



TSA Independent School
 Lawnton, Riverview and Bundaberg Campus
 (A Queensland Non-State Independent School)

CHILD PROTECTION POLICY		CODE: CPP2021
Scope of Application:	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 TSA Independent School and covers information about the reporting of harm and abuse	
Filing Instructions:	F:drive <ul style="list-style-type: none"> - F:\Programs\Independent Schools\Master School Folder\Current Policies and Procedures\Finalised Policies and Procedures 	
Related policies:	<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) • The Salvation Army Safety and Wellbeing of Children and Young People Policy • The Salvation Army Safety and Wellbeing of Children and Young People Procedure Link Document • The Salvation Army Safety and Wellbeing of Children and Young People Framework • The Salvation Army Work Health and Safety Policies • TSA Independent School Dispute Resolution Policy • TSA Independent School Child Risk Management Strategy • TSA Independent School Work Health and Safety Policy 	
Forms and Other Documents	Qld Government Child Protection On Line Guide (CPG) Solv Safety Application – Client Incident Online Report ISQ Child Protection Decision Tree for Teachers	

Change record / revision history:

Version	Prepared/ reviewed by	Date reviewed	Approved by	Authorised by	Review date
9.1	Helen Boardman	Dec 2019	Darren McGhee	Rish Lefterys	Dec 2020
9.2	Helen Boardman	Amendments: 5/5/2020, 7/7/2020, 10/9/20, 13/1/21	Rish Lefterys	Rish Lefterys	Dec 2021
9.3	Helen Boardman	Amendments: 04/08/2021, 10/2/22	Shontell Dougherty	Rish Lefterys	Dec 2022



Purpose

Every student is entitled to be safe, protected and not experience harm of any kind.

The purpose of this policy is to provide written processes about;

- a) how the school will respond to harm, or allegations of harm, to students under 18 years old; and
- b) the appropriate conduct of the school's staff and students,

to comply with accreditation requirements.

TSA Independent School is committed to supporting young people and families through this process and ensuring support is offered. Assistance will be offered if required for people with a disability, impairment, if they come from a culturally and linguistically diverse background or have a learning difficulty. Assistance can be given in these areas to ensure they have the same access to the support that is required.

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 and must not cause harm to students¹.

Please note: When suspicions involve a member of staff, refer to The Salvation Army's [Safety and Wellbeing of Children and Young People Policy](#)

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 student 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.

¹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(7)

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

“Parent Test”,

- (a) a parent may be willing to protect a child, but not have capacity to do so and therefore they are not considered “able”. This includes situations such as where the parent’s inability is due to factors such as intellectual impairment or ill health.
- (b) a parent may have the capacity to protect a child (able) but may choose not to do so (not willing). This might include situations where parents choose an ongoing relationship with a person who is abusing their child and are thus “unwilling” to protect the child.
- (c) If there is considered to be at least one parent “able” and “willing” to protect the child, the child is considered to not be in “need of protection”.

“Significant Harm Test”: The matters that the person may consider include—

- 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
- b) In relation to any detrimental effects to the child the reporter may consider:
 - I. Their nature and severity; and
 - II. The likelihood that they will continue, and
- c) The child’s age.

Health and Safety

TSA Independent School will work to ensure that students are safe from harm as reasonably possible. The school has written policies in place about the health and safety of its staff and students and 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). These are located in the TSA Independent School’s [Work Health and Safety Policy](#).

Responding to Reports of Harm

When the school receives any information alleging 'harm'² to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly to minimise any likely harm to the extent it reasonably can. This is set out in the school’s Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy³.

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 students⁴.

² *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)*

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

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

Reporting Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to the⁵ Student Child Protection Officers;

- Manager of Student Support Services – Cheryl Dunkley
- Principal– Shontell Dougherty

Students may also speak to their youth worker or teacher.

Dealing with Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must report it to the Principal, Shontell Dougherty

Where the Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the school's governing body or delegated authority immediately (See section "Delegation of Director Authority on page 6")⁶. Reports will be dealt with under the school's [Dispute Resolution/Complaints Handling Policy](#).

Reporting Sexual Abuse⁷

Under s.366 of the *Education (General Provisions) Act 2006*, 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 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
 - 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 a director of the governing body immediately as required by sections 366 (2) and 366A (2) of the *Education (General Provisions) Act 2006*.

<http://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039>

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

If the Principal is the first person to reasonably suspect the abuse then the Principal must not only give a written report about the suspicion to a police officer immediately but also give a copy of the report to the director of the school's governing body immediately, as required by sections 366 (2) and 366A (2) of the *Education (General Provisions) Act 2006*.

<http://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039>

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

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;

⁵ "Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)"

⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

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

- 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 abuse⁸.

Reporting Likely Sexual Abuse ⁹

Section 366A of the *Education (General Provisions) Act 2006* states that if a staff member reasonably suspects in the course of their employment at the school, that any of the following is likely to be sexually abused by another person: -

- a) a student under 18 years attending the school
- b) a kindergarten aged child registered in a kindergarten learning program at the school
- c) a person with a disability who: -
 - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school
 - 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 a director of the governing body immediately as required by sections 366 (2) and 366A (2) of the *Education (General Provisions) Act 2006*.

(<http://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039>)

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

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(<http://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039>)

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

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- d) any of the following information of which the first person is aware: -
 - i. the student's age;
 - ii. the identity of the person who is suspected to be likely to sexually abuse the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse¹⁰.

Reporting Physical and Sexual Abuse

Under Section 13E (2) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an education and care professional as defined by the act forms a 'reportable suspicion' about a child in the course of their engagement in their profession, they must make a written report.

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.68*

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

¹⁰ *Education (General Provisions) Regulation 2017 (Qld) s.68A*

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 education and care professional must immediately give a written report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*).

The doctor, nurse, teacher or education and care professional should immediately give a copy of the report to the Principal.

A report under this section must include the following particulars:

- a) state the basis on which the person has formed the reportable suspicion and
- b) include the information prescribed by regulation, to the extent of the person's knowledge¹¹.

Delegation of Director Authority

Under section "366B *Delegation of directors reporting function under s 366 and 366A*," the directors reporting functions have been delegated to the State Manager Youth QLD, Rish Lefterys

Sharing of Information¹²

The Principal of a school that is accredited under the Education (Accreditation of Non-State Schools) Act 2017 may give relevant information to any other service provider and a service provider may give information back.

If the chief executive or authorised officer asks the principal or particular information in the school's possession or control, the entity must comply with the request.

This does not apply to relevant information if the principal reasonably considers that;

- (a) giving the information could reasonably be expected to—
 - (i) prejudice the investigation of a contravention or possible contravention of a law in a particular case; or
 - (ii) prejudice an investigation under the Coroners Act 2003; or
 - (iii) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of a law, to be ascertained; or
 - (iv) endanger a person's life or physical safety; or
 - (v) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; and
- (b) it would not be in the public interest to give the information.

A person does not commit an offence merely by failing to comply with subsection (1)

External Services Accessing TSA School Regarding Disclosing Abuse

All personnel from external sites who are offering support/services to the students on school premises as part of their education support plan are required to hold a current blue card and participate in an orientation process, which highlights the reporting requirements. Any concerns regarding a child's safety are to be discussed with the principal and action taken in accordance with the legislation.

¹¹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2) (d)

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

¹² *Child Protection Act 1999 s159 (M) and s159 (N)*

Awareness and Accessibility of Processes¹³

The school will inform staff, students and parents of its processes relating to health and safety, conduct of staff and students, and child protection, through:

- Verbal communications at enrolment, annually or as need arises for parents and students,
- Placing policies and procedures on the website
- On request
- Common drive staff can access
- Orientation of new staff and ensuring all staff have access to copies of this child protection policy and other related policies
- Posters around school stipulating that Salvation Army staff are mandatory reporters and the process to follow if there are concerns, including names of staff to talk to and contact details
- Procedural flow chart displayed in office space

Training

The school will train its staff and volunteers in processes relating to the health, safety and conduct of staff, volunteers and students through

- Induction
- Refresher annual policy training sessions¹⁴.
- Staff will be required to sign the Organisational Code of Conduct for TSA Workers
- TSA E Learning: Safeguarding Principles Training (via the Australian Childhood Foundation) every 3 years
- Education Meetings when required

This will be documented through the TSA training register and meeting minutes.

Implementing the Processes

The school will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually and through revision at staff meetings annually at the beginning of the school year and when legislation changes occur.¹⁵

Students should be aware that under Salvation Army policy, all staff are considered “mandatory reporters” through discussions at enrolment. Students are to sign the Confidentiality and Consent Form at the beginning of each year to ensure awareness and transparency.

Complaints Procedure

Suggestions of non-compliance with the school’s processes may be submitted as complaints under TSA Independent Schools Dispute Resolution Policy and Procedure¹⁶.

Use school site address on [Online Client Incident Report](#) (via Solv Safety)

¹³ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a) and (4)(b)

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

¹⁵ Reference should be Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

¹⁶ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)



CHILD PROTECTION PROCEDURE

This procedure, in conjunction with the Child Protection Policy and procedural flow chart, outlines the steps required for reporting significant harm of a student under 18.

STEP 1:

Assessing the Need to Report

In assessing whether a student needs protection, the staff should consider:

1. Significant Harm Test
2. Parent Willing and Able Test
3. [Child Protection Online Guide](#) is to be completed.

STEP 2:

1. 1st hand person completes steps in assessing need to report
2. If YES need to report – Worker is to notify Head of Student Support Services/Principal and complete the TSA online Client Incident Report within the Solv Safety Application (Client Incident button) via Salvos Central
3. Email form to Head of Student Support Services and School Principal
4. Head of Student Support Services rings School Principal for delegation of reporting
5. Delegated authority completes online child safety notification and contact police immediately if required
6. Safety Plan completed by 1st person
7. Head of Student Support Services/Principal immediately emails completed Online Child Safety Notification to TSA State Manager Youth QLD (As stated in policy under Delegated director function) along with advice that online client incident report has been completed
8. 1st person to upload any notes and supporting documentation onto SAMIS
9. Sexual Abuse and Physical reported immediately – Priority is to make the young person safe

YES outcome from the Child Protection Online Guide – Staff are required to follow the TSA process:

1. Complete an online child safety notification
2. Complete the TSA online Client Incident Report within the Solv Safety Application (Client Incident button) via Salvos Central

To report any type of harm, all staff members are to use the TSA online Client Incident Report within the Solv Safety Application (Client Incident button) via Salvos Central and the Departments Online reporting form.

A report under this section must include the following particulars:

- the name of the person giving the report (the **first person**);
- the student's name and gender;
- details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- details of the abuse or suspected abuse;
- any of the following information of which the first person is aware:
 - the student's age;
 - the identity of the person who has abused, or is suspected to have abused, the student;
 - the identity of anyone else who may have information about the abuse or suspected abuse.

Ensure all notes and record of actions are maintained and uploaded on SAMIS and in student's file on F Drive.

All reports are to be immediately sent to the following departments for centralised record keeping:

1. Principal – Shontell Dougherty
2. State Manager Youth QLD – Rish Lefterys (Delegated authority from the Governing Board)

Principal will keep copies of allegation reports on file in F drive in <F:\QYOD\Programs\Independent Schools!\Management Security>

Communication

- Staff are to communicate with the student and ensure they feel supported and are aware of what processes are taking place
- Communication is required with relevant staff:
 - If co casing a student
 - If there is an immediate safety concern for the student on the school premises

Contact with Parties Involved in the Report

When the report is related to sexual or physical abuse or if the matter is related to a criminal matter, the parties involved should **NOT** be contacted.

All other reports are at the discretion of the Principal and staff involved, a risk assessment should be completed. Ask the question: does contacting the involved parties increase the risk of harm to the child or assist with the process

Notification is NOT Required

If the risk of significant harm test, parent test or the online protection guide does not meet the threshold for child safety action or referral, the worker records an observation noting the indicators/behaviours and verbal discussion. If there are any such future reports about the same child or young person then together these may indicate a pattern of behaviour that is reportable, and another report may be made with the new information. Contact with Family and Child Connect (FaCC) to facilitate a referral of the family to an external agency for assistance, may also be an option. This is also the case if it is considered that a child is likely to become in need of protection and if the school considers preventative support should be provided to the child or the child's family.

In addition:

- Discuss further options with Principal / Head of Student Support Services
- Possible other referrals to address student and family's situation
- Continue to follow up with young person and family regarding situation
- Ensure notes are maintained and kept on SAMIS and in file
- If situation changes, start reporting process again



Child Protection Decision Support Tree for all staff

Our school is committed to supporting young people and families through this process and ensuring support is continued to be offered once report has been made

I am a SCHOOL staff member

During the course of my engagement as a staff member, I have become aware or I have a reasonable suspicion that a student under the age of 18, has been or is likely to be significantly harmed

Psychological Abuse
Emotional Abuse
Neglect

Sexual or Physical Abuse
Follow Both Paths Below*

- Discuss concerns with Principal/Team Leader/young person
 - Discuss concerns with parent if appropriate
 - Significant Harm Test Fulfilled?
 - Parent Test Fulfilled?
 - Complete Child Protection online guide
- IS A REPORT REQUIRED?**

Teacher or Registered Nurse*
Child has suffered, is at risk of suffering, is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect them from harm
Child Protection Act

Any Staff member
Child has been sexually abused or is likely to be sexually abused.
Education General Provisions Act

NO

YES

Report is NOT required at this stage

- Discuss further options with Principal
- Referral to Family Child Connect Services or other suitable services
- Continue to follow up with young person regarding situation
- Ensure notes are maintained and kept on SAMIS and in student file

Complete TSA online Client Incident Report (Solv Safety)

Notify Manager Student Support Services/Principal immediately and ensure notes are input in SAMIS/stored on Student File

Principal to notify TSA QLD State Manager Youth immediately

Staff member to complete TSA online Client Incident Report (Solv Safety) and online department reporting form

IMMEDIATELY give written report to the Principal / Deputy, or the Director^

If Principal is the first person receiving the information, they are required to give a written report to the police IMMEDIATELY and a copy of the report is required to be given to the director^ IMMEDIATELY

Principal/Deputy or Director^ to give report to Police IMMEDIATELY

*Under TSA Safeguarding Children/Vulnerable Person Policy all Staff are considered to be Mandatory reporters
^Director roll has been delegated to The Salvation Army State Manager Youth – Rish Lefterys