



Child Protection Policy and Procedures 2015

MUSIC INDUSTRY COLLEGE

Child Protection Policy and Procedures

PURPOSE OF THE POLICY

This policy replaces all previous Child Protection policies and relates to students who are under 18 years of age and considered to be a child as defined by the *Child Protection Act 1999* and a student under the *Education (General Provisions) Act 2006*.

The policy outlines the obligations, roles and responsibilities of employees (staff members), volunteers and visitors to the Music Industry College (MIC) to appropriately respond to and report all allegations or suspicions of:

- sexual abuse or likely sexual abuse by another person¹:
 - a) a student under 18 years attending the school;
 - b) a pre-preparatory age child registered in a pre-preparatory learning program at the school;
 - c) a person with a disability who—
 - i. under section 420(2), is being provided with special education at the school; and
 - ii. is not enrolled in the preparatory year at the school
- significant harm or unacceptable risk of significant harm of a student (child under 18 years of age) or an unborn child, after his or her birth²; or
- inappropriate behaviour of an employee or volunteer towards a student.

Scope

This policy and associated procedures applies to all matters concerning the protection, care and safety of students; and to all employees, volunteers and visitors associated with the Music Industry College.

Statement of Commitment

The Music Industry College supports the rights of young people and are committed to ensuring the safety, welfare and wellbeing of its students. MIC is committed to responding to allegation of harm or unacceptable risk of harm of a student resulting from the conduct or actions of any person including that of employees.

This commitment includes the provision of a safe and supportive living and learning environment for all students and requires all employees, volunteers and visitors to model and encourage behaviour that upholds the dignity and protection of students from harm.

In support of this commitment, MIC is dedicated to their Child and Youth Risk Management strategy which includes having relevant policies, procedures and training in place to effectively address the safety and wellbeing of students in their care.

Responsibility

College Board

Point of Contact

Principal

¹ ss.366 – 366A *Education (General Provisions) Act 2006*

² s.8 and s.13A *Child Protection Act 1999*

Policy review

The Board of the Music Industry College will review this policy and associated procedures two years from the effective date or as required by amendments to legislation.

ABBREVIATIONS, REFERENCES, DEFINITIONS AND KEY TERMS

Abbreviations

• CC	<i>Criminal Code Act 1899</i>
• Child Safety	Department of Communities, Child Safety and Disability Services
• CPA	<i>Child Protection Act 1999</i>
• CPG	Child Protection Guide
• CPIU	Child Protection Investigation Unit
• EGPA	<i>Education (General Provisions) Act 2006</i>
• EGPA Reg	<i>Education (General Provisions) Regulation 2006</i>
• E(ANSS)	<i>Education (Accreditation of Non-State Schools) Act 2001</i>
• E(ANSS) Reg	<i>Education (Accreditation of Non-State Schools) Regulation 2001</i>
• EQCoT	<i>Education (Queensland College of Teachers) Act 2005</i>
• FCC	Family and Child Connect
• ISQ	Independent Schools Queensland
• PSBA	Public Safety Business Agency
• QPS	Queensland Police Service
• SPO	Student Protection Officer
• Working with Children	<i>Working with Children (Risk Management and Screening) Act 2000</i> <i>Working with Children (Risk Management and Screening) Regulation 2011</i>

Relevant Legislation

- *Criminal Code Act 1899*
- *Child Protection Act 1999*
- *Education (Accreditation of Non-State Schools) Act 2001*
- *Education (Accreditation of Non-State Schools) Regulation 2001*
- *Education (General Provisions) Act 2006*
- *Education (General Provisions) Regulation 2006*
- *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*
- *Education (Overseas Students) Act 1996 (Qld)*
- *Education (Queensland College of Teachers) Act 2005*
- *Working with Children (Risk Management and Screening) Act 2000*
- *Working with Children (Risk Management and Screening) Regulation 2011*

Related documents and policies

- MIC Code of Conduct: Staff
- MIC Code of Conduct: Students
- Code of Ethics for Teachers in Queensland – Queensland College of Teachers
- MIC Dispute Resolution Policy
- MIC Privacy Policy
- Professional Standards for Queensland Teachers – Queensland College of Teachers

Definitions and Key terms

Allegation: means information or an assertion which is still to be proved.

Assault: (s.245 CC) defined as:

‘Any person who strikes, touches or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly without the other person’s consent, or with the other person’s consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person’s consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person’s purpose, is said to assault that other person, and the act is called an assault.’

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CriminCode.pdf>

Child: (s.8 CPA) means an individual under 18 years

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Child exploitation material: (s.207A CC) means material that, in a way likely to cause offence to a reasonable adult, describes or depicts a person, or a representation of a person, who is, or apparently is, a child under 16 years—

- (a) in a sexual context, including for example, engaging in a sexual activity; or
- (b) in an offensive or demeaning context; or
- (c) being subjected to abuse, cruelty or torture.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CriminCode.pdf>

Child in need of protection: (s.10 CPA) is a child who –

- (a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- (b) does not have a parent able and willing to protect the child from the harm.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Child Protection Guide (Qld): An online tool to support professionals in making decisions about where to refer or report their concerns. This tool is provided by the Department of Communities, Child Safety and Disabilities Services.

<http://www.communities.qld.gov.au/childsafety/partners/our-government-partners/queensland-child-protection-guide>

Colleague: (s.13H (2) CPA) means a person working in or for the same entity as the 'relevant person' (as defined in the CPA).

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Director: (s.364 EGPA) means in Part 10 Reporting Sexual Abuse

In this part—director, of a non-State school's governing body, means—

- (a) if the governing body is a company under the Corporations Act—a person appointed as a director of the governing body; or
- (b) otherwise—a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

Director: (s.7AA E (ANSS)): A director, of a school's governing body, is—

- (a) if the governing body is a company under the Corporations Act—a person appointed as a director of the governing body; or
- (b) if the governing body is a RECI Act corporation—
 - i. a declared director of the governing body; and
 - ii. if all declared directors of the governing body, for the time being, nominate a person as a director of the governing body—the person; or
- (c) otherwise—a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducAccNSSA01.pdf>

Employees: means office holders and staff members who work in a paid [full time / part time / casual] or voluntary capacity in the Music Industry College.

Employing authority (Sch 3 EQCoT), for a school, means the person or entity responsible for the appointment of teachers to the educational staff of the school.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducQCTA05.pdf>

First person: (ss.366 – 366A EGPA) means the staff member who becomes aware or reasonably suspects in the course of their employment at the school that a student (relevant person) under the age of 18 years has been or is likely to be sexually abused by another person.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

Harm: (s.9 CPA)

- (1) **Harm** to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
 - (a) physical, psychological or emotional abuse or neglect; or
 - (b) sexual abuse or exploitation.
- (4) Harm can be caused by—
 - (a) a single act, omission or circumstance; or
 - (b) a series or combination of acts, omissions or circumstances.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Inappropriate behaviour: means any behaviour of an employee of the school including words, towards a student, regardless of age, which is inconsistent with the relevant Professional Standards, Code of Conduct and policies of the school and is considered to be 'inappropriate behaviour' by the person making the complaint or by another person.

Investigate: means carrying out a systematic or formal inquiry into a student protection matter, including interviewing relevant persons; examining the facts of a student protection report; or making a determination about whether a child is in need of protection.

Parent: (s.10 *EGPA*)

- (1) A **parent**, of a child, is any of the following persons—
 - (a) the child's mother;
 - (b) the child's father;
 - (c) a person who exercises parental responsibility for the child.
- (2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.
- (3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
- (4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.
- (5) Despite subsections (1), (3) and (4), if—
 - (a) a person is granted guardianship of a child under the Child Protection Act 1999; or
 - (b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;

then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

Parent able and willing to protect the child from harm: means a person may reasonably suspect that a parent is able and willing to protect their child from harm when the person believes the parent has both the ability and the willingness to ensure the safety, wellbeing and best interests of the child. The parent's ability and willingness may be evident in their statements and direct or indirect actions.

Prescribed entity: (s.159M *CPA*)

For non-state schools the prescribed entity is the principal of that school.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Reasonably suspects: (Sch. 3 Dictionary *CPA*)

Suspects on grounds that are reasonable in the circumstances.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Reasonable suspicion: (s.13C *CPA*)

A reasonable suspicion is a suspicion formed on grounds that are reasonable in the circumstances, s.13C *CPA* also states that –

- a reasonable suspicion may have been informed by observation of the child, other knowledge of the child or any other relevant knowledge, training or experience the person forming the suspicion may have;
- matters that may be considered when forming a reasonable suspicion, include; detrimental effects on the child's body or psychological or emotional state that are evident or likely to become evident in the future; the nature and severity of the detrimental effects and the likelihood they will continue; and the child's age.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Relevant information (s.159C *CPA*) – includes information about a child, the child's family, someone else, a pregnant woman or an unborn child which is given to –

- the chief executive, Department of Communities, Child Safety and Disability Services or an authorised officer under the *CPA*; or
- a service provider, as defined in s. 159D of the *CPA*.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Relevant person: (s.364 *EGPA*) – means a person mentioned in s. 366(1) (a) to (c) or s. 366A (1) (a) to (c). As provided below–

- (a) a student under 18 years attending the school;
- (b) a pre-preparatory age child registered in a pre-preparatory learning program at the school;
- (c) a person with a disability who—
 - (i) under s. 420(2) is being provided with special education at the school; and
 - (ii) is not enrolled in the preparatory at the school.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

Relevant person: (s.13E *CPA*) – includes a teacher and a registered nurse.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Relevant State Authority: means–

Queensland Police Service or the Department of Communities, Child Safety and Disability Services

Reportable suspicion: (s.13E (2) *CPA*) means – 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.
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

School: (Sch. 3 Dictionary CPA) means –

- (a) a State school under the *Education (General Provisions) Act 2006*; or
- (b) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Self-harm: means harm that requires immediate medical or psychological intervention. Self-harm includes self-inflicted injuries, OR other self-inflicted physical or psychological damage.

Sexual abuse: (s.364 of the EGPA)

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.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

Significant harm: (s.13C CPA) means – any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation, and it is immaterial how the harm is caused. s.13C CPA provides further considerations for guidance in this regard. A professional may use their knowledge, training and expertise in identifying significant harm, which recognises that professionals may detect an impact of harm that non-professional people may not.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Student: means any person regardless of age who is enrolled at the College.

Student Protection Officer: means – a person at the College designated by the Principal as a contact person to whom students may refer or report if they have concerns for their or another student's safety, or to make a complaint of sexual abuse, likely sexual abuse, harm or risk of harm or inappropriate behaviour of a staff member. The Principal may fulfil this role. This in part is a requirement under s.10 E (ANSS) Regulation.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducAccNSSR01.pdf>

Suitability Notice: a notice issued by the PSBA under the *Working with Children (Risk Management and Screening) Act 2000* prior to issuing a Blue Card (BC).

Teacher: (Sch. 3 Dictionary CPA) means - an approved teacher under the *Education (Queensland College of Teachers) Act 2005*, employed at a school.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Visitor: any person who visits the school on a one off or regular basis to provide services [paid or unpaid] to the school. This includes contractors, consultants and presenters of one-off programs.

Volunteer: means a person involved in 'formal volunteering'. Formal volunteering is an activity which takes place in not for profit organisations or projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion;
- for no financial payment; and
- in designated volunteer positions only.

PRINCIPLES

All employees, volunteers and visitors of the MIC share in the responsibility to promote and strive to provide a safe and supportive living and learning environment for students This responsibility is placed upon them by legislation and policy requirement and the ethos and values of the college. This Policy is based on the following principles:

- Protecting students from harm and the risk of harm is fundamental to maximising their personal and academic potential.
- Music Industry College recognises that people who are subjected to abuse are harmed by it.
- The welfare and best interests of the child will always be a primary consideration.
- Music Industry College expects our students to show respect to our staff and volunteers and to comply with safe practices.

- All employees must ensure that their behaviour towards and relationships with students reflect proper standards of care for students, and are not unlawful.
- Sexual acts by an adult employee or volunteer with a student who is a child will always be sexual abuse.
- Music Industry College will respond diligently to a report of suspected or actual harm, or risk of harm to a student.
- Reprisals against students or others making a complaint will not be tolerated.
- Student management practices will be administered with respect and in a manner which maintains the student's dignity.
- Music Industry College will act fairly and reasonably towards an employee or volunteer who is the subject of allegations of improper conduct.
- Music Industry College will support an employee or volunteer who is the subject of a proven false allegation of causing harm to a student.
- Anybody within Music Industry College who becomes aware or reasonably suspects that a student is being harmed must report it to the College in accordance with the College's Procedures for Reporting Harm.
- Music Industry College will take disciplinary action against employees who harm others, and appropriate action against volunteers who harm others.
- Music Industry College will not permit people to work in a position if the College 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.
- Music Industry College will cooperate with state authorities in resolving allegations of harm.

POLICY

Protection of students is of paramount importance all persons associated with the Music Industry College and as such are required to adhere to relevant legislative provisions and this policy and associated procedures to provide and promote a transparent and consistent approach to responding and reporting to student protection concerns within the college.

All employees, volunteers and visitors to MIC have an obligation and responsibility to report all reasonable suspicions of sexual abuse or likely sexual abuse of a student under 18 years of age by another person.

All employees and volunteers of MIC and visitors to the college have a responsibility to report when it is reasonably suspected that a child, or an unborn child (if upon his or her birth), has been harmed or is at risk of harm.

Responding and reporting of information about a reasonable suspicion of harm or risk of harm (including sexual abuse or likely sexual abuse) of a student under the age of 18 years of age is mandatory for all employees, volunteers and visitors associated with then MIC by virtue of legislation or policy requirement.

This policy and associated procedures will be applied to all behaviours that jeopardise the MIC's commitment to promoting and striving to provide a safe and supportive living and learning environment for students.

The MIC will have a minimum of two appropriate staff members designated as Student Protection Officers (SPO), for students, parents and staff (unless mandated by a legislative responsibility) to report allegations or concerns of harm, risk of harm of a student and inappropriate behaviour of a staff member or volunteer towards a student³. The Principal may fulfil this role. These positions will be clearly communicated to the students, parents and staff within the college.

Any behaviour which exploits the special position of trust and authority between the employee or volunteer and the student is a breach of professional standards and obligations. There may be consequences under law, regulations or policies where such behaviours occur.

³ s.10 *Education (Accreditation of Non-State Schools) Regulation 2001*

Students are to be encouraged to report all concerns of inappropriate behaviour of an employee or volunteer of the college to a Student Protection Officer, or directly to the Principal.

All employees and volunteers of MIC **will as soon as practicable** report all allegations of inappropriate behaviour of an employee or volunteer towards a student to a Student Protection Officer (SPO), the Principal or if warranted to the Chair of the college board.

MIC will ensure that a range of management practices focused on student protection have been developed and implemented to assist with creating a safe environment for all students.

COLLEGE GOVERNING BODY RESPONSIBILITY

The Board of the MIC must:

- be fully conversant with the MIC Child Protection Policy and procedures (2015) and all related MIC policies;
- ensure that the college has in place relevant written processes as required in s.10 (**Health, safety and conduct of staff and students**) of the *Education (Accreditation of Non-State Schools) Regulation 2001*;
- ensure that staff, students and parents are made aware of the schools related processes;
- ensure that staff are trained in implementing the processes and that the school is implementing the processes;
- ensure that the processes are readily accessible by staff, students and parents;
- ensure that the school has a written complaints procedure to address allegations of non-compliance of related written processes;
- be fully conversant with and adhere to all applicable child/student protection related legislative provisions, including *Working with Children* provisions;
- ensure that the college has developed a Child and Youth Risk Management Strategy as required by legislation – ss 171 – 172 *Working with Children (Risk Management and Screening) Act 2000* and s.3 *Working with Children (Risk Management and Screening) Regulation 2011*;
- ensure that the college's Child and Youth Risk Management Strategy is reviewed annually;
- provide all necessary assistance to the relevant State authority as requested; and
- maintain strict confidentiality of all allegations of harm or inappropriate behaviour in accordance with relevant legislation.

CONFIDENTIALITY AND PROTECTION FROM LIABILITY

The *CPA* provides confidentiality for notifiers of harm or risk of harm. The identity of a person who has made a student protection report is not to be revealed to any individual without that persons consent unless permitted or required by law.

The Act also affords any person acting honestly and reasonably, protection from liability in civil, criminal and administrative processes available under the *CPA*. Further, they will be entitled to the confidentiality protections afforded to notifiers under the *Act*.

An employee who makes a voluntary report to Child Safety or to the QPS outside the Child Protection Policy reporting processes will also be entitled to seek the protections afforded by the *CPA* provided they have complied with the *Act*.

GUIDELINES

In complying with this policy and principles, the Music Industry College will be guided by the following.

Natural Justice

The principles of natural justice will apply to all decisions made under this policy and procedures document. As the consequences of any decision (that is, the effect/s on a person's rights, interests or legitimate expectations) for any

individual become more severe, so the importance of demonstrably acting fairly increases. The fundamental principles of natural justice are:

- the right to be given a fair hearing and the opportunity to present one's case;
- the right to have a decision made by an unbiased decision-maker; and
- the right to have that decision based on logically probative evidence.

Process

It is important that the making of a complaint / disclosure is as easy as possible and that the written report process is uncomplicated.

Promptness

All steps under this Policy and procedures should be carried out promptly in accordance with legislative requirements. The College will keep the victim and the alleged perpetrator (when and where appropriate considering any formal investigation) informed of progress.

Criminal Offences

Where there are allegations of criminal offences of a sexual nature relating to a student of the College, the allegations should be referred to the police, regardless of the age of the student. This includes all historical sexual offences, including if the information provided indicates that the alleged perpetrator is deceased. The report is to be made to the QPS by the Principal of the College.

In matters such as this, consent of the student is not required to report the information to the police. The student if an adult student (i.e. over the age of 18 years) has the election whether or not to continue with a formal complaint to the police.

Support

The College will provide support for the victim through professional counselling if it is requested, even if any allegation is not yet proved or disproved. The College will support the respondent to a complaint (other than that of an alleged criminal offence) with professional counselling if it is requested until the matter has been resolved.

Investigation

College staff are not to investigate any allegation that relates to a criminal offence or an allegation of significant harm of a child. This includes interviewing a student. It is the role of the relevant State authority (Child Safety / QPS) to undertake interviews and investigations when necessary. College staff may undertake certain inquiries to assist in forming a reasonable suspicion that a child has been abused or harmed.

MIC staff will not photograph any injury on a student.

Interviews

If College staff are to interview a student, there will be two representatives of the College present, with one of the staff members of the same gender as the student. If the student is uncomfortable with a staff member of the opposite gender all attempts where practical are to be made to ensure that both staff members are of the same gender.

If representatives of the QPS or Child Safety request an interview of a child in relation to concerns of abuse, harm or an unacceptable risk of harm properly qualified persons will conduct the interview. The MIC may provide an appropriate support person to attend the interview.

Teachers

If a respondent to an allegation is a registered teacher, the College will give notification to the Queensland College of Teachers (QCoT), if required to do so under the *Education (Queensland College of Teachers) Act 2005*.

Public Relations

The Principal will ensure that the College is able to react quickly to allegations of abuse and/or harm so that accurate and relevant information is available for staff members, students and their families and for the media.

Police Investigation and subsequent 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 any disciplinary proceedings. This does not preclude the Principal from seeking advice from the QPS regarding the duty of care to existing students which may involve the standing down of a staff member during an investigation.

Insurer

The College will keep its insurer informed about developments.

Publication of Policy and procedures

The Principal will ensure that this policy is made readily available:-

- to students, staff and parents and carers on the schools internet and intranet;
- parents will be advised of the Policy and procedures in enrolment packages and in writing each school year;
- to each new staff member, as part of their induction package and training;
- students are to be made aware of the policy and procedures at least twice a school year; and
- by display at the school library area.

The Principal will ensure that a copy of the policy is always available from the College's administration

Student Protection Officers

The details (name and contact number) of each of the two Student Protection Officers are to be advertised on the college internet and intranet sites and clearly advertised in a number of prominent areas of the school.

Student Protection Officers (SPO)

- Mr Brett Wood – Principal
- Mrs Chloe Rowe – Student Support Officer.

Training

All staff will attend training in relation to this Policy and procedures and related topics every year. Student Protection Officers are to attend a least one additional day of training relating to child protection annually.

MANAGEMENT PRACTICES FOR A SAFE ENVIRONMENT

Conduct of staff, volunteers and students

All staff, volunteers, contractors must ensure that their behavior towards and relationships with students reflect proper standards of care for students. Staff, volunteers and contractors must not cause harm to students.

Staff members at Music Industry College are expected to reflect the highest standards of care in their behaviour towards and relationships with students.

Employees of Music Industry College must not under any circumstances engage in physical or emotional abuse or engage in sexual contact of any nature with a student of the College. 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.

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

Written Processes

MIC by legislative requirement⁴ must have written processes for responding to harm or allegations of harm of students and the appropriate conduct of school staff and students. The written processes must also include a process for reporting the allegations. MIC has a written complaints procedure to address allegations of non-compliance of these processes. These requirements are the responsibility of the Principal.

The College Board as the governing body must ensure that:

- staff, students and parents are made aware of the processes;
- staff are trained in implementing the processes;
- the school is implementing the processes; and
- the processes are readily accessible by staff, students and parents.⁵

Reporting inappropriate behaviour

If a student or another person considers the behavior of a staff member towards a student to be inappropriate, the behavior should be reported to a Student Protection Officer, or directly to the Principal of the College. This report is to be made in writing. NOTE TO ROS we use the Form 3 that I sent you

Where the Principal is the subject of the report of inappropriate behavior, the staff member must inform a member of the school's governing body.

Dealing with a Report of Inappropriate Behaviour

A staff member who receives a report of inappropriate behavior must report it to the Principal. Reports of inappropriate behavior will be treated as allegations of non-compliance with this policy under the school's Dispute Resolution Policy.

Upon receiving a written complaint of this nature the Principal is to commence an investigation or appoint an appropriate person to commence an investigation. Upon receipt of the written investigation report the Principal will implement the recommendations as made in the final report.

Child and Youth Risk Management Strategy

MIC will comply with the development, implementation and annual review of a school specific Child and Youth Risk Management strategy.⁶ Each of the following eight mandatory components will be included in the strategy:

Commitment

1. A statement of commitment to the principles of safe and supportive service environments
2. A code of conduct

Capability

3. Recruitment, selection, training and management strategies that encourage best practice and enhance the safety and well-being of children and young people

Concerns

4. Policies and procedures for handling disclosures and suspicions of harm
5. Policies and procedures for the occasions where there might be a breach of the organisation's child and youth risk management strategy
6. A planning process for high risk activities and special events

Consistency

7. Policies and procedures for compliance with Chapter 8 of the *Working with Children Act*
8. Strategies for communication and support for all stakeholders including children and young people

Recruitment and Selection and Screening

⁴ s.10 *Education (Accreditation of Non-State Schools) Regulation 2001*

⁵ s.10 *Education (Accreditation of Non-State Schools) Regulation 2001*

⁶ ss. 171 and 172 *Working with Children (Risk Management and Screening) Act 2000*
s. 3 *Working with Children (Risk Management and Screening) Regulation 2011*

Employees

Legislative screening requirements and appropriate employment selection procedures must be adopted for the recruitment and selection of all employees to the MIC.

The Principal will ensure that all teaching staff are registered with the Queensland College of Teachers.

Volunteers and visitors

Legislative screening requirements will apply to volunteers and visitors (including contractors) whose work brings them into contact with students at the College.

Building Knowledge and Understanding

The College Board as the governing body must ensure that staff are trained in student protection and safety policies and related processes. The Principal must ensure that relevant training and information sources are provided as required by this policy and that all employees understand their obligations under this policy.

The Principal will ensure that this policy and procedures is shared and made readily available to students, parents and staff as outlined on **p.9. CHECK THAT THIS PAGE NUMBER IS STILL CORRECT**

SUPPORT

Persons affected by student protection matters will react and respond differently. It is imperative that all appropriate support is provided to those concerned. The Principal is to ensure that any student or staff member involved in any student protection incident is provided with opportunities for support and debriefing as appropriate.

In circumstances where it may be suspected or apparent that other students may have been involved or exposed to a student protection matter or concern, the Principal is to seek guidance from the investigative state authority and/or from an independent legal source.

COMPLAINTS

In the event that a person, for example a parent, has a concern that the processes within this Child Protection Policy and procedures have not been complied with, then the person is able to make a complaint pursuant to the College Dispute Resolution Policy. This policy is available on the College website.

PROCEDURES FOR REPORTING

Reporting Sexual Abuse

Section 366 of the *EGPA* 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 pre-preparatory aged child registered in a pre-preparatory 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

Staff member must **immediately** give a written report about the abuse or suspected abuse to the Principal or to a Chair of the College Board (if the allegation relates to the Principal). **NOTE TO ROS.** We developed the Form 1 to report sexual abuse to the police. Is very similar in detail to the Child Safety E-Report form. If we are dual reporting sexual abuse to both the police and to Child Safety we send the Form 1 to both agencies. I didn't want our staff to have to do a form to the Police and the E-Report to Child Safety

The College Principal or the Chair of the College Board must **immediately** give a copy of the report to a police officer.

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.

Penalty: A maximum penalty of 20 penalty units may apply to persons who do not comply with the provisions of s.366 *EGPA* 2006. No penalty exists in legislation for breaches of s.366A of the *EGPA* 2006.

Reporting Likely Sexual Abuse

Section 366A of the *EGPA* 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 pre-preparatory aged child registered in a pre-preparatory 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
 - iii. 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.
- iv. 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.

Staff member must **immediately** give a written report about the abuse or suspected abuse to the Principal or to a Chair of the College Board (if the allegation relates to the Principal). NOTE TO ROS this is the Form 1

The College Principal or the Chair of the College Board must **immediately** give a copy of the report to a police officer.

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.

Written report (s. 366 and s. 366A)

The report 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 has abused, or is suspected to be likely to abuse, the student;
 - iii. the identity of anyone else who may have information about suspected likelihood of abuse⁷.

Reporting form

MIC staff are to use the ISQ Child Protection Reporting Form. This is available on the ISQ website. NOTE TO ROS If you are going to use the ISQ forms you need to personalise them to MIC.

Reporting Physical and Sexual Abuse

Section 13E of the *CPA* 1999, requires that 'relevant persons' (a teacher) must make a report when during the course of their professional engagement they reasonably and honestly suspect a child has suffered, is

⁷ *Education (General Provisions) Regulation 2006 (Qld) s.68A*

suffering or is at risk of suffering significant harm caused by **physical** or **sexual abuse** and may not have a parent able **and** willing to protect the child from harm.

The two factors of 'significant harm' and 'parent not able and willing' are known as the reporting threshold. For more information on '**significant harm**' refer to the definition on p.5.

This becomes a '**reportable suspicion**' and a written report must be made to Child Safety by the mandated reporter (teacher).

The *CPA* provides authority for a relevant person to confer with another colleague within the 'entity' to assist in forming a 'reasonable suspicion'. Refer to '**reasonable suspicion**' in the definitions on p.4.

Teacher

Teacher to confer with the College Principal or with the Chair, College Board (if the allegation relates to the Principal) before making the written report. NOTE TO ROS We use the Child Safety E-Report here. I have had schools put the link to the form onto their staff portal along with the other reporting forms in a Student Protection folder under reporting forms.

Teacher **must** make a written report about the reportable suspicion to Child Safety.

Other staff

Other staff are to report concerns to a Student Protection Officer or to the Principal

E-Report (Child Safety) Form to be used. <https://secure.communities.qld.gov.au/cbir/home/ChildSafety#>

No legislative penalties apply to persons who do not comply with the provisions of s.13E *CPA*. If a 'relevant person', as an employee of the MIC, is found to be in breach of this reporting provision of the *CPA*, internal disciplinary processes will apply.

Reporting harm (psychological / emotional or neglect)

Section 13A of the *Child Protection Act* 1999 allows that any person **may** make a report when they reasonably suspect:

- (a) a child may be in need of protection, or
- (b) an unborn child may be in need of protection after he or she is born.

Teachers

Teachers (as a '**relevant person**' s.13E *CPA*) **must** make a written report (E-Report FORM) to Child Safety Services when they have formed a reasonable suspicion that a student has suffered, is suffering or is at risk of suffering significant harm caused by other forms of abuse (psychological/emotional or neglect) and may not have a parent able and willing to protect the student.

Teacher to confer with the College Principal or with the Chair, College Board (if the allegation relates to the Principal) before making the written report.

Other staff

Other staff are to report concerns to a Student Protection Officer or to the Principal.

An E-Report FORM is to be completed and submitted **after** consultation by the SPO or the Principal. <https://secure.communities.qld.gov.au/cbir/home/ChildSafety#>

If the allegation relates to the Principal, a copy of the E-Report FORM is to be provided to the Chair of the College Board.

Volunteers and visitors

Policy requires that all volunteers and visitors to the MIC **will** immediately report all concerns or allegations of actual or unacceptable risk of harm (all forms of abuse including sexual abuse or likely sexual abuse) to the Principal.

This reporting may be via the staff member responsible for the volunteer or visitor or to a SPO. If a staff member or SPO receives this information they are to immediately inform the Principal.

No legislative penalties apply to persons who do not comply with the provisions of s.13A CPA. If an employee of the MIC is found to be in breach of this policy obligation, internal disciplinary processes will apply.

If a volunteer or visitor is found to have breached this policy obligation the Principal will consider appropriate action which may include excluding the person from continuing in their role as a school volunteer or visitor.

Referral to a Community based service (FCC or IFS)

Section 13B provides the sharing of information to a relevant service provider if there are concerns that the child is likely to become a child in need of protection if no preventative support is given.

Principal

Will if appropriate arrange for the child and/or family to be referred (with consent or without consent) to a relevant community based support service e.g. Family and Child Connect (FCC) service.

A SPO may refer a child and/or their family **with consent** to a relevant community based support service. A family can self-refer to a FCC.

An E-Referral (Child Safety) Form is to be used.

<http://www.communities.qld.gov.au/childsafety/protecting-children/how-to-prevent-abuse/family-and-child-connect>

Note: ONLY the Principal as the 'prescribed entity' can refer without consent.

CHILD PROTECTION RECORDS

Making Child Protection Records

The notes, records and reports staff members make about student protection concerns are important documents containing important information. Staff members could be interviewed as part of an investigation, or required to attend court. They may need to refer to their notes later. These notes could be subpoenaed and become the subject of court proceedings. In making any record of concerns about any student protection issue staff members are encouraged to keep in mind the following:

Do

- be as objective as you can and record factual information as soon as possible
- write down exactly what has been observed or heard, noting the date and time
- record statements made by the student, parent or other notifier verbatim and in quotation (' ') marks
- always sign and date the record. It should be clear whether the record was made on the same day as the incident, or after
- add supplementary notes/records if there is insufficient space on the relevant Student Protection Reporting Form
- record any observations that has been noticed in student's behaviour.

Do not

- express an opinion about what was observed or heard
- record judgements
- interpret what was observed or heard
- use emotive terms

Using reporting forms

All Student Protection Reporting forms are to be electronically completed with all available detail provided to assist the relevant State authority with their assessment and investigation. Forms are to be e-mailed to the relevant recipient.

UNDER NO CIRCUMSTANCES ARE REPORTING FORMS TO BE FAXED

Storing Student Protection Records

Student protection information is to be stored in a secure, central confidential file apart from individual student files to ensure accountability and to assist in the continuity of information from year to year.

These records may be the subject of a subpoena in future court or inquiry proceedings.

PROCEDURAL GUIDELINES

Suspicion of harm

You have 'reasonable grounds' to suspect harm if:

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

Disclosures of harm may sound like:

- 'I think I saw ...'
- 'Somebody told me that ...'
- 'Just think you should know ...'
- 'I'm not sure what I want you to do, but ...'

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 your organisation, or
- The child or young person disclosing the harm to you is from within or outside your organisation.

What to do when a disclosure is made

- Don't panic;
- Find a private place to talk;
- Listen;
- Believe the child;
- Don't promise absolute confidentiality, and
- Don't ask leading questions.

The following actions should be taken in any cases relating to harm or suspected harm against a child:

1. Record details of the allegations. Be careful not to taint the evidence of the student or the respondent.
2. Decide whether the allegation should be reported to authorities: refer to this policy. If so, report it.
3. If there is unacceptable risk, stand down the alleged perpetrator (if employee). In extreme cases, dismiss them summarily.
4. Offer counselling to the student and the respondent (if appropriate considering the circumstances).
5. Inform the student's parents unless circumstances suggest that it would be wrong to do so.⁸
6. Inform the College's governing body.
7. Inform the College's insurers.
8. Investigate the allegations. Note: if the allegations have been reported to police, do not begin the investigations until the prosecution is complete and the police inform you they have decided not to charge the respondent.
9. Advise the Queensland College of Teachers (if required by legislation).
10. Attend to public relations.
11. Take disciplinary action against the respondent if the circumstances require it.
12. Keep the student and the respondent informed as the matter proceeds.

POLICIES APPROVAL DETAILS

Date of Policy

June 2015

Updated Policy Date

June 2016

Approved by

Music Industry Community Services Limited Board

Signature:

Date:

Review Date

Biennially

RELATED POLICIES AND DOCUMENTS

[Child Protection Compliance Policy](#)

[Anti-bullying policy](#)

[Sexual Harassment policy](#)

⁸ Note: Section 15 of the *Child Protection Act 1999* places responsibility for notifying parents on the child protection agency; this does not, however, preclude the College from reporting the matter to the parents and, in most cases, the College should report the matter to the parents because that is in the best interests of the child.