

ISCA Student Protection Policy and Procedure

Note: This policy is subject to change from time to time. Please check all ISCA Policies on a regular basis for updates.

Reviewed 1 November 2023

Purpose

This procedure outlines the responsibilities and processes for ISCA Staff and ISCA Homestay Hosts when dealing with student protection concerns and responding when it is suspected that a student, or an unborn child, has been harmed or is at risk of harm.

The procedure also clarifies responsibilities necessary for compliance with the reporting obligations under *the Child Protection Act 1999 (Qld)*.

Overview

Any person has the right to make a report directly to the Department of Communities, Child Safety and Disability Services (Child Safety) or Queensland Police Service (QPS), or to make a report of suspected corrupt conduct directly to the Crime and Corruption Commission.

Any person who follows the Student protection procedure reporting processes will be entitled to seek the protection from liability in civil, criminal and administrative processes available under *s.197A* of the *Child Protection Act 1999 (Qld)*. Further, they will be entitled to the confidentiality protections afforded to notifiers under *s.186* of the *Child Protection Act 1999 (Qld)*.

Any person who makes a voluntary report to Child Safety or QPS, outside the Student protection procedure reporting processes, will also be entitled to seek the protections afforded by *ss. 197A and 186* provided they have complied with *s.197A* of the *Child Protection Act 1999 (Qld)*.

Responsibilities

ISCA Staff and Homestay Hosts

All ISCA Staff and ISCA Homestay Hosts have a responsibility to respond when it is suspected that a student, or an unborn child, has been harmed or is at risk of harm.

This responsibility applies when a reasonable suspicion has been formed in the course of employment or whilst hosting a student.

Non-mandatory reporting

Under *s.13A* of the *Child Protection Act 1999 (Qld)*, any person may make a report when they reasonably suspect:

- a child may be in need of protection because the child has suffered, is suffering or is at risk of suffering significant harm and may not have a parent able and willing to protect the child from harm, or
- an unborn child may be in need of protection after he or she is born because the child will be at risk of suffering significant harm after birth and may not have a parent able and willing to protect the child from harm.

ISCA Director

- Ensure that all employees and Homestay hosts are aware of student protection reporting obligations and processes by ensuring the completion of an appropriate level of student protection training.
- Keep a record of staff and homestay host completion of student protection training and subsequent training updates.

- Implement processes to monitor and support any student subjected to or at risk of harm from any source, as appropriate.
- Refer the matter to the Education Provider, who hold welfare for the student.
- Collaborate with the Education Provider where this is in the best interests of the student. This may include sharing information in accordance with the procedure Information sharing under the *Child Protection Act 1999 (Qld)*.

Process

Responding to suspected child abuse and neglect

ISCA Director

Investigation

1. Contact the relevant Education Provider, who hold welfare for the student, await instruction from Duty of Care Holder
2. The ISCA Director and ISCA Staff are not authorised to investigate (refer to definition) any aspect of a student protection concern before or after making a report. However, they may make enquiries and/or ask questions to the extent necessary to form a reasonable suspicion, and therefore meet the threshold to report to Child Safety and/or QPS, or to determine an appropriate course of action.
3. Provide a report to the Education Provider, who hold welfare for the student, as a matter of urgency upon forming a reasonable suspicion, or receiving any information indicating a reasonable suspicion that:
 - a student has been sexually abused or is likely to be sexually abused, or
 - a child or unborn child may be in need of protection as a result of physical, sexual, emotional abuse or neglect (i.e. has suffered, is suffering or is at unacceptable risk of suffering significant harm, and may not have a parent able and willing to protect the child from harm).

Managing records

4. Store documented suspicions and/or incidents of harm, copies of student protection reports, or related information in a secure location.

Supporting students

5. Contact the relevant Education Provider, who hold welfare for the student, to ascertain any form of support that may need to be provided by ISCA or the host family.
6. Monitor and support any student subjected to or at risk of harm from any source, as appropriate.
7. Relocate the student from the Homestay host accommodation, if required.
8. Sharing information must be in accordance with the Information sharing under the *Child Protection Act 1999 (Qld)* procedure.

NOTE: ISCA staff and Homestay hosts should be cognisant of the potential negative reactions of the persons concerned of sharing their personal information without consent, even where it is considered the sharing beneficial or protective in nature.

It is also important to note that sharing relevant information about a pregnant woman and her unborn child for the purpose of facilitating the provision of support should only occur if the pregnant woman has given her consent for the information to be shared.

Student sexualised behaviours and sexual relationships

When a Homestay host becomes aware of or reasonably suspects student sexual behaviour or sexual conduct involving a student under the age of 16 years it must be reported to ISCA. ISCA will contact the relevant Education Provider, who hold welfare for the student, for guidance on appropriate actions and reporting.

Harm caused by another student

When it is suspected a student has been harmed or placed at risk of harm through the actions of another student the Homestay host must report this to ISCA. ISCA will contact the relevant Education Provider, who hold welfare for the student, for guidance on appropriate actions and reporting.

Student self-harm

When it is suspected a student has self-harmed or may be at risk of self-harm the Homestay host must report this to ISCA. ISCA will contact the relevant Education Provider, who hold welfare for the student, for guidance on appropriate actions and reporting.

Sexting and child exploitation material

When a Homestay Host becomes aware of or reasonably suspects student conduct involving sexting and possible child exploitation material, it must be reported to ISCA. ISCA will contact the relevant Education Provider, who hold welfare for the student, for guidance on appropriate actions and reporting.

Definitions

Child/ren	A person under 18 years of age.
Child in need of protection	<p>A child in need of protection, as defined in s.10 of the <i>Child Protection Act 1999 (Qld)</i>, is a child who:</p> <ul style="list-style-type: none"> • has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm and • may not have a parent able and willing to protect the child from the harm.
Education Provider	A Registered CRICOS school that use ISCA as there Homestay Provider
Harm	Harm, as defined in s.9 of the <i>Child Protection Act 1999 (Qld)</i> , 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 and may include physical, psychological or emotional abuse, neglect and 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.
Immediately	a report should be progressed without unreasonable delay, once a reasonable suspicion of sexual abuse or likely sexual abuse has been formed.
Reasonable suspicion	<p>A reasonable suspicion is a suspicion formed on grounds that are reasonable in the circumstances. The <i>Child Protection Act 1999 (Qld)</i> (s.13C) also states that:</p> <ul style="list-style-type: none"> • 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.
Relevant information	As defined in s.159C of the <i>Child Protection Act 1999 (Qld)</i> , includes information about a child, the child's family, someone else, a pregnant woman or an unborn child which will assist the chief executive of the Department of Communities, Child Safety and Disability Services or a service provider, as defined in s.159D of the <i>Child Protection Act 1999 (Qld)</i> , to make plans or decisions relating to, or provide services to, a relevant child or child's family.
Reportable suspicion	<p>Under s.13E of the <i>Child Protection Act 1999 (Qld)</i>, a reportable suspicion about a child is a reasonable suspicion that the child:</p> <ul style="list-style-type: none"> • has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and

	<ul style="list-style-type: none"> • may not have a parent able and willing to protect the child from the harm.
Self-harm	Harm that requires immediate medical or psychological intervention. Self-harm includes self-inflicted injuries, OR other self-inflicted physical or psychological damage.
Sexual conduct	Sexual conduct is any behaviour that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desires.
Student	<p>For the purposes of this procedure only, the definition of 'student' includes:</p> <ul style="list-style-type: none"> • a child enrolled with ISCA in Homestay and attending schooling with an Education Provider; or • any other child, provided suspicions of harm are raised by ISCA staff or ISCA Homestay hosts in the course of their employment or duties.

Legislation

- **Child Protection Act 1999 (Qld)** Sections 4-5E; 8-11; 13A-13E; 13G-13I; 159A-159N; 159Q-159R; 186-188; 197A; and Schedule 3
- **Crime and Corruption Act 2001 (Qld)** Sections 14-15