

PRESBYTERIAN AND METHODIST SCHOOLS ASSOCIATION

CHILD PROTECTION POLICY

The Presbyterian and Methodist Schools Association is aware of its duty of care and responsibility for the welfare and well-being of the students of all its schools, and recognises the need to protect children from Abuse by members of the school and wider community.

This policy will be made available to students and parents of PMSA schools via the school website, student diary, and the parent manuals, including that for boarders, and by display on at least one noticeboard at each school, always. The attention of parents and students will be drawn to the Policy at least twice a year via the School newsletters. The Principals will ensure that a copy of this Policy is always available from the administration of each PMSA school. The policy will be directed to the attention of all staff through the staff handbook, and in particular, on the first Staff Professional Development Day of each school year and to all new staff at the time of appointment. Both teaching and non-teaching staff will be provided with appropriate training on child protection issues on an annual basis.

The purpose of this policy is to provide written processes about the appropriate conduct of school staff and students that accord with legislation in Queensland about the care and protection of children.

This policy applies to all staff and students at all PMSA schools. It covers information about the reporting of physical, emotional and sexual abuse, as well as neglect, inappropriate behaviour and self harm.

Relevant Legislation:

Commission for Children and Young People and Child Guardian Act 2000 (Qld)
Commission for Children and Young People and Child Guardian Regulation 2001 (Qld)
Education (General Provisions Act) 2006 (Qld)
Education (General Provisions) Regulation 2006 (Qld)
Education (Accreditation of Non-State Schools) Act 2001 (Qld)
Education (Accreditation of Non-State Schools) Regulation 2001 (Qld)
Education (Queensland College of Teachers) Act 2005 (Qld)
Education Services for Overseas Students (ESOS) Act 2000 (Cth)
Education (Overseas Students) Act 1996 (Qld)
Public Health Act 2005 (Qld)

PRINCIPLES

PMSA schools will uphold the following principles under this policy.

1. Staff members at PMSA schools are expected to reflect the highest standards of care in their behaviour towards and relationships with students.
2. Members of the PMSA school communities must not, under any circumstances, Abuse a student of the school.
3. Because of the authority that exists between a staff member and a student, a student cannot "consent" to Abuse.
4. Failure to behave in an appropriate manner may result in criminal proceedings and/or disciplinary action, including dismissal for staff and expulsion for students.
5. Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential.
6. Employees of PMSA Schools must not, under any circumstances, engage in physical or emotional abuse or engage in sexual conduct of any nature with a student of any PMSA school. It is irrelevant whether the conduct is consensual or non-consensual, or condoned by parents or caregivers. The age of the student is also irrelevant.

7. PMSA schools recognise that people who are subjected to Abuse are harmed by it.
8. At PMSA schools the welfare and best interests of the child will always be a primary consideration.
9. PMSA schools expect their students to show respect to their staff and volunteers and to comply with safe practices.
10. PMSA schools will respond diligently to a report of suspected or actual harm, or risk of harm to a student.
11. PMSA schools will not tolerate reprisals against students or others making a complaint.
12. At PMSA schools, student management practices will be administered with respect and in a manner which maintains the student's dignity.
13. PMSA schools will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct.
14. PMSA schools will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a student.
15. PMSA schools will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others.
16. A PMSA school will not permit people to work in a position if that School believes on the basis of all information available that, if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.
17. PMSA schools will co-operate with state authorities in resolving allegations of harm.
18. A defence of absolute privilege is available for publishing information contained in a report about Sexual Abuse given under the obligations of the Education and other Legislation (Student Protection) Amendment Act 2003 ("Student Protection Act").
19. Persons receiving information about Abuse or suspected Abuse should explain to the informant that the information supplied will be:
 - confidential, to the extent that this is possible given the need to investigate allegations and requirements of the law; and
 - victimisation of the informant will not be tolerated.

GUIDELINES

In complying with these principles, PMSA schools will be guided by the following:

Risk Management

For the protection of both staff and students, no staff member, except the Principal, is permitted to be alone with a student in a room with the door closed, unless both the staff member and the student are clearly visible from the outside, e.g. by means of a pane of glass. For the purposes of this requirement, any room so utilised must be subject to regular observation by other persons for the duration of the interaction.

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 making a decision are not biased;
- that nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity of being heard.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. PMSA schools are 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.

Defamation

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

Promptness

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

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/or the media.

Police Action

It will usually be necessary to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. If the police do charge the respondent, it will be necessary to wait until the charges have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the Principal from seeking advice from police regarding the duty of care to existing students which may involve the standing down of a staff member during an investigation. The police are not required to inform the School about their investigation. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

Insurer

Each PMSA school will keep its insurer informed about developments.

Review

The Chairman of the Abuse Reference Committee will ensure that this Policy is reviewed at least once every two years.

The Role of the Principal

The Principal of the school concerned should not, under any circumstances, caution the alleged victim as to the possible consequences of reporting Abuse (e.g. possible break-up of the family unit), especially if the alleged abuser is a family member.

1. On receipt of a report of Abuse other than the suspected Sexual Abuse of a student by an employee referred to in paragraph 3, the Principal of the school concerned will carry out a preliminary assessment to determine whether that Principal reasonably suspects the Abuse has occurred.
2. There will be two representatives of the School concerned 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.

3. If the Principal of the school concerned receives a written report from a staff member about Sexual Abuse or suspected Sexual Abuse by an employee of that school of a student under 18 years attending that school, the Principal of that school will immediately provide a copy of the report to the police. The Principal of that school must, upon becoming aware of all allegations of paedophilia, immediately refer them in writing to the police, including those from the past, except where the alleged perpetrator is deceased.
4. The Principal of the school concerned will support the child by:
 - offering pastoral support;
 - offering to arrange professional counselling, if circumstances warrant it, even if any allegation is not yet proved or disproved;
 - treating the child with respect and dignity;
 - being sensitive to the child's needs, feelings and concerns; and
 - maintaining confidentiality, to the degree possible in the circumstances.
5. The Principal of the school concerned will contact the child's parents, inform them of the allegations and explain how that Principal intends to proceed, except where the suspected harm is from people outside the school, in which event the responsibility for informing parents/caregivers rests with the investigating child protection agency official.
6. The Principal of the school concerned will inform the respondent of the allegations and:
 - if the respondent is a member of the school community, offer pastoral support;
 - treat the respondent with respect and dignity;
 - arrange for professional counselling if it is requested until the matter has been resolved.
7. The Principal of the school concerned will stand down any member of staff if there is unacceptable risk in leaving the member of staff in their position.
8. The Principal of the school concerned will suspend the enrolment of any student if there is an unacceptable risk in permitting the student to attend the school.
9. When a police prosecution relating to the information is completed or if there is no police prosecution, the Principal of the school concerned will investigate the information to determine whether:
 - redress should be offered to the child;
 - disciplinary action should be taken.

The Principal of the school concerned, with the advice of the PMSA Abuse Reference Committee Chairman, may involve independent professionals in the investigation.
10. If the Principal of the school concerned believes redress should be offered, the Principal of that school will refer that issue to the Abuse Reference Committee for consideration under the PMSA Abuse Policy.
11. If the Principal of the school concerned believes disciplinary action should be taken against the respondent, the Principal of that school will initiate that action and ensure the principles of Natural Justice are observed.

12. If a registered teacher is the respondent, the Principal of the school concerned will notify the Queensland College of Teachers if required by the **Education (Queensland College of Teachers) Act 2005**.
13. The Principal of the school concerned 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 by the Commissioner for Children and Young People and Child Guardian.
 - Ensure that each teaching staff member is a Registered Teacher.

DEALING WITH ALLEGATIONS OF HARM

Suspicion of harm

"Reasonable grounds" for suspecting harm exist if:-

- A child or young person reports they have been harmed
- Someone else, for example another child, a parent, or staff member, reports that harm has occurred or is likely to occur
- A child or young person reports that they know of someone who has been harmed (it is possible they may be referring to themselves)
- Significant changes in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries are a concern
- The harm is observed happening

Any disclosure of harm is important and must be acted upon, regardless of whether:

- The harm to a child or young person has been caused by a person from within or outside a PMSA school, or
- The child or young person disclosing the harm is from within or outside a PMSA School.

It is crucial to have procedures in place so any disclosure from an adult, child or young person is dealt with efficiently and effectively.

When a disclosure is made

No investigation of allegations of harm should be undertaken by a PMSA school. Only enough questions as to confirm the need to report the matter to the Queensland Police Service or the Department of Child Safety should be asked. The safety of the child or young person is paramount. Unnecessary questions or interviews could cause distress, confusion and interfere with any subsequent investigation undertaken by the authorities.

In the first instance reports of suspected child abuse should be made to the Department of Child Safety which is staffed by professionally-trained child protection personnel who are skilled in dealing with suspected child abuse reports.

To discuss or report an incident involving a child or young person to the Queensland Police Service contact can be made with the local Child Protection and Investigation Unit (formally Juvenile Aid Bureau) through the nearest Police District Communication Centre.

A PMSA school should not:

- Conduct its own investigation to substantiate claims
- Hold its own internal hearing, or
- Attempt to mediate a settlement of the matter instead of notifying relevant authorities.

Investigations conducted by a PMSA school could lead to:

- The destruction of evidence by an accused person
- Intimidation of the person disclosing the information, or
- Intimidation of the child or young person being harmed (if the disclosure was made by someone else).

N.B. When a report is made to the Department of Child Safety or the Queensland Police Service, reporting details are kept confidential and the identity of the reporter is strictly protected.

PROCEDURES FOR REPORTING ABUSE/HARM

- (a) A student who becomes aware or reasonably suspects that harm 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.10)
- (b) A staff member who becomes aware or reasonably suspects that harm has been caused by anyone to a student of a PMSA school who was under 18 at the time should report it to the Principal or Deputy Principal of that school, and keep a written record of the actions taken. (Accreditation Regulation S.10)

Note: Under s 191 of the Public Health Act 2005, doctors and registered nurses, including school nurses, have an obligation to give notice of harm or likely harm immediately to the Chief Executive, Department of Child Safety, if:

- (i) they become aware, or reasonably suspect, during the practice of their profession, that a child has been, is being, or is likely to be, harmed; and
- (ii) as far as they are aware, no other doctor or nurse has notified the Chief Executive under the section about the harm or likely harm.

This immediate notice can be given orally, by fax, by e-mail or by similar means and must then be followed up with written notice within seven days. The notice must include:

- the child's name
- the child's date of birth
- the place or places where the child lives;
- the names of the child's parents
- the place or places where the parents live or may be contacted;
- details of the harm or likely harm of which the professional is aware or that the doctor or nurse suspects; and
- the doctor or nurse's name, address and telephone number.

The doctor or nurse may seek further information about harm or likely harm to a child before forming a reasonable suspicion about the matter, for example, by consulting with a colleague.

A school may request medical staff employed by the school to provide to the school information about abuse obtained in the course of their work as an employee.

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 s 186(2) of the Child Protection Act 1999.

- (c) The Principal or Deputy Principal of a PMSA school, upon receiving a report of harm or suspected harm 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, should report it to the police or the Department of Child Safety, and keep a written record of the actions taken. (Accreditation Regulation S.10)

- (d) 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, Deputy Principal, student counsellor, or Head of Sub-School of the school concerned. (Accreditation Regulation S.10)
- (e) The Principal, Deputy Principal, student counsellor or Head of Sub-School of a PMSA school, 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. A Deputy Principal, student counsellor or Head of Sub-School of the school concerned should report the findings to the Principal of that school with a recommendation for action to be taken. (Accreditation Regulation S.10)

A Principal of a PMSA school should take action on the basis of the report. (Accreditation Regulation S.10)

- (f) A staff member who becomes aware or who reasonably suspects that an employee of a PMSA school has Sexually Abused a student of that school who was under 18 at the time, should immediately give a written report about the Abuse to the Principal of that school or a member of the governing body of that school, that is to say, either the Chairman of the Abuse Reference Committee, or any other member of the PMSA Council. The report must contain the information set out in (h) below. [Education (General Provisions) Act S.146 B]
- (g) The Principal of a PMSA school, the Chairman of the Abuse Reference Committee or any other member of the PMSA Council, upon receiving a report from a staff member who is aware or reasonably suspects that an employee of the school has Sexually Abused a student of that school who was under 18 at the time, should immediately give a copy of the report to a police officer. The report must contain the information set out in (h) below. [Education (General Provisions) Act S.146 B]
- (h) The written report must include the following particulars:
- the name of the person giving the report (the “**first person**”);
 - the student’s name and sex;
 - details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been Sexually Abused by an employee of the school;
 - details of the Abuse or suspected Abuse;
 - any of the following information of which the first person is aware -
 - (i) the student’s age;
 - (ii) the identity of the employee 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 Abuse.
- (i) The Principal of a PMSA school must keep the appropriate insurer informed of any report or claim that is advised to the Principal.

OVERSEAS STUDENTS

The Minister for Education, Training and Youth Affairs has established a National Code of Conduct for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) under the federal Education Services for Overseas Students (ESOS) Act 2000. Education providers approving care arrangements for students less than 18-years-old must:

- (a) give the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) a signed statement confirming that appropriate arrangements have been made for the student's accommodation, support and general welfare during their stay in Australia until they turn 18, and
- (b) notify the department in writing of any changes to the care arrangements. Additionally, students are required to obtain their education provider's approval to change these arrangements if they wish to do so after their arrival in Australia.
- (c) Education providers must ensure that the carers they approve are:
 - o at least 21 years old,
 - o are of good character, and
 - o have permission to reside in Australia until the student turns 18 or their visa expires.

Note: older siblings aged less than 21 years old are generally not considered to be appropriate carers.

- (d) Where students are in homestay, the education provider must ensure that:
 - i. the homestay providers both in business or as volunteers (including parents of the school, but excluding those who are relatives of the child staying with them), have positive notices (blue cards);
 - ii. paid employees of a homestay provider hold a blue card if they meet a 'regular contact' provision;
 - iii. adults other than the designated homestay provider, who reside permanently with the homestay provider, hold a blue card.
 Note that there is a frequency test for volunteer homestay or billeting parents which allows a person to provide homestay and/or billeting for ten or less days in a year without requiring a blue card, provided that the service is not provided on more than two occasions in one year.
 Regular contact provision applies to paid employees who work:
 - o Eight consecutive days; or
 - o once a week, each week, over four weeks; or
 - o once a fortnight, each fortnight, over eight weeks; or
 - o once a month, each month, over six months.
- (e) Where students are in boarding accommodation, the education provider must ensure that: boarding staff who are not registered teachers carrying out their duty as part of their role as registered teachers of the school, have blue cards.
- (f) It is a legislated requirement that homestay providers operating as regulated businesses have a Risk Management Strategy (refer to the ISQ Homestay Risk Management Strategy) if they are accommodating children under 18 years of age.
- (g) In addition, Queensland state legislation requires that Education Providers must have a policy for homestay which:
 - i. provides a contract about making homestay arrangements, and includes guidelines for selecting homestay families to ensure they provide suitable accommodation; and
 - ii. ensures a stable environment for the duration of the student's education course; and
 - iii. addresses duty of care issues outside of school hours.

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 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
- contacting the police, where appropriate.

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 program of management to prevent or reduce the likelihood of the student engaging in self-harm at school.

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

The program of management should be monitored on an on-going basis and modified as appropriate to maximise socially adaptive behaviour.

Definitions

"Abuse"/"Harm" means activity or deliberate or careless inactivity which causes significant harm, that is to say, any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. The harm can be caused by:

- physical, psychological or emotional Abuse or neglect
- sexual Abuse or exploitation.

"Abuse Reference Committee" is a committee established by PMSA to deal with Abuse matters.

"Chairman" includes a person acting as Chairman.

"Child" means a person under 18 years of age.

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

"PMSA" is The Presbyterian and Methodist Schools Association.

"Sexual Abuse" means any actions with a child for the sexual gratification of the perpetrator.

"Staff" includes employees (for example teachers, administration people and grounds staff) and volunteers (for example sports coaches).

"Student" means any person regardless of age who is enrolled at any PMSA school.

Amendments adopted by PMSA this _____ day of _____ 2009