



Mount Alvernia Student Protection Policy

Purpose of the Policy

Jesus Christ came on earth to teach us to love and to serve one another and to show respect and compassion to all. Following the Franciscan Gospel way of life in our College, we are therefore committed to Christ's values which today includes protecting our students.

Mount Alvernia College aims to provide an environment in which all students are treated fairly, with dignity and with respect. The Board and College recognise that the Student Protection Processes and Guidelines (attached) diligently developed by the Queensland Catholic Education Commission and Catholic School Authorities will be implemented at Mount Alvernia College.

Scope

Applies to all staff members (permanent, temporary or contract), volunteers, contractors and students at Mount Alvernia College and covers information about the reporting of alleged or suspected physical, emotional and/or sexual abuse and neglect; and inappropriate behaviour, harassment, and self-harm.

Statement of Commitment

Mount Alvernia College is committed to providing education and care to children and young people to assist them to develop into aspirational students, positively connected to each other and to the communities in which they live and which they will serve.

The College is committed to ensuring the safety and wellbeing of all children and young people at the College and is dedicated to protecting them from harm.

At Mount Alvernia College we have zero tolerance for child abuse. Our student protection responsibilities are of the utmost importance for the College and, as such, the College is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations, and to maintain a safe and supportive College environment for all children and young people.

The College will comply with its criminal code obligations for reporting and protecting children, under the two Criminal offences introduced into the

Criminal Code in 2020, namely:

Section 229BC, which states:

Failure of an adult (18 or over) in Queensland **to report** a belief, based on reasonable grounds, of child sexual abuse to a child under 16 (whether current or past abuse), in an institutional context, unless they have a **reasonable excuse**.

The maximum penalty is **3 years jail**.

See Annexure A for details.

Section 229BB, which states:

- (1) **An accountable person** commits a crime if –
The person knows there is significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child.

The maximum penalty is **5 years jail**.

See Annexure B for details.

Domestic Violence

The College is aware of the legislative action taken to amend laws to ensure a cohesive framework to protect victims of violence and their children some of which are part of our school community.

The College will support amendments as they relate to the requirements that schools respond as required to assist in the provision of safety to the families and staff experiencing violence including with:

Providing paid leave as legislated;

Increased attentiveness to DV Orders (now to be more specific to each family circumstance); including:

Family Court Orders, and amendments to Orders;

Availability to Greater Police Interventions.

Student Protection Officers

Under the Education (Accreditation of Non-State Schools) Regulation 2017 (section 16(3)), Mount Alvernia College has at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate. The names of these Student Protection Officers are made known to staff, students and parents and are as follows:

Samantha Jensen: Principal	Email: jenss@staff.mta.qld.edu.au	Phone: (07) 3357 6000
Kathryn Dendy: Deputy Principal – Student Development and Wellbeing	Email: dendk@staff.mta.qld.edu.au	Phone: (07) 3357 6000
Kimberley Greene: School Counsellor	Email: greek@staff.mta.qld.edu.au	Phone: (07) 3357 6000
Jessica Sexton: School Counsellor	Email: sextj@staff.mta.qld.edu.au	Phone: (07) 3357 6000

Responsibility: College Board

Point of Contact: Principal

This policy is displayed on the Mount Alvernia College website.

Annexure A **Section 229BC**

(1) This section applies to an adult 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 is or was—
 - (i) under **16 years**; or
 - (ii) a person with an impairment of the mind.

If, **without reasonable excuse**, the adult fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed, the adult commits a misdemeanour.

Maximum penalty—**3 years imprisonment**.

(3) for subsection (1), it does not matter that the information was gained by the adult during, or in connection with, a *religious confession*.

(4) Without limiting what may be a reasonable excuse for subsection (2), an adult has a reasonable excuse if—

- (a) the adult believes on reasonable grounds that the information has already been disclosed to a police officer; or

(b) the adult has already reported the information under any of the following provisions, or believes on reasonable grounds that another person has done or will do so—

- (i) the Child Protection Act 1999, chapter 2, part 1AA;
- (ii) the Education (General Provisions) Act 2006, chapter 12, part 10;
- (iii) the Youth Justice Act 1992, part 8 or 9; or

(c) the adult gains the information after the child becomes an adult (the alleged victim), and the adult reasonably believes the alleged victim does not want the information to be disclosed to a police officer; or

(d) both of the following apply—

- (i) the adult reasonably believes disclosing the information to a police officer would endanger the safety of the adult or another person, other than the alleged offender, regardless of whether the belief arises because of the fact of the disclosure or the information disclosed;
- (ii) failure to disclose the information to a police officer is a reasonable response in the circumstances.

(5) An adult who, in good faith, discloses information mentioned in subsection (1)(a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.

(6) In this section— relevant time, in relation to the child sexual offence mentioned in subsection (1)(a), means the time that the adult—

- (a) believes to be the time of commission of the offence; or
- (b) ought reasonably to believe to be the time of commission of the offence.

Annexure B

Section 229BB

Failure, of an adult in Queensland to protect a child from child sexual offence.

229BB Failure to protect child from child sexual offence

(1) An accountable person commits a crime if—

(a) **the person knows** there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child; and

(b) the alleged offender—

- (i) is **associated with an institution**; or
- (ii) is a **regulated volunteer**; and

- (c) **the child is under the care, supervision or control of an institution; and**
- (d) the child is either—
 - (i) under **16 years**; or
 - (ii) a person with an impairment of the mind; and
- (e) **the person has the power or responsibility to reduce or remove the risk; and**
- (f) **the person wilfully or negligently fails to reduce or remove the risk.**

Maximum penalty—**5 years imprisonment.**

- (2) For subsection (1), it does not matter that the knowledge was gained by the accountable person during, or in connection with, **a religious confession.**
- (3) For this section, an adult is associated with an institution if the adult—
 - (a) **owns, or is involved in the management or control of the institution; or**
 - (b) **is employed** or engaged by the institution; or
 - (c) works as a **volunteer** for the institution; or
 - (d) engages in an activity in relation to the institution for which a working with children authority under the Working with Children (Risk Management and Screening) Act 2000 is required; or
 - (e) engages in the delivery of a service to a child who is under the care, supervision or control of the institution.
- (4) In this section— accountable person means an adult who is associated with an institution, other than a regulated volunteer. institution means an entity, other than an individual, that—
 - (a) provides services to children; or
 - (b) operates a facility for, or engages in activities with, children under the entity's care, supervision or control.

Examples of institutions— schools, government agencies, religious organisations, hospitals, child care centres, licensed residential facilities, sporting clubs, youth organisations

regulated volunteer means an adult who is taken to be a volunteer employed or engaged in regulated employment at a person's home, residence or household under any of the following provisions of the Working with Children (Risk Management and Screening) Act 2000, schedule 1