



TOWNSVILLE GRAMMAR SCHOOL

CHILD PROTECTION POLICY

Purpose	The purpose of this policy is to provide written processes about: a) How the school will respond to harm, or allegations of harm, to students under 18 years. b) The appropriate conduct of the School's staff and students.		
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 Townsville Grammar School and covers information about the reporting of harm and abuse.		
References	<ul style="list-style-type: none">• 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 2020 (Qld)• Criminal Code Act 1899 (sections 229BB and 229BC)• Townsville Grammar School Communications, Concerns & Complaints Policy• Townsville Grammar School Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2000 (Qld))• Townsville Grammar School Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld))• Summary of Reporting Harm (Appendix 1)		
Review Date	Annually	Next Review Date	January 2025
Policy Owner	School Governing Body		

Policy

1. 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; 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 child 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.

2. Health and Safety

The School has written processes 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).

3. Responding to Reports of Harm

When the 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. This is set out in the School's Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy.

4. 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.

5. Reporting Inappropriate Behaviour

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

Child Protection Officer:

Deputy Principal, Mr Connor Barrett

Child Protection Contacts:

Head of Junior School, Mr Martin Tait

Director of Boarding, Mr Daniel Fox

Director of Enrolments, Mrs Kristell Scott

6. Dealing with Report of 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 a member of the School's governing body. Reports will be dealt with under the School's Communication, Concerns and Complaints Handling Policy.

7. 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 kindergarten aged child registered in a kindergarten 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 Trustee of the Townsville Grammar School Board of Trustees immediately. The Principal or the Trustee 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 Trustee of the Townsville Grammar School Board of Trustees.

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

8. **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 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 kindergarten aged child registered in a kindergarten 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 Trustee of the Townsville Grammar School Board of Trustees immediately. The School's Principal or the Trustee 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 and must also give a copy of the report to a Trustee of the Townsville Grammar School Board of Trustees 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 is suspected to be likely to sexually abuse the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse.

9. Reporting 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 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.

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, teacher or early education and care professional 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, teacher or early education and care professional should give a copy of the report to the Principal.

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reportable suspicion;
- b) the child's name, age and sex descriptor;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) 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;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

The Child Safety Regional Intake Service can be contacted on 1300 706 147 (9:00am-5:00pm, Monday to Friday). Outside these hours, contact the Child Safety After Hours Service Centre on 1800 177 135.

Responsibilities under Criminal Code Act 1899 (Qld)

The *Criminal Code Act 1899* includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

Failure to Report

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. A reasonable excuse not to make a report under the Criminal Code Act 1899 includes that a report has already been made under the Education (General Provisions) Act 2006 (reporting sexual abuse or likely sexual abuse) and the Child Protection Act 1999 (reporting significant harm or risk of significant harm) as per this policy.

Failure to Protect

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

10. Awareness

The School will inform students 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 website and in the School Handbook.

The School will inform staff 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 School Handbook, the Staff Handbook, staff induction and annual staff training.

11. Training

The School will train its staff in processes relating to the health, safety and conduct of staff and students during their induction and will refresh training annually. An attendance register will be kept of all staff training.

12. Implementing the Processes

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

13. Accessibility of Processes

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

14. Complaints Procedure

Suggestions of non-compliance with the School's processes may be submitted as Complaints under the Townsville Grammar School Communications, Concerns and Complaints Policy.

Document Control – Revision History

Details of revisions	Date
Updated branding and reviewed	May 2022
Updated Reporting Physical and Sexual Abuse section, Summary of Reporting Harm (Appendix 1)	Nov 2023

Appendix 1

Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation
All staff	Sexual	Awareness or a suspicion Sexually abused or likely to be sexually abused	Principal, through to police immediately	EGPA sections 366 and 366A
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
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm; & Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulation section 16
All staff	Any	Not a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA Sections 13B and 159M
Principal	Any	Not a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA Sections 13B and 159M
Employing authority (Principal/ Board)	Harm or likely harm due to the conduct of a teacher	When you start to deal with an allegation; & When you finish dealing with an allegation	Queensland College of Teachers	QCT sections 76 and 77
Any member of the public	Any	Significant harm; & Parent may not be willing and able	Child Safety	CPA section 13A
Any adult	A child sexual offence against a child by an adult	Gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed and (b) at the relevant time, the child is or was— (i) under 16 years; or (ii) a person with an impairment of the mind.	Police	Criminal Code section 229BC