



W3 Duchesne College

Child & Youth Protection Policy and Procedures

VISION VALUES AND COMMITMENT OF DUCHESNE COLLEGE

Vision

We are committed to living our vision to inspire personal growth within an inclusive, socially aware community that is impelled to act.

Values

We build upon the values of the Society of the Sacred Heart - our values define what we stand for and are our guiding principles:

- We believe community is a powerful catalyst for personal growth
- We are inclusive and embrace diversity
- Our social awareness impels us to act
- We value deep respect for intellectual life
- We are guided by truth, courage and confidence

Commitment

We take our responsibility for keeping our students safe and promoting their health and wellbeing, to that end we commit:

- That "Child Safety" is embedded in our leadership, governance and culture
- That children or youth are informed about their rights, participate in decisions affecting them and are taken seriously
- Families and Communities are informed and involved in promoting the safeguarding of children and youth (where appropriate)
- Equity is upheld and diverse needs are taken into account
- People working with children and youth are suitable and supported to reflect safeguarding values in practice
- Processes for raising concerns and complaints are responsive, understood, accessible and are child and youth focused
- Staff are equipped with the knowledge, skills and awareness to keep children and youth safe through continual education and training
- That the College environment will contain appropriate safeguards to minimise the opportunities for children and youth to be harmed
- To continuously review and improve implementation of our policies and procedures for keeping children and youth safe
- To maintain clear policies and procedures to keep children and youth safe and ensure that these are readily available for anyone involved in the College

INTRODUCTION AND PURPOSE

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

This policy is intended to outline the protections for any resident or visitor to the College who is under the age of eighteen years ("**children**" or "**youth**"), in a manner that is respectful of their right to safety, and to enable the College to take relevant protective and responsive action.

Compliance with this policy is mandatory for each person working and living within Duchesne College. All information related to suspected or alleged 'harm' to children or youth must be treated with the utmost confidentiality and all implicated persons must be treated with respect for their privacy and dignity.

This policy operates alongside other related College documents as per the Related Legislation and Documents section of this policy.

DEFINITIONS

"Abuse" of children or youth may include neglect and maltreatment, and physical, psychological and sexual abuse of children or youth including grooming. It may include abuse that is facilitated through online platforms, including online grooming and the production, distribution and/or access of child exploitation materials.

- Physical abuse refers to any nonaccidental physically aggressive act towards a child. Physical abuse may be intentional or may be the inadvertent result of physical punishment. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking.
- Neglect refers to a failure by a caregiver to provide the basic requirements for meeting the physical and emotional developmental needs of a child. Physically neglectful behaviours include a failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention.
- Psychological abuse refers to inappropriate verbal or symbolic acts and a failure to provide adequate non-physical nurture or emotional availability. Psychologically abusive behaviours include rejecting, ignoring, isolating, terrorising, corrupting, verbal abuse and belittlement.

"Child sexual abuse" is any act which exposes a child to, or involves a child in, sexual processes beyond their understanding or contrary to accepted community standards. Sexually abusive behaviours can include:

- sexually explicit acts involving children;
- exposing children to, or involving children in pornography; or
- Child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child.

"Child" or "Youth" or "Young Person" means a person under 18 years of age.

"Child Sexual Offence" under the *Criminal Code Act 1899* (Qld) includes offences relating to the making, distribution and possession of child exploitation material, rape or sexual assault.

"Employee" includes Staff, Resident Leaders, Tutors, Student Club Executive Members, Contractors, Volunteers and students aged 18 and over.

"Harm" is defined in section 9 of the *Child Protection Act 1999* (Qld) as:

- any detrimental effect of a significant nature on a child's physical, psychological or emotional wellbeing.
- It is immaterial how the harm is caused.
- Harm may 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.

"Head of College" includes the Head of College or their delegate.

"Inappropriate behaviour" is not defined by law. For the purposes of this policy inappropriate behaviour includes any conduct that is inconsistent with the values of Duchesne college and any associated policies. This includes, for example, conduct that:

- makes a child feel unwelcome, uncomfortable or distils a feeling of unease;
- violates professional physical, emotional or behavioural boundaries; or
- creates a risk to the child's right to safety.

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

"Sexual Abuse" means sexual behaviour involving a student or child and another person in the following circumstances:

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

"Sexual Assault" is any unwanted or forced sexual act or behaviour without consent.

"Suspicion of Harm" exists if:

- a student, child or young person reports that they have been harmed;
- someone else, for example another student, a parent, or an employee, reports that harm has occurred or is likely to occur;
- a student or employee 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 student, child or young person, or the presence of new unexplained and suspicious injuries are a concern; or
- the harm is observed happening or other students are discussing the possibility of harm having occurred

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

SCOPE

This policy applies to all staff, students, council members and volunteers at Duchesne College. Visitors to the College must comply with the policy. It covers information regarding the reporting of physical, emotional and sexual abuse, as well as neglect, inappropriate behaviour and self-harm.

For the purpose of this policy, "employees" includes Staff, Resident Leaders, Tutors, Student Club Executive Members, Contractors and Volunteers.

POLICY STATEMENT

Duchesne College is committed to providing for the safety and well-being of all children and youth who use its services. As employees of a Catholic Residential College, our staff members are committed to providing young people with a safe and secure environment within which to study and live. Duchesne College recognises that each child and youth has a right to protection from 'harm'.

GUIDING PRINCIPLES

Staff, students, contractors, volunteers and visitors to Duchesne College acknowledge:

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1. Employees and all people at Duchesne College must comply with this policy and demonstrate the highest standards of care in their behaviour towards and relationships with students, including children and young people.
2. Employees of Duchesne College must not, under any circumstances, abuse a student, child or young person who attends, visits or who is associated with the College.
3. If a child or young person is attending College, a College event or participating in any part of College life, assessments of risks and identification of risk management strategies applicable to those children or young people will be undertaken and applied because Duchesne understands that the children and young people may be exposed to different risks.
4. Because of the authority that exists between an employee and a student, child or young person, a student, child or young person cannot “consent” to abuse.
5. Failure to behave in an appropriate manner may result in criminal proceedings and/or disciplinary action, including dismissal of employees and expulsion of students.
6. Protecting a child or young person from harm and the risk of harm is fundamental to maximising their personal and academic potential.
7. Employees of Duchesne College must not, under any circumstances, engage in physical or emotional abuse or engage in sexual conduct of any nature with any student, child or young person who attends or visits or is associated with Duchesne 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.
8. Duchesne College recognises that people who are subjected to abuse are harmed by it.
9. At Duchesne College, the welfare and best interests of all students, including children or young people will always be a primary consideration.
10. Duchesne College expects its students to show respect to employees and to comply with safe practices.
11. Duchesne College will respond diligently to a report of suspected or actual harm, or risk of harm to a student, including a child or young person.
12. Duchesne College will not tolerate reprisals against students, employees or others making a complaint about abuse or harm.
13. At Duchesne College, student management practices will be administered with respect and in a manner which maintains the dignity of students, visitors, associates, children or young persons.
14. Duchesne College will act fairly and reasonably towards an employee or student who is the subject of allegations of improper conduct.
15. Duchesne College will support an employee or student who is the subject of false allegations of causing harm to a student.
16. Duchesne College will take disciplinary action against employees, students and visitors who harm others.
17. Duchesne College may not permit people to continue to be involved with the College if the College forms a reasonable belief, on the basis of all information brought to its attention including:
 - repeated conduct;
 - failure to comply with policy or procedure;
 - repeated complaints; or
 - any other relevant information otherwise available to the College;

- that a person is not suitable to continue in a role of responsibility or they pose a risk of harm to others, including children or young people, or they pose a risk to the reputation of the College.
18. Duchesne College will cooperate with state and University authorities in their investigations relating to allegations of harm.
 19. A defence of absolute privilege may be available for publishing information contained in a report about sexual abuse where disclosure is required under state or federal legislation, in court proceedings or in accordance with orders of the police.
 20. Persons receiving information about abuse or suspected abuse should:
 - Escalate those matters to the Head of College
 - Explain that:
 - i. the information will be treated confidentially, to the extent that this is possible given the need to investigate allegations and requirements of the law, but that it may be necessary to disclose the information to comply with the law; and
 - ii. victimisation of the informants of abuse or harm will not be tolerated.

GUIDELINES

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

Risk Management

Risk assessments and risk minimisation strategies will be created and implemented in respect of the risk of harm, abuse and the risk to children and young people attending Duchesne. Those assessments and strategies will be reviewed regularly and updated to address specific identified risks.

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.

Any person who faces credible allegations of harm may be stood down from employment, their role in the College, or asked to leave Duchesne (temporarily or permanently) to protect the interests and safety of complainants and alleged victims.

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; and
- that nobody should be accused of breach of this policy 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 in accordance with this policy. Duchesne College is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in

responding to any complaint. Duchesne may be required by law to disclose some examples of harm. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

Promptness

All steps under this Policy will be carried out as promptly as is practicable. Duchesne College will endeavour to keep the victim and the alleged perpetrator informed of progress.

Record keeping and comment

The Head of College will ensure that Duchesne College is able to react to allegations of harm so that accurate and relevant information is available for employees, students, their families and the media, as appropriate. The Chair of the Duchesne College Council and the Head of College are the only persons permitted to make comment to the media. Advice will be sought about retaining records and making comment to ensure the interests of students, the community and the College are protected.

Defamation

A person providing information about harm, in good faith with a reasonable belief in the truth of the matters they raise, is generally excused from liability for defamation.

Police Action

It is not always necessary to wait until the police have decided whether to charge a person before taking any internal disciplinary proceedings. The police are not required to inform Duchesne College about their investigation.

For safety reasons the College may determine to exclude a person from the College at any time, particularly where there is no other reasonable or practicable way to ensure safety as far as reasonably practicable.

The Head of College may stand down an employee during an investigation or exclude a student during an investigation.

Insurer

Duchesne College is obligated to keep its insurer informed about developments.

RECRUITMENT

To maintain our strong commitment to providing for the safety and well-being of children and youth Duchesne College ensures that our recruitment processes emphasise child safety.

We have implemented strict selection and recruiting procedures which include stringent and careful reference check and require that all relevant staff have completed and maintain their "Working with Children Checks".

All staff at Duchesne College receive an appropriate induction and are aware of their child safety responsibilities, including their reporting obligations. Staff performance is regularly reviewed, including their adherence to the Code of Conduct and this Child & Youth Protection Policy and Procedures.

At a minimum, the Head of College of Duchesne College will ensure that the following are undertaken in order to reduce the chance of harm:

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1. that each employee who is required to have a blue card to work with children in Queensland has a current positive notice letter issued by the Commissioner for Children and Young People and Child Guardian;
2. that each employee understands and fulfills their obligations under this Policy; and
3. that appropriate reference checks are conducted for new employees as required.

REQUIREMENTS IN ACCORDANCE WITH WORK HEALTH AND SAFETY

Duchesne College will ensure a proactive risk management approach is taken towards student safety, by implementing strategies that identify and mitigate student safety risks. The College recognizes that there are potential risks to students and will take risk management approach by undertaking preventative measures in relation to risks such as:

- the physical and online nature of the College environment;
- student activities and College operations; and
- the risk of child abuse.

This clause should be read in conjunction with the College's *Workplace Health and Safety Policies and Procedures* which reflect College requirements under Work Health and Safety legislation.

Duchesne College has the following additional risk mitigation strategies to ensure the College exhibits a proactive approach in maintaining the duty of care to protect students from harm, suspected harm, sexual abuse or suspected sexual abuse and uphold their safety and wellbeing:

- Staff and student leaders (Resident Leaders and Student Club Executive Members) must inform the Head of College;
 - if an under-age student is or is suspected of drinking alcohol or taking illegal drugs; and
 - if they come across any evidence that an under-age student's welfare is compromised e.g. unusually unhygienic room, always sleeping, any signs of injury or emotional distress etc.

Procedures to Deal with Allegations or Complaints

DISCLOSURES OF HARM MUST BE ACTED UPON

Any disclosure of harm is important and must be acted upon, regardless of whether:

- the harm to a student, child or young person has been caused by a person within or outside Duchesne College; or
- the student, child or young person disclosing the harm is from within or outside Duchesne 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.

WHAT IS SEXUAL ABUSE?

Sexual abuse refers to a person who uses power, force or authority to involve a child or young person in any form of sexual activity. This can involve touching or no contact at all. This may take the form of taking sexually explicit photographs or videos of children, forcing children to watch or take part in sexual acts and forcing or coercing children to have sex or engage in sexual acts with other children or adults.

Under the Criminal Code, a child sexual offence includes offences relating to the making, distribution and possession of child exploitation material, rape or sexual assault.

REPORTING HARM OR SUSPECTED HARM

Reporting harm or suspected harm

1. A student of the College who becomes aware or reasonably suspects that harm has been caused by anyone to a student of the College who is under the age of 18 at the time, must report it to the Head of College.
2. An employee who becomes aware or reasonably suspects that harm has been caused by anyone to a student of Duchesne College who was under 18 at the time must report it to the Head of College, and keep a written record of the actions taken.
3. Upon receiving a report of harm or suspected harm to a student of the College, the Head of College will:
 - a. offer support to the reporter;
 - b. if the reporter is not the alleged victim, assess how to safely approach and support the alleged victim;
 - c. conduct a preliminary risk assessment to assess the risk for the reporter, the alleged victim and alleged perpetrator, others in the College and the College itself; and
 - d. assess what reports must be made outside of the College, what advice is needed, whether the alleged perpetrator should remain at the College and whether they should be offered legal advice, what evidence needs to be preserved, how to ensure confidentiality and whether further independent or internal investigation is required to determine what may have occurred.
4. If the Head of College determines that a review is needed to assess allegations other than allegations of harm, sexual abuse or assault, the Head of College may seek advice about whether/how to progress:
 - a. witness interviews and invitations to interview;
 - b. providing support people and independent advice to witnesses, complainants and alleged perpetrators;

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- c. appointment of separate representatives of Duchesne College to conduct the reviews, to provide support and to act as witnesses during interviews while ensuring separation and confidentiality between those roles; and
 - d. ensure that interviews with vulnerable people, children or young people are not conducted without notice to a parent or guardian and that such interviews are conducted by an appropriately qualified person.
5. In addition to informing the Head of College, in circumstances where a doctor, a registered nurse, a teacher or an early childhood education and care professional form a *reasonable suspicion* in the course of their employment that:
- a. the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
 - b. they may not have a parent able and willing to protect the child from the harm.

They must make a report to the Department of Children, Youth Justice and Multicultural Affairs in accordance with the *Child Protection Act 1999* (Qld).

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 unless authorised under section 186A of the *Child Protection Act 1999* (Qld).

A person making a report of significant harm without a parent able and willing to protect the child is not liable, civilly, criminally or under an administrative process for giving information contained in the report and will have their confidentiality protected in accordance with section 197A of the *Child Protection Act 1999* (Qld)

- 6. If Duchesne College initiates an investigation regarding an allegation of harm caused, or likely to be caused, to a child because of the conduct of staff member who holds registration with the Queensland College of Teachers (**QCT**), the Head of College must notify the QCT.
- 7. If Duchesne College dismisses a staff member who holds registration with the QCT and the reason for that dismissal, in the opinion of the Head of College, calls into question the competency of the teacher to be employed as a teacher, the Head of College must notify the QCT of the teachers dismissal.
- 8. The Head of College of Duchesne College must keep the appropriate insurer informed of any report or claim that is advised to the Head of College.

REPORTING SEXUAL ABUSE

Reporting Sexual Abuse or Suspected Sexual Abuse

- 1. An employee or student of Duchesne College who becomes aware, or reasonably suspects, in the course of their employment or residency at Duchesne College, that a student under 18 years attending Duchesne College has been sexually abused by another person, or is likely to be sexually abused by another person, must immediately give a written report about the abuse or suspected abuse to a police officer and the Head of College of Duchesne College. 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

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- iii. The identity of anyone else who may have information about the abuse or suspected abuse
- 2. The Head of College must immediately give a copy of any report received to a police officer and to the Chair of the Duchesne College Council. If the Head of College does not receive a written report but becomes aware, or reasonably suspects, likely sexual abuse, then they must produce a confidential written report containing the particulars identified above and provide this immediately to a police officer and the Chair of the Duchesne College Council.
- 3. A student or employee of Duchesne College who is over the age of 18 must inform a police officer as soon as reasonably practicable if:
 - a. the adult gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult; and
 - b. at the relevant time the child was under 16 years of age, or a person with an impairment of the mind.
- 4. A person making a report for believing on reasonable grounds that a child sexual offence is being or has been committed against the child will not be not liable, civilly, criminally or under an administrative process for giving information contained in the report.
- 5. In addition to the above, all College staff and management will commit an offence if:
 - a. the adult knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child who is under the care, supervision or control of the College;
 - b. the alleged offender is associated with the College (or another institution), or is a regular volunteer;
 - c. the child is under the age of 16, or is a person with an impairment of the mind
 - d. the adult has the power or responsibility to reduce or remove the risk; and
 - e. the adult wilfully or negligently fails to reduce or remove the risk.

College staff must therefore ensure that all necessary steps are taken to reduce or remove such risks.
- 6. The Head of College of Duchesne College must keep the appropriate insurer informed of any report or claim that is advised to the Head of College.
- 7. Upon receiving a report of sexual abuse or suspected sexual abuse to a student of the College, the Head of College will:
 - a. offer support to the reporter;
 - b. if the reporter is not the alleged victim, assess how to safely approach and support the alleged victim;
 - c. conduct a preliminary risk assessment to assess the risk for the reporter, the alleged victim and alleged perpetrator, others in the College and the College itself; and
 - d. assess what advice is needed, whether the alleged perpetrator should remain at the College and whether they should be offered legal advice, what evidence needs to be preserved, how to ensure confidentiality and whether further independent or internal investigation is required to determine what may have occurred.

COLLEGE SUPPORT FOLLOWING A COMPLAINT

It is of the upmost importance to Duchesne College that following receipt of a complaint or allegation that a student is supported. To that effect, in addition to the steps immediately required after receiving a report of actual or suspected physical abuse, sexual abuse or other harm, the Duchesne College requires that:

1. The Head of College of Duchesne College will contact the student's parents/guardian, to inform them of the allegations and explain how that Head of College intends to proceed, except where the

suspected harm was caused by a member of the student's family and the student does not want them to be contacted.

2. The Head of College of Duchesne College will suspend the enrolment of any student if there is an unacceptable risk in permitting the student to remain at Duchesne College.
3. The Head of College of Duchesne College will stand down an employee if there is an unacceptable risk in leaving the employee in their position.
4. If the Head of College of Duchesne College believes disciplinary action should be taken against the respondent, the Head of College will initiate that action, having regard to the principles of Natural Justice and the overarching obligation to ensure safety as far as reasonably practicable.

DISSEMINATION OF POLICY

The College will ensure that this policy is disseminated to residents, associates, staff, the College Council and other key stakeholders through:

- Ensuring accessibility to the policy at all times by publishing on the College's website;
- Informing prospective residents, associates, parents/guardians about applicable policies as part of their induction to Duchesne College;
- Ensuring that staff and student leaders have read the policy and acknowledged in writing their agreement to abide by it;
- Informing students about the Policy during O Week, P Week and at other student information sessions.
- The Community Living Handbook 2023 and 2023 Resident Leader Handbook includes information on where the policy can be accessed.

RELATED LEGISLATION AND DOCUMENTS

Relevant Legislation	Child Protection Act 1999 (Qld) Child Protection Regulation 2011 (Qld) Working with Children (Risk Management and Screening) Act 2000 (Qld) Working with Children (Risk Management and Screening) Regulation 2020. Criminal Code Act 1899 (Qld) Education and Care Services National Law (Queensland) Act 2011 Education and Care Services National Regulations Public Health Act 2005 (Qld)
Relevant Industrial Standards and Regulations	Blue cards for working with children
Related Duchesne College Policy Documents	Fair Treatment Policy Community Living Handbook 2023 2023 Resident Leader Handbook Sexual Misconduct Policy Student Code of Conduct Student Leader Agreement Work Health and Safety Policy
Other (Reference documents and forms)	Towards Healing (Catholic Church in Australia) Integrity in Mission (Catholic Church in Australia) National Catholic Safeguarding Standards National Catholic Response Protocol

FEEDBACK

College staff, residents, associates, and parents/guardians may provide feedback or inquiries about this policy by emailing: manager@duchesne.uq.edu.au

APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Policy Approval Authority	College Council
Last Updated	12 September 2023
Annual Review Date	12 September 2024
Policy Administrator	Head of College