

**Child Protection Policy****P.03**

Purpose:	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; and (b) the appropriate conduct of the school's staff and students to comply with accreditation requirements.	
Scope:	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 Sinai College and covers information about the reporting of harm and abuse.	
Status:	Approved	Supersedes: (Version 13)
Authorised by:	Board Chair	Date of Authorisation: 08/09/2022
References:	<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 • Sinai College Complaints Handling Policy P.05 • Sinai College Complaints Handling Procedure QP.003 • Sinai College Child Risk Management Strategy (for the Working with Children (Risk Management and Screening) Act 2020 (Qld)) • Sinai College Work Health and Safety Policy (for the Work Health and Safety Act 2011 (Qld)) P.09 • Sinai College Child Protection Reporting Form IF.010 or Appendix 1 • Sinai College Induction Checklist IF.018 	
Review Date:	Annually	Next Review Date: 08/09/2023
Policy Owner:	School Board	

Definitions

1. **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



Child Protection Policy

P.03

b. a series or combination of acts, omissions or circumstances

2. **Section 10 of the *Child Protection Act 1999*** - A “child in need of protection” is a child who—
- has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm and
 - does not have a parent able and willing to protect the child from the harm.

3. **Section 366 of the *Education (General Provisions) Act 2006*** - “**Obligation to report sexual abuse of person under 18 years at non-State school**”, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –

- Subsection (2) applies if a staff member of a non-State school (the first person) becomes aware, or reasonably suspects, in the course of the staff member’s employment at the school, that any of the following has been sexually abused by another person—
 - a student under 18 years attending the school;
 - a kindergarten age child registered in a kindergarten learning program at the school;
 - a person with a disability who—
 - under section 420(2), is being provided with special education at the school; and
 - is not enrolled in the preparatory year at the school.
- The first person must give a written report about the abuse, or suspected abuse, to the school’s principal or a director of the school’s governing body—
 - immediately; and
 - (b)if a regulation is in force under subsection (3), as provided under the regulation.

(2A) However, if the first person is the school’s principal, the principal must give a written report about the abuse, or suspected abuse, to a police officer—

(a)immediately; and

(b)if a regulation is in force under subsection (3), as provided under the regulation.

(2B) If subsection (2A) applies, the principal must also immediately give a copy of the report to a director of the school’s governing body.

- A regulation may prescribe the particulars the report must include.
- A non-State school’s principal or a director of a non-State school’s governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.
- A person who makes a report under subsection (2) or (2A), or gives a copy of a report under subsection (2B) or (4), is not liable, civilly, criminally or under



Child Protection Policy

P.03

an administrative process, for giving the information contained in the report to someone else.

6. (Without limiting subsection (5)—
 - a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
 - b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

4. **Section 366A of the *Education (General Provisions) Act 2006* - “Obligation to report likely sexual abuse of person under 18 years at non-State school”,** in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –

1. Subsection (2) applies if a staff member of a non-State school (the **first person**) reasonably suspects, in the course of the staff member’s 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 program at the school;
 - c. a person with a disability who—
 - a. under [section 420\(2\)](#), is being provided with special education at the school; and
 - b. is not enrolled in the preparatory year at the school.
2. The first person must give a written report about the abuse, or suspected abuse, to the school’s principal or a director of the school’s governing body—
 - a) immediately; and
 - b) (b)if a regulation is in force under subsection (5), as provided under the regulation.
3. However, if the first person is the school’s principal, the principal must give a written report about the abuse, or suspected abuse, to a police officer—
 - a) immediately; and
 - b) if a regulation is in force under subsection (5), as provided under the regulation.
4. If subsection (3) applies, the principal must also immediately give a copy of the report to a director of the school’s governing body.
5. A regulation may prescribe the particulars the report must include.
6. A non-State school’s principal or a director of a non-State school’s governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.
7. person who makes a report under subsection (2) or (3), or gives a copy of a report under subsection (4) or (6), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.
8. Without limiting subsection (7)—



Child Protection Policy

P.03

- a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
 - b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.
9. To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under this section.
5. **Section 16 of the Education (Accreditation of Non-State schools) regulation 2017** in relation to Conduct of staff and students and response to harm
1. A school must have written processes about—
 - 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.
 2. Without limiting subsection (1), the processes must include the following—
 - a. a process for the reporting by a student to a stated staff member of conduct of another staff member that the student considers is inappropriate;
 - b. a process for how the information reported to the stated staff member must be dealt with by the stated staff member;
 - c. a process for reporting—
 - i. sexual abuse or suspected sexual abuse in compliance with the [Education \(General Provisions\) Act 2006, section 366](#); and
 - ii. (ii) a suspicion of likely sexual abuse in compliance with the [Education \(General Provisions\) Act 2006, section 366A](#);
 - d. a process for reporting a reportable suspicion under the [Child Protection Act 1999, section 13E](#).
 3. For the process mentioned in subsection (2)(a), there must be stated at least 2 staff members to whom a student may report the conduct.
 4. The school's governing body must ensure—
 - a. the school's staff and students, and students' parents and guardians, are made aware of the processes; and
 - b. the processes are readily accessible by staff, students, parents and guardians; and
 - c. staff are trained annually in implementing the processes; and
 - d. the school is implementing the processes.
 6. The school must have a written complaints procedure to address allegations of non-compliance with the processes.
 7. The complaints procedure may form part of any other written procedure of the school for dealing with complaints.
 8. In this section—**harm** see the [Child Protection Act 1999, section 9](#) as noted above



Child Protection Policy

P.03

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 so as 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 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: -

- Mr Eli Saranga (Principal)

Or

- Rabbi Levy Jaffe (Chaplain)

Or

- Mrs Nadine Vale (Administration).

Or

- Mrs Kathy Gould (Administration).

Or

- Mrs Natalie Crisp (Administration).

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)



Child Protection Policy

P.03

Dealing with a 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 P.05.

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 age 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.

When the principal is the first person to become aware of or suspect sexual abuse, the principal must give a copy of the report to a director of the school's governing body immediately as required by sections 366(2B) and 366A(4) of the EGPA.

If the first person who becomes aware or reasonably 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 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 abused, or is suspected to have abused, the student;

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)*



Child Protection Policy

P.03

- iii. the identity of anyone else who may have information about the abuse or suspected abuse⁶.

Reporting Likely Sexual Abuse ⁷

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 age 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 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.

When the principal is the first person to become aware of or likely sexual abuse, the principal must give a copy of the report to a director of the school's governing body immediately as required by sections 366(2B) and 366A(4) of the EGPA.

If the first person who reasonably 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.

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 abuse⁸.

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

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

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



Child Protection Policy

P.03

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 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 education and care professional must give a written report to the Chief Executive of the Department of Child Safety, Youth and Women (or other department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early 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 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) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹⁰.

Failure to protect from and report sexual abuse/belief of sexual abuse

Further to the above sections, the legal implications of failure to protect children from, and to report sexual abuse, or the belief of sexual abuse, are outlined in *s229BB Failure to protect child from child sexual offence* and *s229BC Failure to report belief of child sexual offence committed in relation to child* of the Qld Criminal Code Act 1899:

s229BB Failure to protect child from child sexual offence

- (1) An accountable person commits a crime if—
- (a) the person knows there is a significant risk that another adult (the **alleged offender**) will commit a child sexual offence in relation to a child; and
 - (b) the alleged offender—
 - (i) is associated with an institution; or
 - (ii) is a regulated volunteer; and

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

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



Child Protection Policy

P.03

- (c) the child is under the care, supervision or control of an institution; and
- (d) the child is either—
 - (i) under 16 years; or
 - (ii) a person with an impairment of the mind; and
- (e) the person has the power or responsibility to reduce or remove the risk; and
- (f) the person wilfully or negligently fails to reduce or remove the risk.

Maximum penalty—5 years imprisonment.

- (2) For subsection (1), it does not matter that the knowledge was gained by the accountable person during, or in connection with, a religious confession.
- (3) For this section, an adult is **associated** with an institution if the adult—
 - (a) owns, or is involved in the management or control of, the institution; or
 - (b) is employed or engaged by the institution; or
 - (c) works as a volunteer for the institution; or
 - (d) engages in an activity in relation to the institution for which a working with children authority under the [Working with Children \(Risk Management and Screening\) Act 2000](#) is required; or
 - (e) engages in the delivery of a service to a child who is under the care, supervision or control of the institution.

- (4) In this section—

accountable person means an adult who is associated with an institution, other than a regulated volunteer.

institution means an entity, other than an individual, that—

- (a) provides services to children; or
- (b) operates a facility for, or engages in activities with, children under the entity's care, supervision or control.

Examples of institutions—

schools, government agencies, religious organisations, hospitals, child care centres, licensed residential facilities, sporting clubs, youth organisations

regulated volunteer means an adult who is taken to be a volunteer employed or engaged in regulated employment at a person's home, residence or household under any of the following provisions of the [Working with Children \(Risk Management and Screening\) Act 2000](#), [schedule 1](#)—

- (a) [section 4](#)(2) or (3);
- (b) [section 9](#)(2);
- (c) [section 14](#)(2).



Child Protection Policy

P.03

s229BC Failure to report belief of child sexual offence committed in relation to child

(1) This section applies to an adult if—

(a) the adult gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult; and

(b) at the relevant time, the child is or was—

(i) under 16 years; or

(ii) a person with an impairment of the mind.

(2) If, without reasonable excuse, the adult fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed, the adult commits a misdemeanour.

Maximum penalty—3 years imprisonment.

(3) For subsection (1), it does not matter that the information was gained by the adult during, or in connection with, a religious confession.

(4) Without limiting what may be a reasonable excuse for subsection (2), an adult has a reasonable excuse if—

(a) the adult believes on reasonable grounds that the information has already been disclosed to a police officer; or

(b) the adult has already reported the information under any of the following provisions, or believes on reasonable grounds that another person has done or will do so—

(i) the [Child Protection Act 1999](#), chapter 2, part 1AA;

(ii) the [Education \(General Provisions\) Act 2006](#), chapter 12, part 10;

(iii) the [Youth Justice Act 1992](#), part 8 or 9; or

(c) the adult gains the information after the child becomes an adult (the **alleged victim**), and the adult reasonably believes the alleged victim does not want the information to be disclosed to a police officer; or

(d) both of the following apply—

(i) the adult reasonably believes disclosing the information to a police officer would endanger the safety of the adult or another person, other than the alleged offender, regardless of whether the belief arises because of the fact of the disclosure or the information disclosed;

(ii) failure to disclose the information to a police officer is a reasonable response in the circumstances.

(5) An adult who, in good faith, discloses information mentioned in subsection (1)(a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.

(6) In this section—

relevant time, in relation to the child sexual offence mentioned in subsection (1)(a), means the time that the adult—

(a) believes to be the time of commission of the offence; or

(b) ought reasonably to believe to be the time of commission of the offence.



Child Protection Policy

P.03

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 website¹¹.

Training

The school will ensure its staff are trained in processes relating to the health, safety and conduct of staff and students during their induction (IF.008 Record of Training Form) (prior to commencing their role) and will refresh this training annually (prior to the commencement of each school year) (IF.008 Record of Training Form)¹².

The Sinai College Compliance Register maintains a record of this training for audit and compliance purposes

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 annually¹³. Sinai College will implement policies and procedures via the following methods:

- School website will provide access to the most current versions, where applicable
- Policies / Procedures are referenced in the Parent Handbook and Staff Handbook
- New Employees will be provided with information during Induction (IF.018 Induction Checklist) prior to them commencing their role
- Updates on Policies / Procedures will be provided during staff meetings
- Student related procedures will be discussed with students during class time

Annual training is provided, at the commencement of each school year, and recorded using IF.008 *Record of Training Form*. The Sinai College Compliance Register maintains a record of this training for audit and compliance purposes.

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 administration¹⁴.

Complaints Procedure

¹¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

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



Child Protection Policy

P.03

Suggestions of non-compliance with the school's processes may be submitted as complaints under the Sinai College *Complaints Handling Procedure* QP.003¹⁵.

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¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*

**Child Protection Policy****P.03**

**Appendix 1 (or IF.010)
Private and Confidential
Report of Suspected Harm or Sexual Abuse**

Date:	
School: SINAI COLLEGE	
School Phone: (07) 3349 9088	
School Email: admin@sinaicollege.qld.edu.au or principal@sinaicollege.qld.edu.au	
DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/>	
Does the student have a disability verified under EAP(Education Adjusted Program): Yes <input type="checkbox"/> No <input type="checkbox"/>	Disability Category:
Student's Residential Address:	Student's Personal Mobile:
FAMILY DETAILS	
Parent/caregiver 1:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W): (M):
Parent/caregiver 2:	Relationship to Student:
Address (if different from student):	
Phone: (H): (W): (M):	
Is the student in out of home care? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are there any Family Order or Domestic Violence orders in place? Yes <input type="checkbox"/> No <input type="checkbox"/> unknown <input type="checkbox"/>	
PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE	
<input type="checkbox"/> Adult family member <input type="checkbox"/> Child family member <input type="checkbox"/> Other adult <input type="checkbox"/> Student/other child <input type="checkbox"/> Unknown	
PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary).	
<p>Details of any harm and/or sexual abuse to the student – please include: Time and date of the incident; source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.</p>	



Child Protection Policy

P.03

Please indicate the identity of anyone else who may have information about the harm or abuse.		
Additional information provided as an attachment YES <input type="checkbox"/> NO <input type="checkbox"/>		
Name of staff member making report to the Statutory Agency if not the Principal:		
Position:	Signature:	Date:
Principal:	Signature:	Date:
Principal Email address:		
Response Requested by School:		
ACTION TAKEN		
Form was emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/> Queensland Police Services (QPS)	
	<input type="checkbox"/> Department of Child Safety, Youth and Women	
	<input type="checkbox"/> Family and Child Connect	

Confirm receipt of emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.