



PREFACE

The Presbyterian and Methodist Schools Association (**PMSA**) is aware of its duty of care and responsibility for the welfare and well-being of the students of all its schools and the children in its Early Learning Centres. It recognises the need to protect children from Abuse by people who may have access to its students and kindergarten children

PURPOSE

The purpose of this policy is to provide written processes about the care and protection of children, including processes for appropriate conduct, for reporting abuse or suspected abuse and processes for handling disclosures of Harm. These processes will satisfy all legislative requirements.

SCOPE

This policy applies to all employees, students, children, volunteers, visitors and contractors at all PMSA schools and Early Learning Centres, and to Homestay Service Providers, Homestay Hosts, residents of, and visitors to Homestay Host residences and Homestay Students. It covers information about the reporting of Harm, physical or sexual abuse and inappropriate behavior. It contains information to guide responses to self-harm.

PMSA has developed and will maintain an Early Learning Child Protection Policy which is separate from this policy and which deals specifically with requirements in the Early Learning sector.

RELEVANT LEGISLATION

- Child Protection Act (1999) (Qld)
- Child Protection Regulation 2000 (Qld)
- Education and Care Services National Law (Queensland) Act 2011
- Education (General Provisions Act) 2006 (Qld)
- Education (General Provisions) Regulation 2006 (Qld)
- Education (Accreditation of Non-State Schools) Act 2017 (Qld)
- Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)
- Education (Queensland College of Teachers) Act 2005 (Qld)
- Education Services for Overseas Students (ESOS) Act 2000 (Cth)
- Education (Overseas Students) Act 2018 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)
- Working with Children (Risk Management and Screening) Regulation 2011 (Qld)

RELATED POLICIES

- Blue Card (Working with Children)
- Alleged Abuse of Former Students



- Child Protection Risk Management Strategy
- Boarding School Policy
- Homestay Welfare and Accommodation
- Homestay Risk Management Strategy
- Complaints Procedure
- Early Learning Child Protection Policy

APPROPRIATE CONDUCT

PMSA states that the following is appropriate conduct for each school's staff and students:-

Staff, contractors and volunteers at PMSA schools are expected to provide a high standard of care in their interaction with students.

Members of a PMSA school community must not, under any circumstances, Abuse a student.

Because of the age difference and the power imbalance that exists between an adult member of the community and a student, a student cannot "consent" to Abuse.

PMSA will not tolerate Abuse by one student of another student.

Failure to behave in an appropriate manner may result in criminal proceedings and/or disciplinary action, including dismissal for staff and expulsion for students.

At PMSA schools the welfare and best interests of the student will always be a primary consideration.

PMSA schools expect their students to show respect to their staff and volunteers and to comply with safe practices.

PMSA schools will respond diligently to a report of suspected or actual Harm, or risk of Harm to a student.

PMSA schools will not tolerate reprisals against anyone who provides information about Harm.

PMSA schools will act fairly and reasonably towards a person who is alleged to have acted inappropriately.

PMSA schools will take disciplinary action against anyone who Harms a student to the extent it is able to do so.

A PMSA school will not permit people to work in a position if the school believes on the basis of all information available that, if allegations against them are wholly or partly true, there would be an unacceptable risk that others might be Harmed.

PMSA schools will co-operate with State authorities in resolving allegations of Harm.



REPORTING HARM NOT-FROM PHYSICAL OR SEXUAL ABUSE

Reporting Harm (Accreditation Regulation)

1. When a PMSA school receives any information alleging Abuse (other than physical or sexual abuse) it will respond to the situation compassionately and fairly so as to minimise any likely Harm to the extent it reasonably can. Information relating to physical or sexual abuse is handled under obligations to report set out separately in this policy.
2. A student who becomes aware or reasonably suspects that Harm (other than Harm arising from physical or sexual abuse) has been caused by anyone to a student of a PMSA school who was under 18 at the time should report it to any staff member. (Accreditation Regulation S.16(1)(a)).
3. A staff member who becomes aware or reasonably suspects that Harm (other than Harm arising from physical or sexual abuse) has been caused by anyone to a student of a PMSA school who was under 18 at the time must report it to the Principal of that school, and keep a written record of the actions taken. (Accreditation Regulation S.16(1)(a)).
4. The Principal of a PMSA school, upon receiving a report of Harm or suspected Harm (other than Harm arising from physical or sexual abuse) to a student of that school and upon becoming aware of the Harm having been caused or reasonably suspecting the Harm to have been caused will deal with the situation compassionately and fairly so as to minimize any likely Harm to the extent they reasonably can. (Accreditation Regulation s.16(1)(a)).

Inappropriate staff behaviour

5. A student who wishes to report behaviour by a staff member considered by that student to be inappropriate, should report the behaviour to the Principal or Deputy Principal/Head of Sub-School, whose contact details are made available in Student Handbooks of the school concerned. Unless the Principal is the subject of the report, the person receiving the report must pass it on to the Principal (Accreditation Regulation S.16(2)(a) and (3)).
6. If the Principal is the subject of the report, the person receiving the report must pass it to the Deputy Principal/Head of Sub-School.
7. The Principal, (or the Deputy Principal/Head of Sub-School where the Principal is the subject of the report) upon receiving a report by a student of inappropriate behaviour of a staff member, should interview the student, the staff member named in the report and any other person who may be able to provide useful information. (Accreditation Regulation S.16(2)(b)).
8. A Principal of a PMSA school should take action on the basis of the report and the investigation of the report (Accreditation Regulation S.16(2)(b)).

REPORT SEXUAL ABUSE

Reporting Sexual Abuse - Education (General Provisions)

9. Under section 366 of the *Education (General Provisions) Act 2006* (Qld) 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 age child registered in a kindergarten learning programme at the school;



- c) a person with a disability who:
- i. under s420(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 immediately give a written report about the Abuse or suspected Abuse to the Principal of that school or any member of the PMSA Board, who must then immediately give a copy of the report to the police.
- The report must contain the information set out in 11 below. [s 366 (3) of the *Education (General Provisions) Act 2006*].
- If the staff member gives a written report to a PMSA Board member, and if the Principal is not the subject of the report, the staff member will give to the Principal a copy of the written report”
10. The Principal of a PMSA school who becomes aware, or reasonably suspects Sexual Abuse, must immediately give a written report to a police officer, and must also give a copy of the report to any member of the PMSA Board.
11. The report must contain the following particulars:
- a) the name of the person giving the report (the **first person**);
 - b) the student's name and sex;
 - c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been Sexually Abused by another person;
 - d) details of the abuse or suspected abuse;
 - e) any of the following information of which the first person is aware:
 - i. the student's age;
 - ii. the identity of the person who has Sexually Abused, or is suspected to have Sexually Abused, the student;
 - iii. the identity of anyone else who may have information about the abuse or suspected abuse. [s.68 of the *Education (General Provisions) Regulation 2017*].

Reporting Likely Sexual Abuse – Education (General Provisions)

12. Section 366A 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 is likely to be Sexually Abused by another person:
- a) a student under 18 years attending the school;
 - b) a kindergarten age child registered in a kindergarten learning programme at the school;
 - c) a person with a disability who:
 - i. under s420(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 school;



then the staff member must immediately give a written report about the suspicion to the Principal of that school or a director of the school's governing body, that is to say, any member of the PMSA Board, who must then immediately give a copy of the report to the police.

The report must contain the particulars as set out in 15 below.

13. If the school Principal becomes aware, or reasonably suspects likely Sexual Abuse, the Principal must immediately give a written report about the suspicion to a police officer, and must also give a copy of the report to any member of the PMSA Board.
14. The report must contain the particulars as set out in 15 below.
15. The written report must contain 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, or is likely, to be 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 Sexually Abused, or is suspected to have Sexually Abused, the student;
 - iii. the identity of anyone else who may have information about the abuse or suspected abuse. [s.69 of the *Education (General Provisions) Regulation 2017*].

Mandatory Reporting of Physical and Sexual Abuse -Child Protection Act

16. Under Section 13E of the *Child Protection Act 1999*, if a doctor, registered nurse, teacher, forms a 'reportable suspicion' about a child in the course of their engagement in their profession, they must make a written report.

The doctor, registered nurse or teacher, must give a written report to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*): *Child Protection Act 1999* s.13G

The doctor, registered nurse or teacher, where appropriate, should confer with the Principal in preparing the written report [*Child Protection Act 1999* s.13H].

17. A report under this section must include the following particulars (*Child Protection Act 1999* s.13G:
 - 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 knowledge.
18. The information prescribed by Section 10 of the *Child Protection Regulation 2011* is:
 - a) the child's name and sex;
 - b) the child's age;



- c) details of how to contact the child;
- d) details of the Harm to which the reportable suspicion relates;
- e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the Harm to which the reportable suspicion relates;
- f) of the identity of any other person who may be able to give information about the Harm to which the reportable suspicion relates.

Reportable Suspicion Tests – Child Protection Act

19. The Significant Harm Test

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 the physical or sexual abuse; and
- b) may not have a parent able and willing to protect the child from Harm.

'Significant harm' has no legislative definition. Matters to consider, under the *Child Protection Act 1999* s.13C, when considering the significance of Harm under mandatory reporting obligations include:

- c) 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 reporting; or
 - ii. that the person considers are likely to become evident in the future; and
- d) in relation to any detrimental effects mentioned in paragraph (a)-
 - i. their nature and severity;
 - ii. the likelihood that they will continue; and
- e) 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.

20. The Parent Test – Child Protection Act

For a suspicion to be reportable it must also fulfil the "**Parent Test**". The parent test is fulfilled if a child may not have a parent **willing and able** to protect them from the significant Harm. A parent willing and able has no legislative definition, however willing goes to **choice** and able goes to **capacity**.

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, for example, where the parent's inability is due to intellectual impairment or ill health. Alternatively, 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 a parent has an ongoing relationship with a person who is abusing their child and the parent is thus unwilling to protect the child.



If there is considered to be at least one parent able and willing to protect the child, the child is considered not to be in need of protection.

A doctor, registered nurse or teacher is not required to make an investigation or determination as to whether a parent is willing and able, "reasonably suspecting" that a child may not have a parent willing and able to protect them is sufficient.

21. **Conferrals with colleague and related information sharing**

- a) Colleagues may provide information to each other in complying with the *Child Protection Act 1999*. For example:
 - i. 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.
 - ii. 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 the Law, to enable the supervisor to take appropriate action to protect the child or other children from risk of Harm. See *Child Protection Act 1999* section 13H.

RESPONDING TO REPORTS OF HARM

Notifications to Queensland College of Teachers (QCT)

22. A Principal who deals with an allegation of Harm caused, or likely to be caused, to a child because of the conduct of a teacher must, as soon as practicable after starting to deal with the allegation, inform the Queensland College of Teachers (QCT) of the investigation, including the following details:
 - a) the names of the PMSA, the School and the teacher; and
 - b) particulars of the allegation, including the date the school started dealing with the allegation, action taken in response to the allegation and other relevant information: *Education (Queensland College of Teachers) Act 2005* s.76.
23. If the school stops dealing with the allegation for any reason, the Principal must provide to the QCT, in addition to the details required in sub-section (a) above, the date the investigation ended, the findings of the investigation, the outcome and any reasons for the outcome and, if relevant, the final decision and reasons for the decision: *Education (Queensland College of Teachers) Act 2005* s.77.
24. If the school dismisses a teacher in circumstances that, in the opinion of the PMSA, call into question the teacher's competency to be employed as a teacher and the school has not given notice under (a) or (b) above, the school must provide to the QCT within 14 days after the dismissal the name of the PMSA and the school, the name of the teacher, the date of the notice of dismissal, the effective date of the dismissal and the reasons given by the school for the dismissal: *Education (Queensland College of Teachers) Act 2005* s.78.

When a Disclosure is Made

25. On receiving an allegation of Abuse a PMSA school should only ask enough questions to assess the need to report the matter to authorities. The safety of the child is paramount. Unnecessary



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- questions or interviews could cause distress or confusion and interfere with any subsequent investigation undertaken by the authorities.
26. In the first instance, reports by the school of suspected child abuse should be made to the Department of Communities, Child Safety and Disability Services or other Department administering the *Child Protection Act 1999* which is staffed by professionally trained child protection personnel skilled in dealing with suspected child abuse reports.
 27. To discuss or report an incident involving a child to the Queensland Police Service, contact can be made with the local Child Protection and Investigation Unit through the nearest Police District Communication Centre.
 28. A PMSA school should not:
 - a) Conduct its own investigation to substantiate claims
 - b) Hold its own internal hearing, or
 - c) Attempt to mediate a settlement of the matterinstead of notifying relevant authorities.
 29. Investigations conducted by a PMSA school could lead to:
 - a) The destruction of evidence by an accused person
 - b) Intimidation of the person disclosing the information, or
 - c) Intimidation of the child being Harmed (if the disclosure was made by someone else).
 30. A PMSA school may investigate and deal with an allegation if it does not need to be reported to authorities or, where it is reported, the authority decides at some stage that no further action is required.

Role of the PMSA

To comply with the *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) PMSA must ensure

- a) staff, students and students' parents and guardians are made aware of this child protection policy; ¹and
- b) the child protection policy is readily accessible by staff;²and
- c) staff are trained annually in implementing the processes; ³and
- d) each of its schools is implementing the processes. ⁴

If PMSA itself receives a report of abuse or harm related to a PMSA school, the chief executive officer of PMSA will send the report to the relevant PMSA school to be dealt with in accordance with this policy.

POLICY DISTRIBUTION

This policy is to be made available to students and parents of PMSA schools, children and parents of and Homestay Hosts arranged by and for PMSA schools by:-

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

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

³ *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(4)(c)

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



- a) the school website,
- b) student diary,
- c) parent manuals, including those for boarders, and
- d) Homestay Handbook, and
- e) by display on at least one noticeboard at the school.

The school will draw the attention of parents, students and children to the Policy at least twice a year via the School newsletter.

The Principals will ensure that a copy of this Policy is always available from the administration of each school.

The policy will be directed to the attention of all staff through:

- the staff handbook, and
 - on the first Staff Professional Development Day of each school year for school staff, and
- to all new staff at the time of their appointment.

HOMESTAY STUDENTS

For provisions relating specifically to Homestay Students please refer to the PMSA Homestay Welfare and Accommodation Policy.

DEFINITIONS

- a) **Abuse** means activity or deliberate or careless inactivity which causes significant Harm, The Harm can be caused by physical, psychological or emotional Abuse or neglect, Sexual Abuse or exploitation.
- b) **Child** means a person under 18 years of age.
- c) **Harm**, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

It is immaterial how the Harm is caused.

Harm can be caused by:

- i. physical, psychological or emotional abuse or neglect; or
- ii. sexual abuse or exploitation.

Harm can be caused by:

- iii. a single act, omission or circumstance; or
- iv. a series or combination of acts, omissions or circumstances.

[This is the definition in Section 9 of the *Child Protection Act 1999*].

- d) **Pastoral Care** is emotional support from a person who does not necessarily hold academic qualification required for professional counselling.



- e) **PMSA** is The Presbyterian and Methodist Schools Association, the governing body of Brisbane Boys' College, Clayfield College and Somerville House schools in Brisbane and Sunshine Coast Grammar School on the Sunshine Coast.
- f) **PMSA School** includes, where the context requires, Homestay Hosts arranged by and for PMSA schools.
- g) **Sexual Abuse** in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:
- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
 - the relevant person has less power than the other person;
 - there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.
- [This is the definition in Section 364 of the *Education (General Provisions) Act 2006*]
- h) **Staff** includes current or former employees (for example teachers, administration people and grounds staff), contractors and volunteers (for example sports coaches).
- i) **Students of PMSA Schools** includes any person regardless of age who is enrolled at any PMSA school.

HARM NOT COVERED BY SPECIFIC LEGISLATION

Bullying and Harassment

In most cases, harm of this nature is not required to be reported to external authorities, unless it involves criminal behaviour or is harm under the definitions supplied in this policy. The Child Protection Policy should be read in conjunction with the Anti-bullying and Sexual Harassment policies of the PMSA schools.

Self-Harm

Self-harm may occur with or without suicidal intent, or may be symptomatic of, or associated with, a known medical condition or intellectual disability.

Self-harm with Suicidal Intent

Common risk factors include:

- Previous attempts at suicide (most powerful risk predictor)
- Depression
- Drugs and alcohol abuse
- Conduct disorder
- Disruptive and unsupportive family background
- Relationship conflicts
- Poor coping skills
- Psychiatric illnesses
- Ready availability of lethal means to commit suicide
- Copycat behaviour after an incident of self-harm by another person



Other risk factors include:

- Recent bereavement
- Chronic physical illness
- Anniversary phenomenon (of past losses or major life events)
- Early loss experiences
- School failure
- Perfectionism and overachievement as a result of students having high expectations of themselves

Threats of self-harm by a student should be taken seriously and reported to the school counsellor and Principal immediately.

An employee who becomes aware of, or suspects that, a student is experiencing significant psychological distress, should consult the school counsellor, or school-based nurse (where applicable) for further advice and report the information to the Principal.

In the case of an acutely distressed student, the immediate safety of the child is paramount.

An employee should ensure the immediate safety of the student, arrange for an adult to be with the student at all times and then report concerns to the Principal and the school counsellor. Employees should note that while it is important to support a student, they should be careful not to substitute support for professional help.

Following a report, the school counsellor should meet with the distressed student on the day of the report, to conduct an initial assessment and determine an appropriate course of action. In cases of serious concern, the Principal, or counsellor under the direction of the Principal, should notify the student's parents and make arrangements for access to professional assistance.

Self-Harm Without Suicidal Intent

Not all cases of self-harm relate to suicidal intent. Students may engage in a variety of high risk behaviours, such as alcohol/substance abuse, drug-taking, unsafe promiscuity, cutting/burning oneself.

All school employees are expected to act to prevent all high risk behaviours occurring within the school, and to support any other interventions undertaken to reduce the risk of such behaviours occurring outside the school.

Employees who are aware that a student is engaging in, or is at risk of engaging in, high risk activities, should consult with the school counsellor for further advice and report their concerns to the Principal.

Following a report, the Principal should consult with a student counsellor to determine what course of action should occur. Possible actions include:

- contacting parents
- arranging professional assistance
- consulting with the local office of the Department of Child Safety
- consulting with the Office for Early Childhood Education and Care
- contacting the police where appropriate



31. Self-Harm as a Symptom of a Medical Condition or Intellectual Disability

Where it is known that a student has a propensity to engage in self-harm that is symptomatic or associated with a known medical condition or intellectual disability, the school Principal, in cooperation with other qualified school staff and external treating professionals (where applicable) should devise an individual programme of management to prevent or reduce the likelihood of the student engaging in self-harm at school.

The programme should complement any other management procedures adopted outside the school setting to address the self-harm behaviour.

REVIEW

The PMSA will ensure that this Policy is reviewed annually.

GENERAL

32. A person who becomes aware of the identity of a person who has notified authorities about Harm must not disclose the identity of that person except in the circumstances set out in s186(2) of the *Child Protection Act 1999*.
33. The Principal of each PMSA school will ensure that the following are undertaken in order 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, from their previous employer;
 - ensure that each non-teaching staff member and volunteer who has contact with children has a current positive prescribed notice issued under the Working with Children (Risk Management and Screening) Act 2000 (Qld) as required by the PMSA Blue Card (Working with Children) policy.
 - ensure that each teaching staff member is a registered teacher.





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APPENDIX 1 Child Protection Summary of Reporting Harm				
<i>Who</i>	<i>What abuse</i>	<i>Test</i>	<i>Report to</i>	<i>Legislation*</i>
All staff	Sexual	Awareness or a reasonable suspicion. Sexually abused or likely to be sexually abused.	Principal or PMSA Board Member, must be reported through to Police.	EGPA, sections 366 and 366A.
Teacher, doctor, nurse ('professional')	Sexual and physical	Reasonable suspicion of significant Harm. Parent may not be willing and able to protect.	Confer with Principal, professional must report to Child Safety.	CPA, sections 13E and 13G
Student	Inappropriate conduct	By a staff member	Report to Principal or Deputy Principal/Head of Sub-School	Accreditation Regulation s.16
Any person	any	reasonably suspects a child is at unacceptable risk of suffering significant harm and may be in need of protection	inform Principal and may, after consultation with the principal, inform Child safety	CPA, section 13A
Principal (as a 'prescribed entity' under CPA 159M)	Any	child is likely to suffer significant harm and does not have a parent willing and able to protect the child	Family and Child Connect may give information to a service provider if believe the service provider may decrease the likelihood of the child becoming in need of protection CPA 159MD	CPA, sections 13B, 159M and 159MD

* EGPA = Education (General Provisions) Act; CPA = Child Protection Act

If there is any doubt about duties, refer to the Acts and to the full wording of this policy