



John Paul College
Unity | Christ | Learning

John Paul College (Education and Care Service) Child Protection Policy

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Application and Purpose

John Paul College is a Christian, ecumenical, co-educational College. Our values are based on a Christian ethos and particularly emphasise the principles of Mutual Respect, Acceptance, Love, and Fairness. As a College, we retain a 'duty of care' for children enrolled or attending any of the college's Education and Care Services, and as such take steps to look after the safety, welfare and wellbeing of children.

John Paul College Ltd is the approved provider for the following three (3) Education and Care Services:

- John Paul College Early Learning Centre (ELC)
- John Paul College Kindergarten (Kindergarten)
- John Paul College Outside School Hours Care (OSHC)

For the purpose of this policy, John Paul College Ltd will be referred to as JPC or 'the College'. The Education and Care Services will collectively be referred to as ECS or individually if required as outlined above.

This policy, associated procedures and guidelines has been approved by John Paul College Ltd to ensure compliance with relevant national and state laws relating to the health, safety and welfare of children enrolled or attending a JPC ECS.

This policy and procedures outline the obligations, roles and responsibilities of staff members, volunteers and visitors to an ECS to appropriately respond to and report all reasonable suspicions, allegations, or concerns of harm of a child by another person¹ or inappropriate behaviour by a staff member, volunteer or visitor towards a child.

1. Scope

This policy and associated procedures apply to:

- the approved provider and nominated delegate;
- all ECS staff;
- Head of Primary School (approved provider delegate);
- relevant College staff (e.g. counsellor, nurse, teachers)
- people undertaking work experience or vocational placement
- volunteers (including parent volunteers); and
- visitors (including contractors),

and relate to children under the age of 18 years, as defined by the *Child Protection Act 1999* enrolled at or attending an ECS.

Policy Statement

John Paul College recognises that the safety and wellbeing of children is of paramount importance and that ECS staff and volunteers, are often well placed to identify and respond to significant concerns for a child's health, safety and/or wellbeing.

The approved provider, nominated supervisor/s, educators (mandatory reporters) will be responsive to their mandatory legislative reporting obligations and policy directions to respond when required, to protect any child who they reasonably believe has been, or is being abused or neglected, or is at risk of abuse or neglect (*NQS 2.2.3 Child Protection*). Mandatory reporters will report as required all reportable suspicions relating to physical and sexual abuse to the Department of Child Safety (*S.13E Child Protection Act 1999*.)

All staff, volunteers and visitors of an ECS will comply with policy directions and procedures to report all allegations or concerns relating to a child's health, safety or wellbeing.

All staff, volunteers and visitors of an ECS will ensure that their behaviour towards and relationships with children, reflect proper standards of care for children. Staff will take all reasonable precautions so as not to cause harm to children. Staff will not subject a child to any form of corporal punishment, or any

discipline that is unreasonable or excessive in the circumstances (*NQS 4.2.2 Professional Standards & s.166 ECS National Law (Qld)*).

The respective ECS nominated supervisor is the first point of contact for children, parents, staff, volunteers or visitors of the ECS to report and/or seek guidance with child protection concerns. In the absence of the nominated supervisor the person in day-to-day charge (Responsible Person) is the point of contact.

Children where age appropriate are encouraged to report all concerns relating to their safety including inappropriate behaviour of a staff member, volunteer or visitor towards a child.

The John Paul College Statement of Commitment⁵ underpins this policy and associated procedures.

Statement of Commitment Protection of Children and Young People

John Paul College supports the rights of children and is committed to ensure the safety, welfare and wellbeing of students. John Paul College is therefore committed to responding to allegations of student harm resulting from the conduct or actions of any person including that of employees.

This commitment includes the provision of a safe and supportive living and learning environment for all students and requires all employees, volunteers and visitors to model and encourage behaviour that upholds the dignity and protection of students from harm.

In support of this commitment, John Paul College is dedicated to our Child and Youth Risk Management strategy which includes having relevant policies, procedures and training in place to effectively address the safety and wellbeing of students in our care.

Refer also to the [JPC-Child-and-Youth-Risk-Management-Strategy](#).

2. Exclusions

This policy and associated procedures do not apply to:

- complaints about the actions or decisions of the approved provider, nominated supervisors, ECS staff or volunteers or the non-compliance with other ECS policies and procedures;
- historical complaints of sexual abuse or likely sexual abuse of children under 18 years of age -refer to [Grievances Policy \(Community\)](#)
- alleged workplace bullying, discrimination, physical assault, harm or harassment - refer to the:
 - Bullying Prevention and Management Policy (JPC);
 - Relationships with Children Policy (ELC and Kindergarten);
- child / student self-harm if there is a parent able and willing to take protective action to protect the student from further harm (refer to the JPC Student Self-Harm Policy); or
- serious incidents, injuries or complaints, other than significant harm or inappropriate behaviour to a child that must be responded to in accordance with [s.174\(2\) Education and Care Services National Law \(Queensland\)](#)

3. Principles

The following principles inform and guide this policy and associated procedures;

- The safety, welfare and wellbeing of children is paramount.
- The value of the family unit is to be respected but not to the detriment of the best interests of the child/ren.
- All children (attending or enrolled) have a right to be protected from sexual abuse, likely sexual abuse, harm or risk of harm and inappropriate behaviour by staff members, volunteers or visitors.

- All appropriate measures will be taken to protect children from all forms of harm.
- Any form of sexual behaviour by a staff member, volunteer or visitor towards a child is always sexual abuse and a serious criminal offence. Such behaviour will always be reported to the police.
- All allegations or suspicion of harm to a child by any person, are reported to the appropriate State Authority even where there is a degree of doubt.
- Staff members and volunteers have a responsibility to care for students, to positively promote their welfare and to protect them from any form of abuse and / or harm.
- All volunteers will be assessed to determine suitability and where required by law screened to determine eligibility to work with children.
- Any staff member or volunteer who is reported and/or investigated in relation to suspected child protection concerns must be treated with natural justice, dignity, sensitivity and respect. However, where based on available information, it is believed the person may pose an unacceptable risk of harm to a child, the person will not be permitted to continue to work with children.

4. Abbreviations

ACECQA	Australian Children's Education & Care Quality Authority
Child Safety	Department of Children, Youth Justice and Multicultural Affairs
CPA	<i>Child Protection Act 1999</i>
CPG	Child Protection Guide
CPIU	Child Protection Investigation Unit
DoE	Department of Education
ECS	Education and Care Service
ELC	Early Learning Centre
FACC	Family and Child Connect
EQCT	<i>Education (Queensland College of Teachers) Act 2005</i>
OSHC	Outside School Hours Care
QCT	Queensland College of Teachers
QPS	Queensland Police Service
QCAN	Queensland Children's Activities Network
Working with Children	<i>Working with Children (Risk Management and Screening) Act 2000</i> <i>Working with Children (Risk Management and Screening) Regulation 2020</i>
CC	<i>Criminal Code Act 1899</i>

5. Relevant Legislation and Related Documents

Relevant Legislation

Child Protection Act 1999
Criminal Code Act 1899
Education (Queensland College of Teachers) Act 2005

Refer to Appendix 1 for a list of relevant sections and regulations

National Quality Standards (ACECQA)
Working with Children (Risk Management and Screening) Act 2000
Working with Children (Risk Management and Screening) Regulation 2020

Related documents

[Early Childhood Australia's Code of Ethics](#) (Early Childhood Australia)
[Code of Ethics for Teachers in Queensland](#) (Queensland College of Teachers)
[Information Sharing Guidelines 2018](#) (Department of Children, Youth Justice and Multicultural Affairs)
[Professional Standards for Queensland Teachers](#) (Queensland College of Teachers)
[Registered Nurses Standards for Practice](#) (Australian Health Practitioner Regulation Agency)
[Professional Standards for Educators](#) (QCAN)

John Paul College

Codes of Conduct

College Community Code of Conduct – Board
College Community Code of Conduct – Staff Members
College Community Code of Conduct
Staff Professionalism and Ethics (ELC and Kindergarten)
Our College Values and Expectations (OSHC students)

Policies and Procedures

Child and Youth Risk Management Strategy
Working with Children (Blue Card) Policy and Procedure
Bullying Prevention and Management Policy
Grievances Policy (Community)
Complaints Policy (ELC and Kindergarten)
Policy Privacy Policy
Records management guidelines and processes
Responsible Use of Social Media (Students)
Social Media Policy and Guidelines (Staff)
Child Protection Procedures (Education and Care Services)
Student Self-Harm Policy
Transportation of Students by Staff Policy
Volunteer Management Policy and Procedures

6. Obligations

6.1 Approved Provider (Board of Directors)

The John Paul College Ltd Board of Directors, as the approved provider has a legislative responsibility to ensure the safety, health and wellbeing of children being educated and care for by the ECS (*S. 109 (b) Education and Care Services Act 2013*).

In addition, the Approved Provider will

- Delegate to the Head of Primary School, the ability to act on behalf of the Approved Provider in specific matters pertaining to the health, safety and wellbeing of children attending or enrolled in an ECS;
- delegate to the Principal the responsibility for approval of the John Paul College (Education and Care Service) Child Protection Policy and procedures;
- support the Approved Provider delegate (health, safety and wellbeing) and the Nominated Supervisor/s and the College in actioning all requirements of the policy and associated procedures (as applicable) and undertake relevant Child Protection training annually.
- manage and store child protection records in accordance with legislative obligations and JPC records management policy, guidelines and processes;

- ensure that this policy is reviewed in accordance with policy requirements or as deemed necessary; and
- arrange for an external audit and review of this policy and associated procedures at a minimum every 3 years or as required.

The Approved Provider and their delegate/s must also ensure that they discharge all relevant responsibilities specified in legislation and this policy.

6.2 Approved Provider delegate (health, safety and wellbeing)

The approved provider has authorised the Head of Primary School to act on behalf of the approved provider specifically in relation to legislative and policy obligations relating to the health, safety and wellbeing of children attending an ECS.

This delegate will:

- ensure that the ECSs culture prioritises the safety, welfare and wellbeing of children and clearly demonstrates the College's commitment to the protection of children from abuse and harm;
- ensure compliance with all the relevant National and State legislative obligations and requirements;
- ensure that the ECS has written policy and processes to respond to and report harm, or allegations of harm of a child/ren;
- ensure that the ECS has written policy and processes regarding the appropriate conduct of ECS staff and volunteers towards children, including the reporting and management of inappropriate behaviour towards a child;
- ensure that all relevant reports to Early Childhood Education and Care, DoE as the Regulatory Authority are submitted in accordance with legislative timeframes;
- ensure that induction training for staff, volunteers and visitors (including certain contractors) includes a child protection component;
- ensure that child protection training is provided annually to the approved provider, nominated supervisor/s and all ECS staff and volunteers;
- understand and comply with this policy including discharging all relevant responsibilities assigned to the Approved Provider;
- ensure that additional child protection training for staff is provided as identified or required;
- work collaboratively with other entities and service providers in the appropriate sharing of information;
- ensure that staff, volunteers and visitors comply with all child protection obligations and responsibilities;
- liaise with the College's Student Protection Advisor as required;
- ensure all reports of Inappropriate Behaviour towards a child are appropriately investigated following the principles of Natural Justice (advice to the College Principal is required if the allegations relate to a staff member);
- ensure that all matters of concerning behaviour are actioned appropriately;
- manage and store child protection records in accordance with legislative obligations and JPC records management policy, guidelines and processes; and
- where required by legislation, ensure that the College Principal notifies QCT of relevant matters pertaining to registered teachers.

6.3 Nominated Supervisor (Child Protection Contact)

The respective ECS nominated supervisor will:

- in addition to their position as a nominated supervisor fulfil the role of Child Protection Contact for their respective ECS;
- support the approved provider and the delegate in ensuring that a child protection culture exists within the ECS;
- ensure that they understand this policy and associated procedures commensurate to their role and responsibilities;
- ensure compliance with all relevant legislative responsibilities and this policy and associated procedures;
- comply with confidentiality and information sharing requirements;
- manage and store child protection records in accordance with legislative obligations and JPC records management policy, guidelines and processes;
- attend child protection training as provided;
- ensure that ECS staff are trained in Queensland child protection law and this policy and associated procedures;
- support and deliver as required child protection training to staff and volunteers;
- seek guidance and support from the College's Student Protection Advisor or relevant College counsellor when relevant;
- promote their position to the ECS community; and
- be accessible to children, parents, staff and other members of the College community to provide guidance on child protection matters.

6.4 Responsible Person (in day-to-day charge of the ECS)

The responsible person on duty will:

- support the nominated supervisor and the approved provider in ensuring that a child protection culture exists within the ECS;
- ensure that they understand this policy and associated procedures commensurate to their role and responsibilities;
- ensure compliance with all relevant legislative responsibilities and this policy and associated procedures;
- attend child protection training as provided;
- immediately report all concerns relating to harm or inappropriate behaviour of a child that they become aware of to the nominated supervisor or to the Head of Primary School; and
- comply with confidentiality and information sharing requirements.

6.5 Staff

All staff will:

- support the nominated supervisor and the approved provider in ensuring that a child protection culture exists at the ECS;
- ensure that they understand this policy and associated procedures commensurate to their role and responsibilities;
- attend relevant training when provided and required by the approved provider;
- comply with confidentiality and information sharing requirements;
- support vulnerable students and families, whenever possible and appropriate;
- immediately report all concerns relating to harm or inappropriate behaviour of a child by another person that they become aware of to the nominated supervisor, responsible person on duty or to the Head of Primary School; and

- as soon as practicable, discuss with the nominated supervisor or the responsible person on duty concerns about other forms of harm, including self-harm, inappropriate sexualised behaviours and harm caused by another child

6.6 Volunteers and Visitors (including contractors)

Volunteers and visitors will:

- support the approved provider in ensuring that a child protection culture exists at the ECS;
- familiarise themselves with child protection information provided by the ECS;
- attend as required to induction and/or training sessions;
- report all concerns of harm or inappropriate behaviour of a child to the responsible person on duty;
- always maintain confidentiality for child protection concerns; and
- support ECS staff in the implementation and compliance of this policy and associated procedures.

7. Professional and Behavioural Obligations

All staff, volunteers and visitors are expected to conduct themselves in a professional manner as required by their position and/or terms of employment contract or engagement and in accordance with relevant Professional Standards, Code/s of Ethics and Code/s of Conduct.

Staff and volunteers must also comply with the relevant College Community Code/s of Conduct and policy requirements relating to online interactions with children via electronic communication and/or social media applications. All staff and volunteers are expected to behave in a manner that is supportive of the safety, welfare and wellbeing of children. Behaviour of a sexual, physical or psychological/emotional nature which exploits the special position of trust and authority between the staff member or volunteer and a child is unacceptable and a breach of legal and policy requirements and obligations.

Inappropriate behaviour/s may include, but not limited to:

- transporting a child, without seeking the consent of a parent or caregiver;
- seeking to visit a child, at his/her home without the consent or knowledge of the parent or caregiver;
- inviting a child, to the staff member or volunteer's home unaccompanied, without the consent of a parent or caregiver;
- sending or receiving correspondence of an inappropriate nature;
- inappropriate giving of gifts;
- physical or emotional aggression, violence or bullying;
- sexual exhibitionism;
- development of an intimate relationship incompatible with the professional relationship, initiated by either party;
- taking of photographs or videos of child/ren without parental consent;
- exposing to a child, pornographic material in any medium;
- inappropriate discussion of matters of sexual behaviour;
- obscene language, especially of a sexual nature;
- gestures or actions of a suggestive or obscene nature;
- jokes of a sexual nature told in the presence of a child;
- voyeurism (gaining pleasure from secret watching of another);
- repeatedly seeking to be alone with a child; or
- detaining a child in locked facilities or facilities that do not have immediate access to other staff.

8. Responding and Reporting Obligations

When a staff member, volunteer or visitor (the notifier) has concerns relating to harm or inappropriate behaviour towards a child they **must immediately** discuss their concerns in the first instance with the relevant Nominated Supervisor or in their absence with the Responsible Person (person in day-to-day charge).

Refer to Student Protection Information Sheet 1A: [Reporting Flowchart for ECS Staff](#).

If the concerns relate to the nominated supervisor, the Head of Primary School is to **be immediately advised**.

The nominated supervisor or Head of Primary School:

- will ensure the child's immediate safety (if required);
- will identify other relevant information known about the child and family to support a report or a referral;
- will advise the Principal;
- may consult the [Child Protection Guide](#) (CPG);
- may consult with a College counsellor
- may consult the College's Student Protection Advisor (de-identified information ONLY);
- may assist the notifier in determining the most appropriate response to the concerns;
- may assist in the accurate completion of the relevant reporting or referral form, where and when necessary;
- ensure that the regulatory authority is notified where required by legislation and in the required timeframe; and
- will ensure that all appropriate supports are immediately provided to the child.

Note: If the first contact is made to a nominated supervisor, the nominated supervisor will attend to the above and as soon as practicable, advise the Head of Primary School.

8.1 Investigation

ECS staff will not in any way investigate⁷ mandatory reporting matters that are to be or have been reported to a relevant State Authority and to the Regulatory Authority (DoE).

Staff and volunteers will not make contact with or advise any person alleged of abusing or harming a child or of inappropriate behaviour towards a child of any allegations.

ECS staff and volunteers will always cooperate with relevant State Authorities in child protection matters.

8.2 Protection from liability

Notifiers are afforded protection, when acting honestly and reasonably under the CPA ([s. 197A](#)).

8.3 Reporting Significant Harm (Child Safety)

Mandatory reporters: Early Childhood Education and Care Professional

8.3.1 Reporting physical or sexual abuse

In accordance with s.13E (f) CPA (*CPA means an approved provider, nominated supervisor, and educator*), early childhood education and care professionals if, in the engagement of their employment, form a reasonable suspicion that:

- a child has suffered, is suffering or is at unacceptable risk of suffering **significant harm** as a result of **physical** or **sexual abuse**; **and**
- may not have a parent able **and** willing to protect the child from harm.

The approved provider or nominated supervisor **will**:

- immediately advise the Head of Primary School (approved provider delegate - health, safety and wellbeing); consider consulting the online [Child Protection Guide](#);
- seek guidance if relevant from the College counsellor and/or the College Student Protection Advisor;
- if relevant confer with the College Principal prior to making a report, **and**
- make a written report to Child Safety.

Refer to Section 9.1: E-Report of Suspected Child in Need of Protection

or

Sexual Abuse / Likely Sexual Abuse or Harm form; (dual agency report if required)

The educator **will**:

- immediately advise the nominated supervisor, or in their absence the responsible person on duty (the responsible person will immediately advise the relevant nominated supervisor);
- consider consulting the online Child Protection Guide;
- seek guidance if relevant from the College counsellor and/or the College Student Protection Advisor;
- if relevant confer with the College Principal prior to making a report, **and**
- make a written report to Child Safety.

Refer to Section 9.1: E-Report of Suspected Child in Need of Protection **or**

Sexual Abuse / Likely Sexual Abuse or Harm form; (dual agency report if required)

8.3.2 Reporting all other forms of abuse (psychological / emotional or neglect)

In addition, this policy requires **all mandatory reporters** if, in the engagement of their employment, they form a reasonable suspicion that:

- a child has suffered, is suffering or is at unacceptable risk of suffering **significant harm** as a result of **any type of abuse or neglect**; **and**
- may not have a parent able **and** willing to protect the child from harm; **or**
- an unborn child (relates to an unborn child within the JPC community) may be at risk of **significant harm** after birth **and** may not have a parent able **and** willing to protect the child from harm.

The mandatory reporter **will**:

- immediately advise the nominated supervisor, or in their absence the responsible person on duty (the responsible person will immediately advise the relevant nominated supervisor);
- ensure that the, Head of Primary School is advised;
- consider consulting the online Child Protection Guide;
- seek guidance if relevant from the College counsellor and/or the College Student Protection Advisor;
- if relevant confer with the College Principal prior to making a report, **and**
- make a written report to Child Safety.

Refer to Section 9.1: E-Report of Suspected Child in Need of Protection.

Other ECS staff

8.3.3 Reporting all forms of abuse or neglect

Other ECS staff (other than mandatory reporters) **must immediately** advise the nominated supervisor or responsible person, if in the engagement of their employment, they have concerns or suspicions that:

- a child has suffered, is suffering or is at unacceptable risk of suffering **significant harm** as a result of **any type of abuse or neglect; and**
- may not have a parent able **and** willing to protect the child from harm; **or**
- an unborn child (relates to an unborn child within the JPC community) may be at risk of **significant harm** after birth **and** may not have a parent **and** willing to protect the child from harm.

If the responsible person (other than the nominated supervisor) is advised, they are to immediately advise the nominated supervisor and the Head of Primary School.

Volunteers and visitors

All volunteers or visitors **must immediately** advise the nominated supervisor in the first instance or in their absence, the responsible person, if they have concerns or suspicions that:

- a child has suffered, is suffering or is at unacceptable risk of suffering **significant harm** as a result of **any type of abuse or neglect; and**
- may not have a parent able **and** willing to protect the child from harm; **or**
- an unborn child (relates to an unborn child within the JPC community) may be at risk of **significant harm** after birth **and** may not have a parent **and** willing to protect the child from harm.

If the responsible person (other than the nominated supervisor) is advised, they are to immediately advise the nominated supervisor and the Head of Primary School.

Approved Provider (delegate)

The Approved Provider delegate **will notify** the Approved Provider (Board of Directors) of reports to Child Safety. Refer to Section 9.4 Student/Child Protection Notification to the Board.

IMPORTANT

Note: the Approved Provider **must also notify** DoE as the Regulatory Authority of all serious incidents (*ref Regulation 12 ECS National Regulations*) or allegations of physical and sexual abuse of a child (s. 175 (2)(d) & (e) *Education and Care Services National Regulations*). Timeframes for notification exist (S. 176 *Education and Care Services National Regulations*).

8.4 Reporting Sexual Abuse or Likely Sexual Abuse to police (QPS)

Nominated supervisor

A nominated supervisor, who in the course of their employment, becomes aware or reasonably suspects that a child has been sexually abused or is likely to be sexually abused by another person, they **will immediately**:

- **advise** the Head of Primary School;
- seek guidance if relevant from the College counsellor and/or the College Student Protection Advisor; **and**
- seek guidance if relevant from the College counsellor and/or the College Student Protection Advisor; **and**
- **provide** a written report to the Head of Primary School.

Refer to Section 9.1: Sexual Abuse / Likely Sexual Abuse or Harm form.

The Head of Primary School **will**:

- **immediately** advise:
 - the Approved Provider; and
 - College Principal;
- if required, assist the nominated supervisor in the completion of the written report; **and**
- **immediately** provide the written report to the police.

Refer to Section 9.1: Sexual Abuse / Likely Sexual Abuse or Harm form. Refer to Section 10.4 Student/Child Protection Notification to the Board.

Other ECS staff

When an ECS staff member in the course of their employment, becomes aware or reasonably suspects that a child has been sexually abused or is likely to be sexually abused by another person, they **will immediately**:

- **advise** the nominated supervisor or the responsible person on duty (who will immediately advise the nominated supervisor); **and**
- **provide** a written report to the nominated supervisor.

Refer to Section 9.1: Sexual Abuse / Likely Sexual Abuse or Harm form.

The nominated supervisor **will**:

- immediately advise the Head of Primary School (Approved Provider delegate);
- seek guidance if relevant from the College counsellor and/or the College Student Protection Advisor;
- assist the staff member in the completion of the written report; **and**
- **immediately** provide the written report to the police.

Refer to Section 9.1: Sexual Abuse / Likely Sexual Abuse or Harm form.

If the reasonable suspicion relates to the nominated supervisor or the responsible person, the staff member **will immediately**:

- **advise** the Head of Primary School; **and**
- **provide** a written report to the Head of Primary School.

Refer to Section 9.1: Sexual Abuse / Likely Sexual Abuse or Harm form.

The Head of Primary School **will**:

- immediately advise:
 - the Approved Provider; and
 - College Principal;
- seek guidance if relevant from the College counsellor and/or the College Student Protection

- Advisor;
- assist the staff member in the completion of the written report; **and**
- immediately** provide the written report to the police.

Refer to Section 9.1: Sexual Abuse / Likely Sexual Abuse or Harm form Refer to Section 9.4 Student/Child Protection Notification to the Board.

Volunteers and visitors

All volunteers or visitors **must immediately** advise the relevant nominated supervisor in the first instance or in their absence, the responsible person (who will immediately advise the nominated supervisor), if they have concerns or suspicions that a child has been sexually abused or is likely to be sexually abused by another person.

If the reasonable suspicion relates to the nominated supervisor or the responsible person, the information is to be **immediately provided** to the Head of Primary School.

Approved Provider or delegate

When the reasonable suspicion is formed by the Approved Provider or delegate they **must**:

- immediately** give a written report to the police; **and**
- if relevant a copy to the Approved Provider (if report is provided by a delegate).

Refer to Section 9.1: Sexual Abuse / Likely Sexual Abuse or Harm.

IMPORTANT

Note: the approved provider delegate must also notify DoE as the Regulatory Authority of all incidents or allegations of sexual abuse of a child (s. 176 (2)(d) & (e) Education and Care Services National Regulations). Timeframes for notification exist (S. 176 Education and Care Services National Regulations).

8.5 Supporting children (reporting threshold not met)

If the concern does not reach the reporting threshold to Child Safety and the nominated supervisor considers that the child is likely to become a child in need of protection if no preventative support is given, the nominated supervisor is to discuss support options with a college counsellor and the Head of Primary School.

Available options to support the child and/or their family include:

- 8.5.1** ECS / College based support and monitoring;
- 8.5.2** providing information relating to a community-based support service;
- 8.5.3** a referral to a community-based support service;
- 8.5.4** a referral to an appropriate service provider professional; or
- 8.5.5** a referral to a FACC service.

Refer to Student Protection Information Sheet 10: Referring to Support Services Refer to Section 10.2: E-Referral Family and Child Connect.

Consent: An ECS does not have authority to refer a child and /or their family without consent. Consent should where practicable be obtained for all referrals to a professional or service provider e.g. a FACC service. Refer to Section. 10.2: Consent to Share Information / Referral Form.

8.6 Reporting Inappropriate Behaviour towards a child

All staff, volunteers and visitors **must**, as soon as practicable, report all reasonable suspicions of inappropriate behaviour by a staff member, volunteer or visitor towards a child as follows:

- allegations relating to the nominated supervisor, to the Head of Primary School
- allegations relating to a staff member, to the relevant nominated supervisor
- allegations relating to a volunteer or visitor, to the relevant nominated supervisor.

Staff **are to** report inappropriate behaviour on the required form. Refer to Section 10.1: Inappropriate Behaviour Report (internal use only) form.

The nominated supervisor will complete the required form if the information is received from a volunteer or a visitor. Refer to Section 10.1: Inappropriate Behaviour Report (internal use only). The nominated supervisor **must immediately** inform the Head of Primary School.

Forms relating to allegation/s involving staff members are to be given to the Head of Primary School who will advise the College Principal.

When informed of suspected inappropriate behaviour towards a child, the Head of Primary School and/or the Principal **must** respond to and manage the concerns as specified in the procedures. If the allegations relate to a teacher, the College Principal will notify QCT as required. Refer to Section 9.3 QCT Notices

8.7 Noting Concerning Behaviour towards a child

All staff and volunteers **are to**, as soon as practicable discuss behaviours towards a child that may not be considered as clearly inappropriate or a breach of Code/s of Conduct but are of concern, as follows:

- 8.7.1** relating to the Head of Primary School, to the approved provider (Board of Directors)
- 8.7.2** relating to a nominated supervisor, to the Head of Primary School (approved provider delegate)
- 8.7.3** relating to a staff member, to the relevant nominated supervisor or the Head of Primary School
- 8.7.4** relating to a volunteer or visitor, to the relevant nominated supervisor.

Concerning behaviours may be recorded using the Record of Harm or Concerning Behaviour Form (internal use only). This form, once completed is to be provided to the Head of Primary School. The Head of Primary School will discuss the matter with the College Principal to determine what action if any is required.

9. Forms, Notices and Template Documents

When reporting child protection matters as required by legislation and/or this policy the following reporting forms and notices are to be used.

9.1 ECS Reporting Forms

[Sexual Abuse / Likely Sexual Abuse or Harm](#)

[E-Report of Suspected Child in Need of Protection](#)

[Inappropriate Behaviour Report \(internal use only\)](#)

[Record of Harm or Concerning Behaviour \(internal use only\)](#)

9.2 Referral Forms

[E-Referral Family and Child Connect](#)

[Consent to Share Information / Referral Form \(internal use only\)](#)

9.3 QCT Notices

[QCT Section 76 Notice of Investigation](#)

[QCT Section 77 Notice Resignation](#)

[QCT Section 78 Notice Dismissal](#)

9.4 Other relevant forms / template documents

[Student Protection Notification to the Board](#)

[Sharing Information for Child Protection Form](#)

[Request for information by a Law Enforcement Agency](#)

[Request for interview of student \(Relevant State Authority\)](#)

10. Review and Compliance

The approved provider (John Paul College Ltd Board of Directors) requires currency of and compliance with this policy and associated procedures.

The policy and associated procedures will be reviewed annually from the effective date or as required by changes to relevant legislation or at the direction of the approved provider.

To facilitate compliance, auditing or review procedures will be undertaken annually.

An external audit and/or review will be undertaken at a minimum, every three (3) years by an appropriately qualified / experienced person independent to the College and the ECS as appointed by the approved provider.

11. Complaints

Complaints alleging that a serious incident has occurred or is occurring while a child was or is being educated and cared for at the service or that the National Law has been contravened, will be reported to the regulatory authority within the specified time frame.

This policy and associated procedures will be made available to all persons employed by and/or associated with an ECS. If a person is concerned about a breach or non-compliance with this policy or procedures, they can make a complaint to either the Head of Primary School or directly to the Principal in accordance with the JPC Formal Complaints Policy.

Note: Reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the Criminal Code Act 1899 s.229BC.

12. Definitions and terms

Allegation: means information or an assertion which is still to be proved.

Child: ([s.8 CPA](#)) means an individual under 18 years

Child exploitation material: ([s.207A CC](#)) means material that, in a way likely to cause offence to a reasonable adult, describes or depicts a person, or a representation of a person, who is, or apparently is, a child under 16 years—

- a) in a sexual context, including for example, engaging in a sexual activity; or
- b) in an offensive or demeaning context; or
- c) being subjected to abuse, cruelty or torture.

Child Protection Guide (Qld): An online tool to support professionals in making decisions about where to refer or report their concerns. This tool is provided by the Department of Children, Youth Justice and Multicultural Affairs

Child in need of protection: ([s.10 CPA](#)) 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.

Child Protection Contact (CPC) means the Nominated Supervisor acting as the primary point of contact for children, parents, staff or volunteers for all child protection concerns, including inappropriate behaviour towards a child.

Child Safety: is the Department administering the *Child Protection Act 1999* (Qld). Currently this is the Department of Children, Youth Justice and Multicultural Affairs.

Conferrals with colleague and related information sharing: ([s. 13H CPA](#))

- (1) 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—
 - a) 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;
 - b) in the case of a relevant person under [section 13E](#) —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);
 - c) for the relevant person to give a report under [section 13G](#) or keep a record about giving a report;
 - d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.

Examples for paragraph (d)—

- 1 *A teacher with a reportable suspicion about a child under [section 13E](#) may give information to the principal at the school to enable the principal to take appropriate action to protect the child or other children from risk of harm.*
- 2 *An educator under the Education and Care Services National Law (Queensland) with a reportable suspicion about a child under [section 13E](#) may give information to the nominated supervisor for the approved education and care service, within the meaning of that Law, to*

enable the supervisor to take appropriate action to protect the child or other children from risk of harm.

- (2) In this section— **colleague**, of a relevant person, means a person working in or for the same entity as the relevant person.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010#sec.13H>

Early childhood education and care professional ([s. 13E \(4\) CPA](#)) means an individual, other than a volunteer or an individual under the age of 18, who is—

- (i) an approved provider
- (ii) a supervisor for an approved QEC
- (iii) an educator for an approved QEC

Harm: ([s.9 CPA](#))

- (1) **Harm** to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
 - (a) physical, psychological or emotional abuse or neglect; or
 - (b) sexual abuse or exploitation.
- (4) Harm can be caused by—
 - (a) a single act, omission or circumstance; or
 - (b) a series or combination of acts, omissions or circumstances.

Inappropriate behaviour: is not defined in law. For the purposes of this policy 'inappropriate behaviour' means any behaviour, including words of a staff member, volunteer or visitor towards a child who is enrolled or attending an ECS which is inconsistent with the College and ECS values, relevant Code/s of Conduct and professional standards and is considered to be inappropriate by the person making the complaint. For examples of inappropriate behaviour, see section 8 Professional and Behavioural Obligations.

Investigate: to investigate includes carrying out a systematic or formal inquiry into a child protection matter, including interviewing people; examining facts of a child protection report; or making a determination about whether a child is in need of protection.

Information: means personal information (fact or opinion), which is information about an individual, from which the identity of the individual can be ascertained. [Information Sharing Guidelines \(Qld\)](#)

Mandatory reporter: means an early childhood education and care professional ([s. 13E \(f\) CPA](#))

Natural Justice: The principles of natural justice will apply to all decisions made under this policy and procedures document. As the consequences of any decision (that is, the effect/s on a person's rights, interests or legitimate expectations) for any individual become more severe, so the importance of demonstrably acting fairly increases. The fundamental principles of natural justice are:

- the right to be given a fair hearing and the opportunity to present one's case;
- the right to have a decision made by an unbiased decision-maker; and
- the right to have that decision based on logically probative evidence.

Nominated Supervisor: ([s.5 ECS National Law \(Queensland\)](#)) in relation to an education and care service, means an individual who—

(a) is nominated by the approved provider of the service under [Part 3](#) to be a nominated supervisor of that service

Non-suicidal self-injury /self-harm

Non-suicidal self-injury (NSSI) is known by a variety of terms, including self-harm, cutting or self-injurious behaviour. Generally, it refers to a person hurting or mutilating their body, usually without the intent to die. Examples include self-cutting, burning, biting, head banging or embedding objects under the skin. NSSI often occurs in secret, making it hard to detect.

Parent: of a child is the child's mother, father or someone else having or exercising parental responsibility for the child. However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child. A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child. A parent of a Torres Strait Islander child includes a person who., under Island custom, is regarded as a parent of the child (*Child Protection Act 1999 s11*).

Reasonably suspects: ([s.13CCPA](#))

A reasonable suspicion is a suspicion formed on grounds that are reasonable in the circumstances.

Relevant child: ([CPA s.159BA](#))

In this chapter— **relevant child** means—

- (a) a child in need of protection; or
- (b) a child who may become a child in need of protection if preventative support is not given to the child or the child's family.

Relevant State Authority: means—Queensland Police Service or Child Safety (Department of Children, Youth Justice and Multicultural Affairs)

Reportable suspicion: ([s.13E \(2\) CPA](#)) means – 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.

Responsible person: ([s. 162 ECS National Law \(Queensland\)](#)) means one of the following must be present at all times at an ECS:

- a) a person with management or control of an education and care service operated by the approved provider;
- b) a nominated supervisor of the service;
- c) a person in day-to-day charge of the service

Note: **person in day-to-day charge** ([s. 5 ECS National Law \(Queensland\)](#)) in relation to an education and care service, means a person who is placed in day-to-day charge of the service in accordance with the national regulations.

Student Protection Advisor: means an independent person, with relevant child protection qualifications and/or experience, appointed by the Principal to provide support and guidance as required on student protection matters including reporting of allegations and concerns. This person does not provide legal advice.

Serious incident ([Regulation 12 ECS National Regulations](#))

Each of the following is prescribed as a serious incident –

- (a) the death of a child –
 - while that child is being educated and cared for by an education and care service; or
 - following an incident occurring while that child was being educated and cared for by an education and care service;
- (b) any incident involving serious injury or trauma to a child occurring while that child is being educated and cared for by an education and care service –
 - which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
 - for which the child attended, or ought reasonably to have attended, a hospital (eg. a broken limb)
- (c) any incident involving serious illness of a child occurring while that child is being educated and cared for by an education and care service for which the child attended, or ought reasonably to have attended, a hospital (eg. severe asthma attack, seizure or anaphylaxis reaction)
- (d) any emergency for which emergency services attended;
- (e) any circumstance where a child being educated and cared for by an education and care service –
 - appears to be missing or cannot be accounted for; or
 - appears to have been taken or removed from the education and care service premises in a manner that contravenes these Regulations; or
 - is mistakenly locked in or locked out of the education and care service premises or any part of the premises.

Sexual abuse: The *Education (General Provisions) Act 2006* (s.364) states that sexual abuse, in relation to a child under 18 Years of age, includes sexual behaviour involving the child and another person in the following circumstances –

- (a) the other person bribes, coerces, exploits, threatens or is violent toward the child;
- (b) the child has less power than the other person;
- (c) there is a significant disparity between the child and the other person in intellectual capacity or maturity.
- (d)

Sexual abuse occurs when an adult, stronger child or adolescent uses their power or authority to involve a child in sexual activity.

Secrecy, misuse of power and the distortion of adult-child relationships are key factors in the sexual abuse of children. Other factors may also be a consideration when the person responsible for the abuse is an adolescent, another child or a female.

Significant harm: ([s.13C CPA](#)) Matters to consider when forming a reasonable suspicion about significant harm:

(a) whether there are detrimental effects on the child's body or the child's psychological or emotional state—

- I. that are evident to the person; or
- II. that the person considers are likely to become evident in the future; and

(b) in relation to any detrimental effects mentioned in paragraph (a)—

- I. their nature and severity; and
- II. the likelihood that they will continue; and

(c) the child's age.

The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.

Student Protection Advisor: means an independent person, with relevant child protection qualifications and/or experience, appointed by the Principal to provide support and guidance as required on student protection matters including reporting of allegations and concerns. This person does not provide legal advice.

Visitor: any person who visits the ECS on a one off or regular basis to provide services [paid or unpaid] to the ECS. This includes contractors, consultants and presenters of one-off programs.

Volunteer: means a person involved in 'formal volunteering'. Formal volunteering is an activity which takes place in not-for-profit organisations or projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion;
- for no financial payment; and
- in designated volunteer positions only

Review Date:	March 2024
Approval Authority:	John Paul College Board – delegated to Principal
Endorsement by Board:	21 March, 2024
Date of Authorisation:	March, 2024
Supersedes:	Child Protection (Education and Care Service Policy) November 2022
Policy Owner:	Deputy Principal (Culture and Compliance)
Executive Sponsor:	Deputy Principal (Culture and Compliance)
Enquiries Contact:	Compliance@jpc.qld.edu.au



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Appendix 1

ECS legislation relating to Safeguarding Children in an ECS

Appendix 1

Relevant Legislation Relating To Safeguarding Children in an ECS

NQS / Legislation	Section and link
Quality Area 2 Children's health and safety	<p>2.2 Safety</p> <p>2.2.1 Supervision At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard</p> <p>2.2.2 Incident and emergency management Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented</p> <p>2.2.3 Child Protection Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.</p>
Quality Area 4 Staffing arrangements	<p>4.2 Professionalism</p> <p>4.2.2 Professional standards Professional standards guide practice, interactions and relationships</p>
Quality Area 5 Relationships with children	<p>5.1 Relationships between educators and children</p> <p>5.1.2 Dignity and rights of the child The dignity and rights of every child are maintained</p>
Quality Area 6 Collaborative partnerships with families and communities	<p>6.1 Supportive relationships with families</p> <p>6.1.3 Families are supported Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing</p>
Quality Area 7 Governance and Leadership	<p>7.1 Governance</p> <p>7.1.2 Management Systems Systems are in place to manage risk and enable the effective management and operation of a quality service.</p> <p>7.1.3 Roles and responsibilities Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.</p>
ECS National Law (Queensland)	<p>Section 162 Offence to operate education and care service unless responsible person is present</p> <p>Education and Care Services National Law (Queensland) (legislation.qld.gov.au)</p>
	<p>Section 162A Persons in day-to-day charge and nominated supervisors to have child protection training</p> <p>Education and Care Services National Law (Queensland) (legislation.qld.gov.au)</p>

ECS National Law (Queensland) cont.	Section 166 Offence to use inappropriate discipline https://www.legislation.qld.gov.au/view/html/inforce/current/act-2013-ecsnlq#sec.166
	Section 167 Offence relating to protection of children from harm and hazards https://www.legislation.qld.gov.au/view/html/inforce/current/act-2013-ecsnlq#sec.167
	Section 170 Offence relating to unauthorised persons on education and care service premises https://www.legislation.qld.gov.au/view/html/inforce/current/act-2013-ecsnlq#sec.170
	Section 174 (2) (4) Offence to fail to notify certain information to Regulatory Authority https://www.legislation.qld.gov.au/view/html/inforce/current/act-2013-ecsnlq#sec.174
	Section 175 Offence relating to requirements to keep enrolment and other documents https://www.legislation.qld.gov.au/view/html/inforce/current/act-2013-ecsnlq#sec.175
ECS National Regulations	Regulation 12 Meaning of serious incident https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.12
	Regulation 84 Awareness of Child Protection law https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.84
	Regulation 85 Incident, injury, trauma and illness policies and procedures https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.85
	Regulation 86 Notification to parents of incident, injury, trauma and illness https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.86
	Regulation 150 Responsible person https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.150
	155 Interactions with children https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.155
	Regulation 168(2)(h) Policies and procedures are required in relation to providing a child safe environment https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.168
	Regulation 170 Policies and procedures to be followed https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.170
	Regulation 171 Policies and procedures to be kept available https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.171

ECS National Regulations cont.	Regulation 174 Time to notify certain circumstances to Regulatory Authority https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.174
	Regulation 175 (2) (d) & (e) Prescribed information to be notified to Regulatory Authority https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.175
	Regulation 176 Timeframes for notifying certain information to the Regulatory Authority https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.176
	Regulation 177 Prescribed enrolment and other documents to be kept by approved provider https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.177
	Regulation 181 Confidentiality of records kept by approved provider https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.181
	Regulation 183 Storage of records and other documents https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-ecsnr#sec.183