



*Learning for life*

# **GEMS CHILD PROTECTION**



# GEMS CHILD PROTECTION POLICY

<b>Audience:</b>	This <b>GEMS Christian Education Limited (GEMS)</b> policy applies to: <ul style="list-style-type: none"> <li>• Emerald Christian College</li> <li>• Ontrack College</li> </ul>		
<b>Purpose:</b>	The purpose of this policy is to provide written processes about <ul style="list-style-type: none"> <li>a) how GEMS will respond to harm, or allegations of harm, to students under 18 years; and</li> <li>b) the appropriate conduct of GEMS staff and students</li> </ul> to comply with accreditation requirements.		
<b>Scope:</b>	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 GEMS and covers information about the reporting of harm and abuse.		
<b>Status:</b>	Approved		
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</a></li> <li>• <a href="#">Criminal Code Act 1899</a></li> </ul>		
<b>Related Documents:</b>	<ul style="list-style-type: none"> <li>• GEMS Complaints Handling Policy</li> <li>• GEMS Work Health and Safety Policy</li> <li>• GEMS Child Risk Management Strategy</li> <li>• GEMS Complaints Handling Procedure</li> <li>• GEMS Report of Suspected Harm or Sexual Abuse Form</li> </ul>		
<b>Appendix</b>	<ul style="list-style-type: none"> <li>• <a href="#">Report of Suspected Harm or Sexual Abuse</a></li> </ul>		
<b>Supersedes:</b>	GEMS Child Protection Policy, March 2024		
<b>Authorised by:</b>	GEMS Governing Body Chairperson	<b>Date of Authorisation:</b>	May 2024
<b>Review Period:</b>	Annually	<b>Next Review Date:</b>	May 2025
<b>Policy Owner:</b>	GEMS Governing Body		

## UNDERPINNING POLICY FOUNDATION

GEMS Christian Education Ltd. bases its governance and operations on Biblical truths and the teachings of Jesus Christ.

GEMS Christian Education Ltd. pursues the following strategic intentions towards its core purpose so that:

- Students will embrace the GEMS values of God, Excellence, Members and Service; discover who they are as individuals and pursue God's purpose for their lives.
- Employees will embrace the Core Values and personally display Christ to students by utilising stimulating, creative, innovative curriculum and teaching practices.
- Resource sustainability will continue to provide and maintain an outstanding and inspiring place of teaching and learning within an environment of seeking partnerships with the wider community.
- Culture is Christ-centred, driven by GEMS values and demonstrated by GEMS FACETS of Friendly, Appreciative, Compassionate, Encouraging, Truthful and Self-Controlled

# CHILD PROTECTION

## 1. Definitions

- 1.1 **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.
- It is immaterial how the harm is caused.
  - Harm can be caused by
    - physical, psychological or emotional abuse or neglect; or
    - sexual abuse or exploitation.
  - Harm can be caused by
    - a single act, omission or circumstance; or
    - a series or combination of acts, omissions or circumstances.
- 1.2 **Section 10 of the Child Protection Act 1999 - A "child in need of protection"** 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.
- 1.3 **Section 364 of the Education (General Provisions) Act 2006 - "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.
- 1.4 **Schedule 1 of the Criminal Code Act 1899** states that an "adult" is a person of or over the age of 18 and may include students, parents/guardians, and volunteers.

## 2. Health and Safety

GEMS 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).

## 3. Responding to Reports of Harm

When GEMS receives any information alleging 'harm'<sup>1</sup> 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 GEMS Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>2</sup>.

## 4. 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 students<sup>3</sup>.

## 5. Reporting Inappropriate Behaviour

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to<sup>4</sup>:

- **Emerald Christian College**
  - **Head of Primary:** Mrs Nerida Wilson [n.wilson@ecc.qld.edu.au](mailto:n.wilson@ecc.qld.edu.au) or +614982 0977
  - **Executive Principal:** Mrs Rhonda Davis [r.davis@ecc.qld.edu.au](mailto:r.davis@ecc.qld.edu.au) or +614982 0977
- **Ontrack College**
  - **Youth Worker:** Robert Grierson [r.grierson@ontrack.qld.edu.au](mailto:r.grierson@ontrack.qld.edu.au) or +61437 563 236
  - **Administration Officer:** Ms Christine Linggood-Dedes [c.linggood-dedes@ontrack.qld.edu.au](mailto:c.linggood-dedes@ontrack.qld.edu.au) or +61437 563 236

<sup>1</sup>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)

<sup>2</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)

<sup>3</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)

<sup>4</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)

## 6. Dealing with 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 GEMS Governing Body<sup>5</sup>. Reports will be dealt with under the GEMS Complaints Handling Policy.

## 7. Reporting Sexual Abuse<sup>6</sup>

7.1 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 GEMS, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending Emerald Christian College or Ontrack College;
- b) a kindergarten aged child registered in a kindergarten learning program at the College;
- c) person with a disability who:
  - i) under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at Emerald Christian College or Ontrack College; and
  - ii) is not enrolled in the preparatory year at Emerald Christian College.

then the staff member must give a written report about the abuse or suspected abuse to the Principal or to a director of the GEMS Governing Body immediately.

The College's Principal or a GEMS Governing Body Director must immediately give a copy of the report to a police officer.

7.2 If the first person who becomes aware or reasonably suspects sexual abuse is the College 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 GEMS 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;
  - iii) the identity of anyone else who may have information about the abuse or suspected abuse<sup>7</sup>.

## 8. Reporting Likely Sexual Abuse<sup>8</sup>

8.1 Section 366A of the Education (General Provisions) Act 2006 states that if a staff member reasonably suspects in the course of their employment at GEMS, that any of the following is likely to be sexually abused by another person:

- a) a student under 18 years attending Emerald Christian College or Ontrack College;
- b) a kindergarten aged child registered in a kindergarten learning program at the College;
- 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 Emerald Christian College or Ontrack College; and
  - ii) is not enrolled in the preparatory year at Emerald Christian College.

then the staff member must give a written report about the suspicion to the Principal immediately, or to a GEMS Governing Body Director immediately.

The College's Principal or a GEMS Governing Body Director must immediately give a copy of the report to a police officer.

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<sup>5</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)

<sup>6</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)

<sup>7</sup>Education (General Provisions) Regulation 2017 (Qld) s.68

<sup>8</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)

- 8.2 If the first person who reasonably suspects likely sexual abuse is the College 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 GEMS 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 abuse<sup>9</sup>.

## 9. Reporting Physical and Sexual Abuse<sup>10</sup>

- 9.1 Under Section 13E (3) of the Child Protection Act 1999<sup>11</sup>, 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:

- 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 harm.

- 9.2 The doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the Department of Child Safety, Senior and Disability Services<sup>12</sup>, (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:

- a) the basis on which the person has formed the reportable suspicion<sup>13</sup>;
- b) the child's name and sex;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) 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;
- g) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates

**Child Protection Services  
Department of Child Safety, Senior and Disability Services  
51 Ruby Street, EMERALD QLD 4720  
(07) 4986 8500**

**Child Safety Regional Intake Service 1300 703 762**

**Child Safety After Hours Service Centre 1800 177 135 (Queensland only)**

## 10. Responsibilities under Criminal Code Act 1899 (Qld)

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<sup>14</sup> against a child under 16 years or a person with an impairment of the mind.

<sup>9</sup>Education (General Provisions) Regulation 2017 (Qld) s.69

<sup>10</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)

<sup>11</sup>Department of Child Safety, Seniors and Disability Services

<sup>12</sup>Child Protection Regulation 2023 (Qld) s.4 "Information to be included in report to chief executive"

<sup>13</sup>Child Protection Act 1999 s.13G (2)(a)

<sup>14</sup>In accordance with the definition in Criminal Code Act 1899 s.1

### 10.1 **Failure to Report**<sup>15</sup>

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. 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.

### 10.2 **Failure to Protect**<sup>16</sup>

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.

## 11. **Awareness**

GEMS 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 website<sup>17</sup>, in the Student/Parent Handbook, and will be available from the school office. Awareness will be raised with staff and students through staff inductions, classroom posters, school assembly and once per term student wellbeing sessions.

## 12. **Accessibility of Processes**

Processes relating to the health, safety and conduct of staff and students are accessible on each of the College's website and will be available on request from GEMS Administration<sup>18</sup>.

## 13. **Training**

GEMS will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually<sup>19</sup>. The College will maintain a register of attendance from staff induction and annual training, discussion at staff meeting with printed staff meeting agendas, and review of handling and complaints.

## 14. **Implementing the Processes**

GEMS will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually<sup>20</sup>.

## 15. **Complaints Procedure**

Suggestions of non-compliance with GEMS processes may be submitted as complaints under GEMS Complaints Handling Policy and Procedures<sup>21</sup>.

**Note:** Reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the *Criminal Code Act 1899 s.229BC*<sup>22</sup>.

**END OF POLICY**

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<sup>15</sup>Criminal Code Act 1899 (Qld) s.229BC

<sup>16</sup>Criminal Code Act 1899 (Qld) s.229BB

<sup>17</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

<sup>18</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

<sup>19</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

<sup>20</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

<sup>21</sup>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)

<sup>22</sup>Criminal Code Act 1899 (Qld) s.229BC(4)(b)

# APPENDIX

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1. [Report of Suspected Harm or Sexual Abuse](#)



Submit this form to the Principal of the College

1. **Date of report:** \_\_\_\_/\_\_\_\_/\_\_\_\_

2. **Details of student/child harmed or at risk of harm/abuse:**

Name and Surname: \_\_\_\_\_

Gender:  Male  Female

Age: \_\_\_\_\_

Year Level: \_\_\_\_\_

At which College:  Emerald Christian College  Ontrack College

3. **Person alleged to have caused the harm or abuse**

3.1  Adult family member  Child family member  Student/other child  Unknown

3.2 Please provide any further information regarding the identity of the person who has abused, or is suspected of having abused the student

Name and Surname: \_\_\_\_\_

Relationship to Student: \_\_\_\_\_

Contact information: \_\_\_\_\_

4. **Provide the identity of anyone else who may have information about the harm or abuse**

Name and Surname: \_\_\_\_\_

Relationship to Student: \_\_\_\_\_

Contact information: \_\_\_\_\_

5. **Provide all information you have which led to the suspicion of harm or abuse**

*Attach extra pages if necessary*

5.1 Details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person.



5.2 Details of any harm and/or sexual abuse to the student – please include:

Date and time of the incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Source of information: \_\_\_\_\_

Physical appearance of any injury(s): \_\_\_\_\_

Immediate and ongoing safety concerns: \_\_\_\_\_

Disclosures made by student: \_\_\_\_\_

Previous incidents of harm: \_\_\_\_\_

Behavioural indicators of harm: \_\_\_\_\_

Medical needs or developmental delays: \_\_\_\_\_

Alleged risk to the unborn child if relevant: \_\_\_\_\_

Additional information provided as an attachment:  Yes  No

**6. Person reporting (the first person)**

Name and Surname: \_\_\_\_\_

Position: \_\_\_\_\_

At which College:  Emerald Christian College  Ontrack College

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**7. Principal of the relevant college who received the form**

Name and Surname: \_\_\_\_\_

Position: \_\_\_\_\_

At which College:  Emerald Christian College  Ontrack College

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**8. Action taken - to be completed by the principal**

- 8.1 GEMS Governing Body notified:  Yes  No
- 8.2 Form was emailed to (please tick which agencies the form was sent to):
- Queensland Police Services (QPS)
  - Family & Child Connect
  - Queensland College of Teachers
  - Department of Child Safety, Senior and Disability Services

*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.*