



# Heights College

## Student Protection Policy

**Our Commitment** – It is fundamental under biblical values and the law to ensure that all children have a safe and supportive environment in which to grow and learn. The College recognises that the protection from *harm* and the risk of *harm* is essential for maximising the students' personal and academic potential. Heights College believes that all children have a right to be protected from *harm* or a risk from *harm*, and strives, by this Student Protection Policy and other protective College Policies, to provide an environment supportive of the safety and welfare of the students and staff of the College community.

**Scope** – This policy applies to Board members, 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 the College and covers information about the reporting of *harm* and abuse.

**Our Goal** – To support this policy, Heights College will:

- Ensure the welfare and best interests of the child are primary consideration in every preventative and/or protective action related to *harm* to a student;
- Implement strategies and management practices at Heights College so that employees, students and the educational community can adopt proactive approaches to child protection.
- Report behaviours (both from the student and towards the student) that can be reasonably considered to indicate that a student has suffered *harm*, is suffering *harm*, or is at an unacceptable risk of suffering *harm*;
- Treat all persons (including the respondent) involved in situations where *harm* to a student is disclosed or suspected, with dignity, sensitivity and respect;
- Ensure that a student's private information about their *harm* is not publicised (beyond these reporting requirements);
- Uphold principles of Natural Justice and Confidentiality (subject to these reporting requirements);
- Respect the value of the family unit, but not to the detriment of the wellbeing and best interest of the student;
- Cooperate with relevant State authorities in matters regarding the protection of students;
- Inform the complainant and respondent (where appropriate) of the progress in resolving the complaint;
- Ensure that appropriate disciplinary actions are taken against any employee who harms a student; and
- Ensure that where an unacceptable risk exists at the College or College events (in the reasonable view of the Headmaster), the alleged offender will not be in contact with College students, and if appropriate will be stood aside pending a response to the allegation.

### Responsibilities

All Board members, employees, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care. Harmful acts by anyone who has authority in relation to students are a breach of trust and professional misconduct – in addition to any possible criminal act. All Board members, employees, contractors and volunteers must not cause *harm* to students.

All employees have a responsibility to care for students to positively promote their welfare, and to protect them from any kind of *harm*, as far as reasonably practicable. Any sexual behaviour by an employee with a student who is under their care is always sexual abuse. Child sexual abuse is a serious criminal offence and will always be reported to police.

The **College Headmaster** will ensure that;

- They are conversant with relevant legislation;
- Their own behaviour neither encourages nor supports behaviours in others which may undermine the intentions of this policy;
- Procedures are followed when employing staff to ensure they comply with legal requirements and Heights College expectations;
- All employees are aware of their responsibilities under student protection policy and procedures; and
- If on receiving advice from an employee that they suspect a student is in need of protection from a situation that may *harm* them, and is outside of the immediate Heights College environment, they contact either:  
The Queensland Police Services Child Protection Investigation Unit (CPIU) or the Department of Child Safety.

## Where allegations of harm are brought against the Headmaster

The function of the directors of the school's governing body relating to the receiving a report of harm and providing the report of harm to the police under section 366 or 366A of the Education (General Provision) Act 2006 is a function delegated to the Chair of the Board. This delegation is made pursuant to section 366B of the Education (General Provision) Act 2006.

### Mandated reporting of *harm* (legislative requirement)

Under section 13E of the Child Protection Act 1999 relevant members of the community have a mandatory obligation to report harm or suspected harm that comes to their attention during the course of their employment. Most notably this includes teachers and registered nurses.

Additionally, section 366 and 366A of the Education (General Provisions) Act 2006 create an obligation to report sexual abuse or likely sexual abuse against children on general members of the college staff.

Relevant school staff **must** will comply with the following mandatory reporting requirements as specified in legislation. It is irrelevant whether the reporting person becomes aware of the *harm* or suspected *harm* within the College facilities or not.

Detailed reporting procedures for mandatory reporting of harm, including sexual abuse or likely sexual abuse, are set out in the College's **Student Protection Procedures**.

#### 1. All school staff (generally)

- Under s.366 and s.366A of the *Education (General Provisions) Act 2006* a school staff member **must immediately** make a written report when they become aware or reasonably suspect, in the course of their employment at the school, that a student under the age of 18 has been **sexually abused** or **is likely to be sexually abused**.
- This report must immediately be given to the Headmaster or the Chair of the Board.

#### 2. The Headmaster/Chair of the Board

- Under section 366 and 366A of the Education (General Provisions) Act 2006, if the Headmaster becomes aware or reasonably suspect, in the course of their employment at the school, that a student under the age of 18 has been **sexually abused** or **is likely to be sexually abused**, they must immediately made a written report.
- This report must be provided to the police and the Chair of the Board immediately.
- Additionally, if the Headmaster or Chair of the Board receives a report from a school staff member, that a student under the age of 18 has been **sexually abused** or **is likely to be sexually abused**, that report must be provided to the Police immediately.

#### 3. Relevant person under the *Child Protection Act* (teachers and registered nurses)

- Under s.13E of the *Child Protection Act 1999* a teacher or registered nurse (relevant person) **must (as soon as practicable)** make a written report to the Department of Children, Youth Justice and Multicultural Affairs when they reasonably suspect a child has suffered, is suffering or is at risk of suffering significant *harm* caused by **physical** or **sexual abuse** and may not have a parent able **and** willing to protect the child from *harm*.
- The College **requires** that a copy of this report must also be provided to the Headmaster or Chair of the Board immediately.

### General reporting of *harm* (Policy obligation on all staff members and volunteers)

This Section operates in addition to the mandatory reporting obligations imposed by the legislation mentioned above. The provisions under this section add to the legislative obligations and do not replace or alter them.

Detailed reporting procedures for general reporting of harm, including sexual abuse or likely sexual abuse, are set out in the College's **Student Protection Procedures**.

#### 1. All school staff (generally)

- The College requires that all staff who become aware or form a reasonable suspicion that a child has been or is at risk of being harmed or subjected to any form of abuse, including, but not limited to physical, sexual, psychological, emotional or neglect, make a written report to the Headmaster, Student Protection Officer or Chair of the Board for the purposes of ensuring that children are protected and the necessary reports can be made as a matter of urgency.
- All employees of the College **will, as soon as practicable**, report all allegations of inappropriate behaviour of an employee, volunteer or student towards a student under 18 years of age to a Student Protection Officer (SPO), the Headmaster or, if it concerns the Headmaster, the Chair of the Board.

2. Volunteers and visitors (other than employees)
  - All volunteers and visitors to the school **are strongly encouraged to immediately** report **all** concerns or suspicions of harm or risk of harm of a student to a Student Protection Officer (SPO), the Headmaster or Chair of the Board.
3. The Headmaster/Chair of the Board:
  - If the Headmaster or Chair of the Board becomes aware of any harm suffered by a child or any child at risk of suffering harm (regardless of the type) they **must** make a determination in accordance with the Child Protection Act 1999 and the Education (General Provisions) Act 2006 in relation to their reporting obligations and make the appropriate reports where necessary.
  - The Headmaster or Chair of the Board must also inform the reporter if and when such a report has been made.

## Definitions

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

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

A **Student Protection Officer** is a person appointed by the Board to ensure compliance with the policies and procedures which fall under the heading of student protection.

**Harm**, to a child, is any significant detrimental effect 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
- exposure to domestic or family violence;
- a single act, omission or circumstance; or
- a series or combination of acts, omissions or circumstances.

A child is at **risk** of harm if harm has not yet occurred but is likely to occur in the future, given risk factors identified in the present.

A child may be assessed as in need of protection if the level of future risk is identified as likely (probable), not just possible (may occur); the probable harm will have a significant detrimental effect on the child if it does occur; and there is not a parent able and willing to protect the child from future significant harm. A risk assessment of harm should also take into consideration the definition of *grooming* and whether this is being carried out.

**Emotional or psychological abuse** occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. It can include emotional deprivation due to persistent rejection, teasing/bullying, yelling, criticism, or the exposure of a child to domestic and family violence. These behaviors continue to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing or development.

**Sexual abuse** as it relates to a child, is when there is any conduct of a sexual nature by a staff member with a student. It also generally includes behaviour of an adult, a stronger child, a teenager or another relevant person in a position of significant disparity in intellectual capacity or maturity where they use their power or authority to involve a child in a sexual activity. It can be physical, verbal or emotional and can include:

- Having any kind of sexual contact with a child;
- Rape or incest;
- Having sexual relations with a child;
- Talking in a sexually explicit ways that's not suitable for a child's age;
- Sending obscene mobile messages or emails to a child;
- Persisting on intruding on a child's privacy;
- Showing pornographic material to a child or forcing them to watch a sexual act; or
- Child prostitution.

**Grooming** is the way sex offenders gain the trust of children before involving them in sexual activities. Examples can be if someone:

- regularly offers to babysit for free or take a child on overnight outings
- separates a child from other adults or children
- buys a child very expensive or too many gifts
- insists on a physical show of affection such as kissing, hugging, wrestling or tickling even when the child clearly doesn't want it
- is too interested in the sexual development of a child
- insists on time alone with the child with no interruption
- takes lots of pictures of children
- shares alcohol or drugs with younger children or teenagers
- shows their genitals to a child.

**Neglect** is when a child's health and development are affected because their basic needs are not met. These needs include food, housing, health care, adequate clothing, personal hygiene, hygienic living conditions, medical treatment, or adequate supervision. **Physical abuse** is when a child suffers physical trauma or injury that is not accidental. It doesn't always leave visible marks or injuries. What matters most is the act itself that caused the trauma or injury. Physical abuse can include hitting, shaking, shoving, throwing, burning, biting, poisoning.

### Relevant Legislation & Related Documents

*This Policy is to be read in conjunction with the Heights College Statement of Faith as stated in the Heights College Constitution.*

- Child Protection Act 1999*
- Education (Accreditation of Non-State Schools) Act 2001 (Qld)*
- Education (Accreditation of Non-State Schools) Regulation 2001(Qld)*
- Education (General Provisions) Act 2006 (Qld)*
- Education (General Provisions) Regulation 2006 (Qld)*
- Education Services for Overseas Students (ESOS) Act 2000 (Cth)*
- Education (Overseas Students) Act 1996 (Qld)*
- Working with Children (Risk Management and Screening) Act 2000*
- Working with Children (Risk Management and Screening) Regulation 2011*
- Heights College Child Protection Procedures

<b>Date approved</b>	13 July 2021
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<b>Documents superseded by this Policy or Procedure</b>	None
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Revisions/Modifications			
Version	Date	Summary of changes	Reviewed by
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3	27 February 2020	No Changes	Board Governance Sub-Committee
4	11 August 2020	Additional clause added under Relevant Legislation and Related Documents	College Board
5	13 July 2021	Changes made as per NSSAB observations	Corney & Lind