



# **CROMWELL COLLEGE**

within The University of Queensland

## **CHILD PROTECTION POLICY**

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Cromwell College is a coeducational, tertiary, residential community serving both children (16 and 17 years of age) and adults (18+). The College is aware of its duty of care and responsibility for the welfare and well-being of its students, and recognizes the need to protect children from Abuse by members of the College and wider community.

This policy will be made available to students and parents of Cromwell College via the College website, along with a copy always being available for viewing and / or collection through the College Office. The attention of parents and students will be drawn to the Policy via the Student Handbook which is published annually. The policy will be directed to the attention of all staff through the Staff Handbook, and in particular, on the first Staff Professional Development session of each year, and to all new staff at the time of appointment.

The purpose of this policy is to provide written processes about the appropriate conduct of College employees and students that accord with legislation in Queensland about the care and protection of children.

This policy applies to all staff, students and volunteers at Cromwell College. It covers information about the reporting of physical, emotional and sexual abuse, as well as neglect, inappropriate behaviour and self harm.

### **Relevant Legislation**

- Child Protection Act (1999) (Qld)
- Child Protection Regulation 2000 (Qld)
- Commission for Children and Young People and Child Guardian Act 2000 (Qld)
- Commission for Children and Young People and Child Guardian Regulation 2001 (Qld)
- Education and Training Legislation Amendment Act 2011
- Education and Care Services National Law (Queensland) Act 2011
- Education and Care Services National Regulations
- Education (General Provisions Act) 2006 (Qld)
- Education (General Provisions) Regulation 2006 (Qld)
- Education (Queensland College of Teachers) Act 2005 (Qld)
- Public Health Act 2005 (Qld)

For the purpose of this Policy, “**employees**” includes Staff, RA's, Tutors, O Week Committee, Student Executive Members, Contractors, Volunteers and students aged eighteen and over.

## PRINCIPLES

Cromwell College will uphold the following principles under this policy:

1. Employees at Cromwell College are expected to reflect the highest standards of care in their behaviour towards and relationships with students.
2. Employees of Cromwell College must not, under any circumstances, Abuse a student of the College.
3. Because of the authority that exists between an employee and a student, a student cannot "consent" to Abuse.
4. Failure to behave in an appropriate manner may result in criminal proceedings and/or disciplinary action, including dismissal employees and expulsion for other students.
5. Protecting students from harm and the risk of harm is fundamental to maximizing their personal and academic potential.
6. Employees of Cromwell College must not, under any circumstances, engage in physical or emotional abuse or engage in sexual conduct of any nature with a student of Cromwell 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.
7. Cromwell College recognizes that people who are subjected to Abuse are harmed by it.
8. At Cromwell College, the welfare and best interests of the students will always be a primary consideration.
9. Cromwell College expects its students to show respect to employees and to comply with safe practices.
10. Cromwell College will respond diligently to a report of suspected or actual harm, or risk of harm to a student.
11. Cromwell College will not tolerate reprisals against students, employees or others making a complaint.
12. At Cromwell College, student management practices will be administered with respect and in a manner which maintains the student's dignity.
13. Cromwell College will act fairly and reasonably towards an employee or student who is the subject of allegations of improper conduct.
14. Cromwell College will support an employee or student who is the subject of a proven false allegation of causing harm to a student.
15. Cromwell College will take disciplinary action against employees who harm others.
16. Cromwell 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.
17. Cromwell College will co-operate with state authorities in resolving allegations of harm.
18. A defense 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
- Victimization of the informant will not be tolerated.

## GUIDELINES

In complying with these principles, Cromwell College will be guided by the following:

### **Risk Management**

For the protection of both employees and students, no employee is permitted to be alone with a student in a room with the door closed, unless both the employee 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 utilized 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 of being heard.

### **Confidentiality**

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. Cromwell College is 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. Cromwell College will keep the victim and the alleged perpetrator informed of progress.

### **Public Relations**

The Principal will ensure that Cromwell College is able to react quickly to allegations of harm so that accurate and relevant information is available for employees, 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 an employee during an investigation. The police are not required to inform

Cromwell College 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**

Cromwell College will keep its insurer informed about developments.

### **Review**

The Principal will ensure that this Policy is reviewed at least once every two years.

### **The Role of the Principal**

The Principal of Cromwell College should not, under any circumstances, caution the alleged victim as to the possible consequences of reporting Abuse (e.g. 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 Cromwell College will carry out a preliminary assessment to determine whether the Principal reasonably suspects the Abuse has occurred.
2. There will be two representatives of Cromwell College 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 Cromwell College receives a written report about Sexual Abuse or suspected Sexual Abuse by another person of a student under 18 years attending the College, the Principal will immediately provide a copy of the report to the police, and must also give a copy of the report to the Chairman of the Cromwell College Board of Governors.

The Principal of Cromwell College must, upon becoming aware of all allegations of pedophilia, immediately refer them in writing to the police, including those from the past.

4. The Principal of Cromwell College will support the child by:
  - offering pastoral support;
  - offering to arrange professional counseling, 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 Cromwell College 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 Cromwell College, in which event the responsibility for informing parents / caregivers rests with the investigating child protection agency official.
6. The Principal of Cromwell College will inform the respondent of the allegations and:
  - if the respondent is a member of the Cromwell College community, offer pastoral support;
  - treat the respondent with respect and dignity;
  - arrange for professional counseling if it is requested until the matter has been resolved.
7. The Principal of Cromwell College will stand down any employee if there is an unacceptable risk or adverse circumstances in leaving the employee in their position.
8. The Principal of Cromwell College will suspend the enrolment of any student if there is an unacceptable risk or adverse circumstances in permitting the student to remain at Cromwell College.

9. When a police prosecution relating to the information is completed or if there is no police prosecution, the Principal of Cromwell College will investigate the information to determine whether:

- redress should be offered to the child;
- disciplinary action should be taken.

The Principal of Cromwell College, with the advice of the Chairman of the Cromwell College Board of Governors, may involve independent professionals in the investigation.

10. If the Principal of Cromwell College believes redress should be offered, the Principal will refer that issue to the Chairman of the Cromwell College Board of Governors.
11. If the Principal of Cromwell College believes disciplinary action should be taken against the respondent, the Principal will initiate that action and ensure that the principles of Natural Justice are observed.
12. Notifications to Queensland College of Teachers (QCT) should the employee have QCT registration.

(a) The Principal of Cromwell College, who investigates an allegation of harm caused or likely to be caused to a child because of the conduct of a registered teacher must, as soon as practicable after the investigation starts, inform the Queensland College of Teachers (QCT) of the investigation, including the following details:

- The names of the Principal, Cromwell College and the relevant registered teacher; and
- Particulars of the allegation, including the date the investigation commenced and other relevant information.

(b) If the investigation ends for any reason, the Principal must provide to the QCT, in addition to the details required in sub-section (a) above, the date the investigation ended, the findings of the investigation, the outcome and any reasons for the outcome and, if relevant, the Principal's decision and reasons for the decision.

(c) If the Principal dismisses a teacher in circumstances that, in the opinion of the Principal, call into question the competency of the teacher to be employed as a teacher, the Principal must provide to the QCT, in addition to the details required in sub-section (a) above, the date of the notice of dismissal, the effective date of the dismissal and the reasons given by the Principal for the dismissal.

13. The Principal of Cromwell College will ensure that the following are undertaken in order to reduce the chance of Abuse occurring:

- Ensure that each employee understands and fulfils their obligations under this Policy;
- Ensure that there is an acceptable reference for each employee engaged since the commencement of this protocol, from their previous employer;
- Ensure that each employee who in the opinion of the Principal has sufficient contact with children has a current positive prescribed notice issued by the Commissioner for Children and Young People and Child Guardian.

## DEALING WITH ALLEGATIONS OF HARM

### Suspicion of Harm

"Reasonable grounds" for suspecting harm exist if:

- A child or young person reports that they have been harmed

- Someone else, for example another child, a parent, or an employee, reports that harm has occurred or is likely to occur
- A child or young person reports that they know of someone who has been harmed (it is possible that they may be referring to themselves)
- Significant changes in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries are a concern
- The harm is observed happening



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 within or outside Cromwell College, or
- The child or young person disclosing the harm is from within or outside Cromwell College.

It is crucial to have procedures in place so that any disclosure from an adult, child or young person is dealt with efficiently and effectively.

### **When a Disclosure is Made**

No investigation of allegations of harm should be undertaken by Cromwell College. Only enough questions should be asked as to confirm the need to report the matter to the Queensland Police Service. The safety of the child or young person is paramount. Unnecessary questions or interviews could cause distress or confusion and interfere with any subsequent investigation undertaken by the authorities.

To discuss or report an incident involving a child or young person to the Queensland Police Service, contact can be made with the local Child Protection and Investigation Unit (formerly Juvenile Aid Bureau) through the nearest Police District Communication Centre.

Cromwell College should  
not:

- Conduct its own investigation to substantiate claims
- Hold its own internal hearing, or
- Attempt to mediate a settlement of the matter instead of notifying relevant authorities

Investigations conducted by Cromwell College could lead  
to:

- The destruction of evidence by an accused person
- Intimidation of the person disclosing the information, or
- Intimidation of the child or young person being harmed (if the disclosure was made by someone else)

NB: When a report is made to the Queensland Police Service, reporting details are kept confidential and the identity of the reporter is strictly protected.

## **PROCEDURES FOR REPORTING ABUSE/HARM**

1. A student who becomes aware or reasonably suspects that harm has been caused by anyone to a student of Cromwell College who was under 18 at the time should report it to the Principal.
2. An employee who becomes aware or reasonably suspects that harm has been caused by anyone to a student of Cromwell College who was under 18 at the time should report it to the Principal, and keep a written record of the actions taken.

Note: Under s 191 of the Public Health Act 2005, doctors and registered 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 immediate 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 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.

3. The Principal of Cromwell College, upon receiving a report of harm or suspected harm to a student of Cromwell College 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, and keep a written record of the actions taken.
4. A student who wishes to report behaviour by an employee considered by that student to be inappropriate, should report the behaviour to the Principal. A student or employee who wishes to report behaviour by the Principal considered by that student or employee to be inappropriate, should report the behaviour to the Chairman of the Cromwell College Board of Governors.
5. The Principal, upon receiving a report by a student of inappropriate behaviour, should interview the student, the employee named in the report and any other person who may be able to provide useful information. The Principal should take action on the basis of the report.
6. An employee or student of Cromwell College who becomes aware, or reasonably suspects, in the course of their employment or residency at Cromwell College, that a student under 18 years attending Cromwell College has been Sexually Abused by another person, should immediately give a written report about the Abuse or suspected Abuse to the Principal of Cromwell College

The report must contain the information set out in 10 below.  
[s 366 of the Education (General Provisions) Act 2006]

7. The Principal of Cromwell College who becomes aware, or reasonably suspects Sexual Abuse should immediately give a copy of the report to a police officer, and must also give a copy of the report to the Chairman of the Cromwell College Board of Governors.

The report must contain the particulars as set out in 10 below.

8. An employee or student of Cromwell College who becomes aware, or reasonably suspects, in the course of their employment or residency at Cromwell College, that a student under 18 years attending Cromwell College is likely to be Sexually Abused by another person, must immediately give a written report about the suspicion to the Principal of Cromwell College.

The report must contain the particulars as set out in 10 below.

9. The Principal of Cromwell College who becomes aware, or reasonably suspects likely Sexual Abuse must immediately give a written report about the suspicion to a police officer, and must also give a copy of the report to the Chairman of the Cromwell College Board of Governors.

The report must contain the particulars as set out in 10 below.

10. The written report must contain 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;
  - (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.

[ s68A of the Education (General Provisions) Regulation 2006]
11. A person making a report of Abuse or likely Abuse, Sexual or otherwise, is not liable, civilly criminally or under an administrative process for giving information contained in the report, and the confidentiality of those who notify of harm or risk of harm, is protected.  
[Education (General Provisions) Act 2006 ss 366 and 366A; Child Protection Act 1999 ss 22 and 186]
12. The Principal of Cromwell College must keep the appropriate insurer informed of any report or claim that is advised to the Principal.

## HARM NOT COVERED BY SPECIFIC LEGISLATION

Provisions relating to Bullying, Harassment and Self Harm (with and without suicidal intent) appear in Appendix 1.

## 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. It is immaterial how the harm is caused. The harm can be caused by:

- Physical, psychological or emotional Abuse or neglect
- Sexual Abuse or exploitation.

**"Child"** means a person under 18 years of age.

**"Employee"** includes Staff, RA's, Tutors, O Week Committee, Student Executive Members, Contractors, Volunteers and students aged 18 and over.

**"Pastoral Care"** is emotional support from a person who does not necessarily hold academic qualification required for professional counseling.

**"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.

**"Student"** means any person regardless of age who is enrolled at Cromwell College.

## AMENDMENT REGISTER

[illegible]

## **HARM NOT COVERED BY SPECIFIC LEGISLATION - APPENDIX 1**

### **Bullying and Harassment**

In most cases, harm of this nature is not required to be reported to external authorities, unless it involves criminal behaviour or is harm under the definitions supplied in this policy.

### **Self-Harm**

Self-harm may occur with or without suicidal intent, or may be symptomatic of, or associated with, a known medical condition or intellectual disability.

#### **Self-harm with Suicidal Intent**

Common risk factors include:

- Previous attempts at suicide (most powerful risk predictor)
- Depression
- Drugs and alcohol abuse
- Conduct disorder
- Disruptive and unsupportive family background
- Relationship conflicts
- Poor coping skills
- Psychiatric illnesses
- Ready availability of lethal means to commit suicide
- Copycat behaviour after an incident of self-harm by another person

Other risk factors include:

- Recent bereavement
- Chronic physical illness
- Anniversary phenomenon (of past losses or major life events)
- Early loss experiences
- School failure
- Perfectionism and overachievement as a result of students having high expectations of themselves

Threats of self-harm by a student should be taken seriously and reported to the Cromwell College Principal immediately.

An employee or student who becomes aware of, or suspects that a student is experiencing significant psychological distress, must report the information to the Principal.

In the case of an acutely distressed student, the immediate safety of the child is paramount. An employee or student should ensure the immediate safety of the student, arrange for a staff member to be with the student at all times and then report concerns to the Principal. Employees should note that while it is important to support a student, they should be careful not to substitute support for professional help.

Following a report, the Cromwell College Principal should meet with the distressed student on the day of the report, and determine an appropriate course of action. In cases of serious concern, the Principal should notify the student's parents and make arrangements for access to professional assistance.

#### **Self-Harm Without Suicidal Intent**

Not all cases of self-harm relate to suicidal intent. Students may engage in a variety of high risk behaviors, such as alcohol / substance abuse, drug-taking, unsafe promiscuity, cutting/burning oneself.

All Cromwell College employees are expected to act to prevent all high risk behaviors occurring within Cromwell

College, and to support any other interventions undertaken to reduce the risk of such behaviors occurring outside Cromwell College. All employees and students of Cromwell College are bound by the Cromwell College Alcohol and Drugs Policy.

Employees or students who are aware that a student is engaging in, or is at risk of engaging in, high risk activities, should immediately report their concerns to the Principal.

Following a report, the Principal should determine what course of action should occur. Possible actions include:

- Contacting parents
- Arranging professional assistance
- Contacting the police where appropriate

### **Self-Harm as a Symptom of a Medical Condition or Intellectual Disability**

Where it is known that a student has a propensity to engage in self-harm that is symptomatic or associated with a known medical condition or intellectual disability, the Principal of Cromwell College, and external treating professionals (where applicable) should devise an individual program of management to prevent or reduce the likelihood of the student engaging in self-harm at Cromwell College

The program should complement any other management procedures adopted outside the Cromwell College setting to address the self-harm behaviour.