



Child Protection Policy – Reporting Concerns of Harm and Abuse Policy

Office use only	
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Policy Owner:	School Governing Body

1. POLICY STATEMENT

Hymba Yumba Independent School (HYIS) recognises and is committed to ensuring every jarjum at school has the right to feel safe – culturally, emotionally and physically. We recognise that we have been entrusted to create and provide an environment where jarjum feel confident, respected and have a sense of belonging. This is achieved by valuing every interaction with jarjum to ensure their cultural, social and emotional needs are supported. The purpose of this policy is to provide information and written processes about:

- Understanding abuse and harm.
- How HYIS will respond to harm, or allegations of harm to jarjum under 18 years of age;
- The appropriate conduct of the school's staff, volunteers and students to create a safe and supportive environment and to apply with reporting obligations.

2. SCOPE

This policy and procedure applies to Hymba Yumba Independent School as a whole. This include 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 Hymba Yumba Independent School.

3. DEFINITIONS

Harm, as per s 9 of the Child Protection Act 1999, 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—
 - physical, psychological or emotional abuse or neglect; or
 - sexual abuse or exploitation

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

3. Child in need of protection, as per s10 of the Child Protection Act 1999, 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.

Sexual abuse, as per s364 of the Education (General Provisions) Act 2006, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances—

- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- the relevant person has less power than the other person;
- there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

4. HEALTH AND SAFETY

Hymba Yumba Independent 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).

5. 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 respond compassionately and fairly, taking all reasonable steps to minimise any potential harm, in accordance with the HYIS Wellbeing Framework. Allegations relating to physical or sexual abuse are managed in line with mandatory reporting obligations as set out in this policy.²

6. CONDUCT OF STAFF AND JARJUM

All staff will ensure that their behaviour towards, and relationships with students, reflect proper standards of professional care for students. Staff, contractors and volunteers must not cause harm to student²

6.1 Reporting Inappropriate Behaviour

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)*

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to:

- Ms. Jess Endean – Head of School – Primary
- Head of School – Secondary
- Chief Executive Officer/Principal
- Mr. Trevor Fourmile – School Engagement Lead.³

6.2 Dealing with Reports of Inappropriate Behaviour

A staff member who receives a report of inappropriate behaviour must promptly report it to the Chief Executive Officer/Principal and Head(s) of School. Where the Chief Executive Officer/Principal is the subject of the report of inappropriate behaviour, the staff member must inform a Director of the School's Governing Body⁴. Reports will be dealt with under the school's Complaints Handling Policy.

6. 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 aged 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 CEO or to a Director of the School's Governing Body immediately. The school's CEO or the Director 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 CEO, the CEO 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;

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

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)*

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

Reports should be made to Child Safety Regional Intake Service on 1800 316 855, outside of these hours, you can contact the Child Safety After Hours Service Centre on 1800 177 135. Written notification to Child Protection Investigation Unit is to be made to CPIU.Ipswich@police.qld.gov.au.

6. REPORTING LIKELY SEXUAL ABUSE⁷

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 aged 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 CEO or to a Director of the School's Governing Body immediately. The school's CEO or the director **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 CEO, the CEO 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 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 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)(c)

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

- Reports should be made to Child Safety Regional Intake Service on 1800 316 855, outside of these hours, you can contact the Child Safety After Hours Service Centre on 1800 177 135. Written notification to Child Protection Investigation Unit to CPIU.Ipswich@police.qld.gov.au.

7. 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 childhood 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:

- has suffered, is suffering, or is at unacceptable 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 the harm.

The doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department of Families, Seniors, Disability Services and Child Safety (or another department administering the Child Protection Act 1999). The doctor, nurse, teacher or early childhood education and care professional should give a copy of the report to the principal.

A report under this section must include the following particulars:

- the basis on which the person has formed the reportable suspicion¹⁰
- the child's name, age and sex descriptor;
- details of how to contact the child;
- details of the harm to which the reportable suspicion relates;
- 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;
- particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates¹¹.
- Reports should be made to Child Safety Regional Intake Service on 1800 316 855, outside of these hours, you can contact the Child Safety After Hours Service Centre on 1800 177 135. Written notification to Child Protection Investigation Unit to CPIU.Ipswich@police.qld.gov.au must be made if the report pertains to sexual abuse.

8. RESPONSIBILITIES UNDER THE CRIMINAL CODE ACT 1899 (QLD)

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

¹⁰ Child Protection Act 1999 s.13G (2)(a)

¹¹ See Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"

The Criminal Code Act 1899 includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

7.1 Failure to Report¹²

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. A reasonable excuse not to make a report under the Criminal Code Act 1899 includes that a report has already been made under the Education (General Provisions) Act 2006 (reporting sexual abuse or likely sexual abuse) and the Child Protection Act 1999 (reporting significant harm or risk of significant harm) as per this policy.

7.2 Failure to Protect¹³

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

9. 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 website¹⁴.

To ensure all staff are aware of the child protection processes and how to recognise and respond to harm the following actions are taken:

- Staff to complete ISQ Mandatory Child Safety Training at the beginning of each or when they commence employment.
- Reflecting on Child Safe Standards, Professional Boundaries and Reporting Obligations as part of the professional development cycle.
- A thorough induction process for new staff.

To ensure jarjum have the knowledge and understanding of Child Protection Policies and how to report concerns relating to jarjum or staff conduct the following actions are undertaken:

- A simple one page factsheet in accessible language is available for jarjum and parents.
- Reflecting on child protection and school processes in a developmentally appropriate way which each class across the school.

¹² Criminal Code Act 1899 (Qld) s.229BC

¹³ Criminal Code Act 1899 (Qld) s.229BB

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

- Information included in Enrolment packages and readily available from the school office.

10. 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 administration¹⁵.

11. TRAINING

The school will provide training to its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually¹⁶. This includes:

- Staff to complete ISQ Mandatory Child Safety Training at the beginning of each or when they commence employment.
- Staff required to review and acknowledge that they have read and understood all Child Protection Policies and Complaint Handling.
- Reflection on Child Safe Standards, Professional Boundaries and Reporting Obligations as part of the professional development cycle. Attendance at these staff meetings in compulsory and attendance is recorded.

12 . 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 annually¹⁷

13. COMPLAINTS PROCEDURE

Suggestions of non-compliance with the school's processes may be submitted as complaints under the HYIS Complaint's Management Process¹⁸.

14. REFERENCES

- [Child Protection Act 1999 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(General Provisions\) Regulation 2017 \(Qld\)](#)

¹⁵ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

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

¹⁷ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

¹⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)

- [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 \(sections 229BB and 229BC\)](#)
- Child Safe Organisation Act 2024.
- HYIS Complaints Handling Policy
- HYIS Complaints Handling Procedure
- HYIS Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*)
- HYIS Wellbeing Framework
- HYIS Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (Qld)*)
- HYIS Child Protection Reporting Form
- HYIS ICT Acceptable Use for Staff
- HYIS ICT Acceptable Use Policy (Jarjum)

Private and Confidential
Report of Suspected Harm or Sexual Abuse

Date:
School:
School Phone:
School Fax:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
Aboriginal ☐ Torres Strait Islander ☐	Aboriginal and Torres Strait Islander ☐
Does the student have a disability verified under EAP: Yes ☐ No ☐	Disability Category:
Student's Residential Address:	Phone:
	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 ☐ No ☐	

PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE	
☐ Adult family member ☐ Child family member ☐ Other adult ☐ Student/other child ☐ Unknown	

PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary).
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.
Please indicate the identity of anyone else who may have information about the harm or abuse
Additional information provided as an attachment YES ☐ NO ☐

Name of staff member making report to the Statutory Agency if not the CEO:	Signature:	Date:
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Position:		
CEO:	Signature:	Date:
CEO's email address:		
Response requested by school:		

ACTION TAKEN (Tick the appropriate suspected harm/risk of harm type below)		
Form was faxed or emailed to (please tick which agencies the form was sent to):	☐	Queensland Police Services (QPS)
☐ Sexual abuse ☐ Emotional abuse	☐	Department of Communities (Child Safety Services)
☐ Physical abuse ☐ Harm	☐	Family and Child Connect

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)

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