

# **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.

References: Commission for Children and Young People and Child Guardian Act 2000  
Education (General Provisions Act) 1989  
Education (Accreditation of Non-State Schools) Regulation 2001  
Education (Queensland College of Teachers) Act 2005  
Public Health Act 2005

### **PRINCIPLES**

PMSA schools will uphold the following principles under this policy.

1. Staff of PMSA schools must ensure that their behaviour towards, and relationships with, students, reflects proper standards of care for students, and is not unlawful.
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. Abuse may result in criminal proceedings and 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. Sexual Acts by an adult employee or volunteer with a student who is a child will always be Sexual Abuse.

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 to be 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 Chair 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 (eg 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 Chair, 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** and the Education and other Legislation (Student Protection) Amendment Act 2003.
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.

### **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.
- (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.

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 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 require a doctor or nurse 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.
- (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.
- (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.

A Principal of a PMSA school should take action on the basis of the report.

- (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 Chair of the Abuse Reference Committee, or any other member of the PMSA Council. The report must contain the information set out in (h) below.
- (g) The Principal of a PMSA school, the Chair 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.
- (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.

## **Definitions**

"**Abuse**" 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. The harm can be caused by:

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

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

"**Chair**" includes a person acting as Chair.

"**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 ground staff) and volunteers (for example sports coaches).

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

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