

CHILD PROTECTION POLICY

## PURPOSE OF POLICY

The purpose of this policy is to provide written processes about how Balance Foundation Ltd. will respond to harm, or allegations or harm, to students under 18 years.

## 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 Balance Foundation Ltd. 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)*](https://www.google.com.au/url?sa=t&rct=j&q&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwibjaWvjczYAhXLTbwKHcKkCTIQFggnMAA&url=https%3A%2F%2Fwww.legislation.qld.gov.au%2Fview%2Fhtml%2Finforce%2Fcurrent%2Fact-1999-010&usg=AOvVaw2dnWAhnED8iBUxy1j2kwbn)

[*Working with Children (Risk Management and Screening) Regulations 2020 (Qld)*](https://www.legislation.qld.gov.au/view/pdf/asmade/sl-2020-0131)

 [Qld Child Protection Guide](https://secure.communities.qld.gov.au/cpguide/engine.aspx)

[*Work Health and Safety Act 2011 (Qld)*](https://www.legislation.qld.gov.au/legisltn/current/w/workhsr11.pdf)

**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 –
	1. physical, psychological or emotional abuse or neglect; or
	2. sexual abuse or exploitation.
3. Harm can be caused by –
	1. a single act, omission or circumstance; or
	2. 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 –

* 1. has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
	2. does not have a parent able and willing to protect the child from the harm.

**Section 13E of the *Child Protection Act 1999* - “Mandatory reporting by persons engaged in particular work”** includes a:

* 1. doctor;
	2. registered nurse;
	3. an approved teacher under the Education (Queensland Organisation of Teachers) Act 2005 employed at a school;
	4. police officer who, under a direction given by the commissioner of the police service under the Police Service Administration Act 1990, is responsible for reporting under this section;
	5. person engaged to perform a child advocate function under the Public Guardian Act 2014;
	6. an early childhood education and care professional.

**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 –

* 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; and
	3. there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

**HEALTH AND SAFETY**

The Organisation 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 Organisation 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. 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 Policy.

**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 students.

**REPORTING INAPPROPRIATE BEHAVIOUR**

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

* 1. Instructor; or
	2. A member of the Board of Directors; or
	3. Master Instructor (Andrew Hooley).

# Dealing with a Report of Inappropriate Behaviour

An instructor or other member of the Balance Foundation Ltd. Community who receives a report of inappropriate behaviour must report it to a Director of the Board. The process at Balance Foundation Ltd. is to complete a ‘Report of a Student Safety Concern’. Where the Director is the subject of the report of inappropriate behaviour, the report must be submitted to a member of the organisation‘s governing body. Reports will be dealt with under the *Complaints Handling Policy and Procedure*.

**REPORTING SEXUAL ABUSE OR LIKELY 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 Organisation, that any of the following has been sexually abused by another person:

* 1. a student under 18 years attending the organisation;
	2. a kindergarten aged child registered in Martial Arts training at the organisation;
	3. a person with a disability who:
		1. under section 420(2) of the Education (General Provisions) Act 2006 is being provided with special education at the Organisation; and
		2. is not enrolled in the preparatory year at the Organisation

Then the staff member must give a written report about the abuse, or suspected abuse, to a Director of the Balance Foundation Ltd. governing body immediately. The process at Balance Foundation Ltd. is to complete a ‘Report of a Student Safety Concern’, 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 a Director of the organisation Board, they 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 organisation Board of Directors.

A report under this section must include the following particulars:

* 1. the name of the person giving the report (the first person);
	2. the student’s name and sex;
	3. details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
	4. details of the abuse or suspected abuse;
	5. any of the following information of which the first person is aware:
		1. the student’s age;
		2. the identity of the person who has abused, or is suspected to have abused, the student;
		3. 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 reasonably suspects, in the course of their employment at the organisation, that any of the following is likely to be sexually abused by another person:

* 1. a student under 18 years attending the organisation;
	2. a kindergarten aged child registered in a Tigers Martial Arts program at the organisation;
	3. a person with a disability who:
		1. under section 420(2) of the Education (General Provisions) Act 2006 is being provided with special education at the Organisation; and
		2. is not enrolled in the preparatory year at the Organisation.

Then the staff member must give a written report about the suspicion to the Organisation Principal or to a Director of the Organisation’s governing body immediately. The process at Balance Foundation Ltd. is to complete a ‘Report of a Student Safety Concern’,

If the first person who reasonably suspects likely sexual abuse is the Organisation 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 Organisation Director.

A report under this section must include the particulars:

* 1. the name of the person giving the report (the first person);
	2. the student’s name and sex;
	3. details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
	4. any of the following information of which the first person is aware:
		1. the student’s age;
		2. the identity of the person who is suspected to be likely to sexually abuse the student;
		3. the identity of anyone else who may have information about suspected likelihood of abuse.

**MANDATORY REPORTING OF PHYSICAL AND SEXUAL ABUSE**

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. For Balance Foundation Ltd., we include instructors, and Directors of the Board.

A **reportable suspicion** about a child is a reasonable suspicion that the child:

* 1. has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
	2. 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 Children, Youth Justice and Multicultural Affairs (or another department administering the Child Protection Act 1999) and should give a copy of the report to the Chair of the Board of Directors. The process at Balance Foundation Ltd. is to complete the online form ‘Report a Student Safety Concern’, found on the management system “White Belt”

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

* 1. state the basis on which the person has formed the reportable suspicion; and
	2. include the information prescribed by regulation, to the extent of the person’s knowledge.
	3. the child’s name and sex;
	4. the child’s age;
	5. details of how to contact the child;
	6. details of the harm to which the reportable suspicion relates;
	7. 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;
	8. particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

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:

* 1. 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;
	2. 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);
	3. for the relevant person to make a report or keep a record about giving a report;
	4. for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.

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://www.csyw.qld.gov.au/about-> [us/partners/child-family/our-government-partners/queensland-child-protection-guide](https://www.csyw.qld.gov.au/about-us/partners/child-family/our-government-partners/queensland-child-protection-guide))
	+ 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.

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 organisation 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).

**AWARENESS**

The Organisation 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 website.

The Organisation Board of Directors ensures that staff, students and parents/guardians are made aware of the organisation’s child protection processes by way of publishing this policy in the Student Handbook, online portal, and on the Organisation website.

**ACCESSIBILITY OF PROCESSES**

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

**TRAINING**

The organisation will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually**.** The organisation Board of Directors ensures that all staff are trained in implementing the child protection processes 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 organisation will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually.

**COMPLAINTS PROCEDURE**

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