



Child Protection Policy

<p>Purpose:</p>	<p>The purpose of this policy is to provide written processes about –</p> <ul style="list-style-type: none"> (a) how the school will respond to harm, or allegations of harm, to students under 18 years; and (b) the appropriate conduct of the school’s staff and students <p>to comply with accreditation requirements.</p> <p>This advice is being provided to all ISQ (Independent Schools Queensland) member schools. Systemic schools and schools affiliated or belonging to specific groups should check with their system authority or group administration in terms of child protection policy requirements for the system or group.</p>	
<p>Scope:</p>	<p>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 Montessori Noosa.</p>	
<p>Status:</p>	<p>Approved</p>	<p>Supersedes: October 2022</p>
<p>Authorised by:</p>	<p>Education for Generations LTD</p>	<p>Date of Authorisation: February 2023</p>
<p>References:</p>	<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) • Montessori Noosa Complaints Handling Policy • Montessori Noosa Complaints Handling Procedure • Montessori Noosa Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>) • Montessori Noosa Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>) • Montessori Noosa Child Protection Reporting Form 	
<p>Review Date:</p>	<p>Annually</p>	<p>Next Review Date: January 2024</p>
<p>Policy Owner:</p>	<p>School Governing Body</p>	

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.

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).

Responding to Reports of Harm

When the school receives any information alleging 'harm'¹ to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly to minimise any harm to the extent it 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 policy².

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 students³.

Reporting Inappropriate Behaviour

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

- Joel Rioux - Principal

¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(7)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

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 body⁴. Reports will be dealt with under the school's Complaints Handling Policy.

Reporting Sexual Abuse⁵

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 director of the school's governing body immediately.

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

If the first person who becomes aware or suspects sexual abuse is the school's principal, the principal must give a written report about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to a director of the school's governing body 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 becoming aware, or 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 abuse⁶.

Reporting Likely Sexual Abuse⁷

Section 366A of the *Education (General Provisions) Act 2006* states that if a staff member 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

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

⁶ *Education (General Provisions) Regulation 2017 (Qld) s.68*

⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

- ii. is not enrolled in the preparatory year at the school.

then the staff member must give a written report about the suspicion to the principal or to a director of the school's governing body immediately.

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

If the first person who suspects likely sexual abuse is the school's principal, the principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a director of the school's governing body 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 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 abuse⁸.

Reporting Physical and Sexual Abuse ⁹

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.

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 childhood education and care professional must give a 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*). The doctor, nurse, teacher or early childhood 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 suspicion¹⁰;
- b) the child's name and sex;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) 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;
- g) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹¹.

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.69*

⁹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

¹⁰ *Child Protection Act 1999 s.13G (2)(a)*

¹¹ See *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

Report all Suspicions to

Maroochydore Regional Intake Service

Telephone [07 5376 9500](tel:0753769500)

After Hours Number [1800 177 135](tel:1800177135)

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 Report¹²

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 to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. 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 possible sexual abuse) and the *Child Protection Act 1999* (reporting significant harm or risk of significant harm) as per this policy.

Failure to Protect¹³

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.

Awareness

The school will inform staff, 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 website¹⁴.

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 administration¹⁵.

Training

The school will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁶.

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 annually¹⁷.

Complaints Procedure Suggestions of non-compliance with the school's processes may be submitted as complaints under Complaint Handling Procedure

¹² *Criminal Code Act 1899 (Qld) s.229BC*

¹³ *Criminal Code Act 1899 (Qld) s.229BB*

¹⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

¹⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

¹⁷ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

Montessori Noosa Principles

Montessori Noosa will uphold the following principles under this policy:

- Montessori Noosa recognises that the safety, wellbeing, and best interest of our students will always be a primary consideration and will protect students from harm as far as it is able.
- Protecting students from harm is fundamental to maximising their personal and academic potential.
- Montessori Noosa recognises that people who are subjected to abuse are harmed by it.
- The school will ensure that staff and volunteers have a positive notice (blue card), or a positive notice exemption card or that they are registered teachers.
- Sexual acts by an adult employee, contractor or volunteer with a student will always be considered an act of sexual abuse.
- Montessori Noosa will respond diligently to any report of suspected, or actual harm, or risk of harm to a student.
- Reprisals against students or others making a complaint will not be tolerated.
- Student management practices will be administered with respect and in a manner that maintains the student's dignity.
- Montessori Noosa will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct.
- Montessori Noosa will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a student.
- Anybody within Montessori Noosa who becomes aware or reasonably suspects that a student is being harmed must report it to the school in accordance with the school's procedures for reporting harm.
- Montessori Noosa will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others.
- Montessori Noosa will cooperate with state authorities in resolving allegations of harm.

Montessori Noosa Guidelines

In complying with the principles, Montessori Noosa will manage the process in accordance with the following guidelines:

Health and Safety: Montessori Noosa will protect students from harm as far as it is able. The safety, wellbeing and best interest of our students are of primary importance. The school will protect the health and safety of staff by complying with the Work Health and Safety Act 2011 (Qld) and the Working with Children (Risk Management and Screening) Act 2000 (Qld).

Conduct of Staff and Students: All staff, contractors and volunteers must ensure that their behaviour towards and relationships with students reflects proper standards of care for students. Staff, contractors, and volunteers must not cause harm to students.

The school will ensure that staff and volunteers either have a positive notice (blue card), or a positive notice exemption card or that they are registered teachers. The Principal where deemed necessary to meet school obligations, can authorise the use of a parent of a child at the school who is a volunteer.

Natural Justice: The principles of natural justice will apply to decisions to be made under this Policy. The two fundamental principles of natural justice are: - that those deciding are not biased; and - that nobody should be condemned unless they are given prior notice of the allegations against them, and they have a fair opportunity to be heard.

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

Confidentiality: Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. Montessori Noosa is unable to promise absolute confidentiality since its

policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

Criminal Law: Where there are allegations of criminal misconduct, the allegations should be referred to the police. The Principal must refer all allegations of paedophilia to the police, including those from the past, except where the alleged perpetrator is deceased.

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

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

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

- Ensure that each staff member understands and fulfils their obligations under this Policy.
- Ensure that there is an acceptable reference for each staff member engaged since the commencement of this protocol.
- Ensure that each non-teaching staff member and volunteer who has contact with children has a current positive suitability notice 'Blue Card.'
- Ensure that every teaching staff member is a Registered Teacher.

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

Interviews: There will be two representatives of the school present at interviews, where practical. In cases of allegations of serious harm, it is best not to interview a student who is a child unless a properly qualified person conducts the interview.

Teachers: If a respondent to an allegation is a registered teacher, the School will give notification to the Board of Teacher Registration, if required to do so under the Education (Queensland College of Teachers) Act 2006.

Volunteers: Volunteers within the school environment who are parents of students who are enrolled at Montessori Noosa do not require a current positive suitability notice 'Blue Card' where; they are engaged in volunteer activities not involving overseeing, guiding and/or leading students (e.g. a parent making materials) and/or they are in the constant presence of a staff member (e.g. a parent lecturing a class group within a teacher directed classroom). Volunteers attending 'Going Out' activities where they will be escorting children outside of the school environment without the presence of a staff member, must have a current positive suitability notice 'Blue Card.'

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

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.229BC¹⁸.

¹⁸ *Criminal Code Act 1899 (Qld) s.229BC(4)(b)*