappropriate behaviour is the principal	<ul style="list-style-type: none"> report the behaviour to a member of the school's governing body
Reporting inappropriate behaviour (<i>Accreditation Regulation s.10</i>) (continued from above)	You, the Principal, receive the report under the preceding step.	<ul style="list-style-type: none"> interview the student interview the staff member named in the report interview any other person who may be able to provide useful information report your findings to the principal, if you are the Dean of Students, with your recommendation for action to be taken as principal take action on the basis of the report
Reporting Sexual Abuse (<i>Education (General Provisions) Act s.146B</i>)	You are: a staff member; and aware or you reasonably suspect that an employee of the school has sexually abused a student of the school who was under 18 at the time	<ul style="list-style-type: none"> give a written report about the abuse to the Principal or a member of the board of directors immediately contents of the written report are prescribed by regulation made under the Education (General Provisions) Act
	You, the Principal, or a member of the board of directors, receive a report under the preceding step	<ul style="list-style-type: none"> give a copy of the report to a police officer immediately

Harm Not Covered by Specific Legislation**Bullying and Harassment**

During their schooling, students may be at risk of harm through bullying and harassment, although, in most cases, harm of this nature is not required to be reported to external authorities, unless it involves criminal behaviour or is harm under the definitions supplied in this policy. The Child Protection Policy should be read in conjunction with the Caboolture Montessori School Anti-bullying and Sexual Harassment policies.

Self-harm

Self-harm may occur with or without suicidal intent; or may be symptomatic of, or associated with, a known medical condition or intellectual disability.

⁵ *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

Self-harm with suicidal intent

Youth suicide rates in Australia are among the highest in the industrialised world. Common risk factors include:

- previous attempts at suicide (most powerful risk predictor);
- depression;
- drugs and alcohol abuse;
- conduct disorder;
- disruptive and unsupportive family background;
- relationship conflicts;
- poor coping skills;
- psychiatric illnesses;
- ready availability of lethal means to commit suicide;
- copycat behaviour after an incident of self-harm by another person.

Other risk factors include:

- recent bereavement;
- chronic physical illness;
- anniversary phenomenon (of past losses or major life events);
- early loss experiences;
- school failure;
- perfectionism and overachievement as a result of students having high expectations of themselves.

Threats of self-harm by a student should be taken seriously and reported to the school counsellor and Principal immediately. It is much safer to be cautious and act on the concern, than to do nothing.

An employee who becomes aware of, or suspects, a student is experiencing significant psychological distress, should consult the school counsellor, or school based nurse (where applicable) for further advice and report the information to the Principal.

In the case of an acutely distressed student, the immediate safety of the child is paramount. An employee should ensure the immediate safety of the student, arrange for an adult to be with the student at all times and then report concerns to the Principal and the school counsellor. Employees should note, that while it is important to support a student, they should be careful not to substitute support for professional help.

Following a report, the school counsellor will meet with the distressed student, on the day of the report, to conduct an initial assessment and determine an appropriate course of action. In cases of serious concern, the Principal, or counsellor under the direction of the Principal, will notify the student's parents and make arrangements for access to professional assistance.

Self-harm without suicidal intent

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; cutting/burning oneself.

All school employees are expected to act to prevent all high risk behaviours occurring within the school, and support any other interventions undertaken to reduce the risk of such behaviours occurring outside the school.

Employees who are aware that a student is engaging in, or is at risk of engaging in, high risk activities should consult with the school counsellor for further advice and report their concerns to the Principal.

Following a report, the Principal will consult with the student counsellor to determine what course of action should occur. Possible actions include:

- contacting parents
- arranging professional assistance
- consulting with the local office of the Department of Child Safety
- contacting the police, where appropriate

Self-harm as a symptom of a medical condition or intellectual disability

Where it is known that a student has a propensity to engage in self-harm that is symptomatic or associated with a known medical condition or intellectual disability, the school Principal, in cooperation with other qualified school staff and external treating professionals (where applicable) will devise an individual program of management to prevent or reduce the likelihood of the student engaging in self-harm at school.

The program will complement any other management procedures adopted outside the school setting to address the self-harm behaviour.

The program of management will be monitored on an on-going basis and modified as appropriate to maximise socially adaptive behaviour.

Communication

The Accreditation legislation applying to non-state schools states that it is a responsibility of the School/Board to demonstrate how it implements the processes it has in place about the health and safety of its staff and students. This includes evidence that the processes are:

1. readily accessible by staff and students; and
2. provide for how staff and students are to be made aware of the processes.

While the legislation does not specifically require that parents be made aware of the school's Child Protection Policy, the Caboolture Montessori School supplies this information to parents via the Parent Handbook.

Information Leaflet for Parents:

Child Protection at the Caboolture Montessori School

The Caboolture Montessori School recognises that protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential. For this reason the welfare and best interests of the children within our School will always be a primary consideration.

We expect our students to show respect to our staff and volunteers and to comply with safe practices and we expect all employees to ensure that their behaviour towards and relationships with students reflect proper standards of care for students, and are not unlawful. The School will respond diligently to a report of suspected or actual harm, or risk of harm to a student.

What does the School mean by harm?

Recent Queensland legislation defines harm as:

- any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:
- Physical, psychological or emotional abuse or neglect;
- Sexual abuse or exploitation; or
- Domestic or family violence.

How does the School protect students from harm?

The CMS has a comprehensive Child Protection Policy, which covers the actions to be taken if a member of staff or a parent of the school becomes aware or reasonably suspects that harm has been done to a student of the school by other staff, people outside the school or by other students.

What should you do if you become aware or reasonably suspect that harm has been caused to a student of the school by a member of staff, someone outside of the school or by other students?

You should report your concerns to the Principal or Deputy Principal or to any other member of school staff.

What will happen next?

If you report your concerns to a member of staff other than the Principal, the member of staff will document and report it to the Principal immediately, or if the subject of the complaint is the Principal then the member of staff will report to the President of the MBMA Management Committee.

What will the Principal or the President do?

If the Principal or President receives a report of harm or suspected harm to a student of the school; and he/she becomes aware of the harm having been caused or reasonably suspects the harm to have been caused then it will be reported to police immediately if the harm relates to sexual abuse; or to the Department of Child Safety if appropriate; or it may be dealt with internally if the matter does not require mandatory reporting to an outside body.

What happens about confidentiality?

Your report will be treated in a confidential manner and with respect. Knowledge of it will be limited to the Principal and those directly involved. The President may also need to be informed. It is the school's policy that confidentiality between the school and parents will be respected as much as possible and any concerns raised by parents will not rebound adversely on their children.

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. However, the school is unable to promise absolute confidentiality since the steps of the Policy will require disclosing, internally and externally, certain details involved in responding to the report. State authorities can compel people to give evidence about actions under the Policy and to produce documents. You would be fully informed if information you provided were to be passed on to a third party.

Any action, which needed to be taken under staff disciplinary procedures as a result of an allegation not requiring police intervention, would be handled confidentially within the school.

How will the School help my child?

The Principal will ensure that the following things are done to reduce the chance of harm occurring:

- Ensure that each staff member understands and fulfils their obligations under this Policy and the Policy for reporting abuse.
- Ensure that there is an acceptable reference for each staff member engaged since the commencement of this protocol, from his or her previous employer.
- Require all members of academic staff to be registered or provisionally registered with the College of Teachers (formally Board of Teacher Registration), or to have received special dispensation from the College.
- Require all non-teaching members of staff and all volunteers and contractors (including Board members), to hold a current Blue Card.
- In some cases, deemed appropriate by the School, paid or unpaid employees who work with children but are not required to hold a blue card (e.g. a parent volunteer) may be asked to consent to a criminal history check through the Queensland Police Service.
- Ensure that where volunteer parents are working with children, it will always be in the presence of academic or non-teaching staff who are cleared to work with children.

If the Principal receives a report of harm to your child, he/she will support the child by:

- responding rapidly and diligently to the report;
- reassuring the student;
- protecting the child's confidentiality as much as possible;
- offering continuous support, and providing counselling if requested.

What should I do if I require more information?

The School's complete Child Protection Policy is available at the school administration. Parents and students may have access to this policy at any time. You may also make an appointment to discuss the policy with the Principal if you wish to clarify any matters.

The following government documentation is also available:

- [Child Protection Act 1999 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(General Provisions\) Regulation 2006 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Act 2001 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Regulation 2001 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Regulations 2011 \(Qld\)](#)

Information Leaflet for Students:

Every student has the right to feel safe and free from harm while at school. We expect you to respect your teachers and other students and we expect that you will receive the same respect in return. You should never allow yourself to feel unsafe without reporting it to someone you trust.

Who should I tell if I am not feeling safe at school or at home?

Any staff member. If you do not feel like talking to a member of staff you may like to write him or her letter.

What will happen if I report what is happening to a member a staff?

If the concern is worrying you but not causing you immediate harm, then the member of staff will discuss with you ways to solve your problem. If the concern is serious and the member of staff believes that you are being harmed or in danger of being harmed, he or she will report it to the Principal.

What if I don't want the member of staff to tell the Principal?

The member of staff will try to keep your concerns confidential as much as possible. However, if the member of staff is aware or reasonably suspects that harm has been caused by anyone to a student of the school then the law says that the matter must be reported to the Principal and it may have to be reported to the Police. If the staff member has no choice about reporting what you have told them to some-one else he or she will explain to you exactly what will happen next.

Remember the most important thing is that you feel safe and free from harm. You must tell someone if you are being harmed or are afraid that you will be harmed.

Policy Release Details

Date of Policy
February 2017

Review Date
Annually

Supersedes
Child Protection Policy V2.0

Approved by Principal

Signature Date/...../.....

Approved by Board

Signature  Date ...23.../...Aug.../..17...

Related Policies and Documents

- Child Protection Compliance Policy
- Anti-bullying policy
- Sexual Harassment policy

Policy Distribution

Restrict Distribution – Internal Use Only	<input type="checkbox"/>	(reason) _____
Immediate Parent Email Distribution	<input type="checkbox"/>	Date completed: _____
Immediate Staff Email Distribution	<input type="checkbox"/>	Date completed: _____
Staff Training Required	<input type="checkbox"/>	Date completed: _____
Intranet	<input checked="" type="checkbox"/>	
Staff Manual	<input type="checkbox"/>	
Include in Staff Induction Training	<input type="checkbox"/>	
Parent Lounge	<input checked="" type="checkbox"/>	
Parent Manual	<input type="checkbox"/>	
Website (public)	<input type="checkbox"/>	
Other (provide details)	<input type="checkbox"/>	_____