

1.0 PURPOSE

The purpose of this policy is to guide Autism Queensland (AQ) staff, volunteers and students in how to behave with children and to outline how AQ will respond to and report harm, or allegations of harm to clients under 18 years of age. The policy focuses on how AQ can promote children's participation in the organisation and make it safer for them.

This policy also provides specific details and guidance to employees of the **Autism Queensland Education and Therapy Centre**, hereafter referred to as **the school** about:

- (a) how the school will respond to harm, or allegations of harm, to students under 18 years; and
- (b) the appropriate conduct of the school's staff and students

to comply with accreditation requirements.

2.0 SCOPE

This Policy applies to all employees of AQ. A reference to "employees" or "staff" includes permanent, fixed-term, temporary and casual employees, as well as directors, contractors, volunteers, people undertaking work experience or vocational placements at the school and other representatives acting on behalf of AQ in any capacity.

This Policy also applies to all AQ school students and clients who access services provided by AQ, particularly children and young people under the age of 18. A reference to children and/or young people includes students of the school.

3.0 POLICY

AQ is committed to ensuring all children attending the school or engaged in other Autism Queensland services, facilities or activities are protected from harm and abuse. AQ 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). All employees must ensure their behaviour towards and relationships with children reflect proper standards of care in accordance with Autism Queensland Quality Assurance (AQQA) policies and procedures. Staff must not cause harm to students¹.

When AQ receives any information alleging harm² to a child or young person, it will deal with the situation compassionately and fairly to minimise any likely harm to the extent it reasonably can. This is set out in the AQQA Child Risk Management Strategy. Information relating to physical or sexual abuse including obligations to report is set out in sections 6 and 7 below³.

AQ will ensure all employees are trained and supplied with appropriate resources to support children through the prevention and detection of harm, abuse and neglect, and meet the legal obligation to report any such allegations. All staff will participate in training on Child Protection and Workplace Health & Safety on induction and annually⁴. School staff will complete accredited online Child Protection training via ISQ's website. All employees working with children will be informed of relevant processes on induction and annually during the January staff professional development week. Updates of any aspects of these processes will be communicated at scheduled staff meetings.

School students and parents will be notified of the school's processes relating to the health, safety and conduct of staff and students via the school newsletter. This information can also be accessed via the AQ website and will be available on request from the school administration⁵.

¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

² *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)*

³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

⁴ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

AQ supports the active participation of children in our organisation. We want children and young people who participate in our programs and services to have a safe and happy experience. We listen to children's views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.

AQ will conduct annual internal audits of its processes to ensure implementation and compliance relating to the health, safety and conduct of staff and students⁶.

4.0 PRINCIPLES

Autism Queensland:

- recognises the safety, wellbeing and best interests of the child are paramount;
- recognises the right of children to feel safe and to be in an environment where they are protected from harm and abuse;
- encourages and supports any person who has witnessed harm or abuse of a child, or who suspects that abuse has occurred, to make a report and be confident of doing so without fear of retribution;
- acknowledges prevention is the best protection from abuse and recognises its duty of care obligations to implement prevention strategies;
- discourages employees from being alone with a child or out of "sight and/or sound" of other adults;
- maintains a rigorous and consistent recruitment, screening and selection process and provides regular Child Protection training and information sessions to ensure employees respect the rights of children, understand this policy, and are aware of current legislation about abuse and neglect;
- maintains transparent procedures for children and employees to raise concerns or complaints, including the requirement for employees to assist children and their families or guardians to raise any concerns and access the complaints process;
- will respond quickly, considerately and effectively where harm or abuse has occurred, to protect children from any further harm, ensuring they have access to any required counselling, medical, and/or legal assistance;
- will assist children throughout their involvement with counselling, medical and/or legal services, including any investigations;
- will take disciplinary action against an employee who fails to report or attempts to cover up any incidents of actual or potential harm or abuse.

5.0 DEFINITIONS

5.1 Harm

Harm to a child (Section 9 of the *Child Protection Act 1999*) 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;
- a single act, omission or circumstance; or
- a series or combination of acts, omissions or circumstances.

5.2 Child Abuse

Child Abuse is a single incident or more than one incidents that take place over time. Under the *Child Protection Act 1999*, it does not matter how much a child is harmed, but whether a child:

- has suffered harm, is suffering harm, or is at risk of harm;

⁶ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

- has a parent or guardian able and willing to protect the child from harm.

There are four different types of child abuse that lead to harm:

- physical abuse;
- sexual abuse;
- emotional abuse;
- neglect.

5.3 Physical Abuse

Physical Abuse occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse can include: hitting, punching, kicking, strangling, shaking, throwing, burning, biting, poisoning, smothering. Physical abuse does not always leave visible marks or injuries. Regardless of marks or injuries, the act itself causes trauma to the child.

5.4 Sexual Abuse

Sexual Abuse (Section 364 of the *Education (General Provisions) Act 2006*) in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:

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

5.5 Emotional Abuse

Emotional Abuse occurs when abuse impairs or threatens a child's social, emotional, cognitive or intellectual development. It can include emotional deprivation due to persistent rejection, hostility and threats, teasing, bullying, yelling, criticism or exposure to domestic and/or family violence.

5.6 Neglect

Neglect occurs when a child's needs are not met, affecting their health and development. Basic needs include: food, housing, health care, clothing, personal hygiene, and adequate supervision.

5.7 Child in Need of Protection

A Child in Need of Protection (Section 10 of the *Child Protection Act 1999*) is a child who:

- has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- does not have a parent or guardian able and willing to protect the child from the harm.

5.8 Reportable Suspicion

A Reportable Suspicion about a child is a reasonable suspicion that the child:

- has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
- does not have a parent able and willing to protect the child from the harm.

6.0 REPORTING SEXUAL ABUSE AND LIKELY SEXUAL ABUSE (AQ SCHOOL)

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

- a student under 18 years attending the school;
- a pre-preparatory aged child registered in a pre-preparatory learning program at the school;
- a person with a disability who: -
 - under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and
 - is not enrolled in the preparatory year at the school,

then the staff member must give a written report about the abuse or suspected abuse to the principal or to a director of the school's governing body immediately.

The school's principal or the director must immediately give a copy of the report to a police officer.

If the first person who becomes aware of or reasonably suspects sexual abuse is the school's 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 school's governing body.

A report under this section must include the following particulars: -

- the name of the person giving the report (the first person);
- the student's name and sex;
- details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- details of the abuse or suspected abuse;
- any of the following information of which the first person is aware:
 - the student's age;
 - the identity of the person who has abused, or is suspected to have abused, the student;
 - the identity of anyone else who may have information about the abuse or suspected abuse⁷.

7.0 PROCEDURE

The following Procedure provides processes for responding to allegations and/or identification of actual or suspected child abuse or harm. All actions in these matters are strictly confidential and are to be carried out in accordance with the AQQA Privacy Policy. Also refer to the AQQA Incident Management Policy & Procedure for further details on reporting procedures.

7.1 Responding to Reports of Harm

In all aspects of service delivery, highlight and prioritise the importance of preventing and responding to concerns of harm to children, whether it is alleged or actual.

Respond immediately to any allegation of abuse or neglect of a child.

Address detection, allegations and reporting of harm and abuse in accordance with training and relevant AQQA policies and procedures.

Respond to abuse and neglect with specific consideration to the age of the child. Support the child through investigation of any allegations, as directed by Child Safety.

Maintain strict confidentiality around any allegations and/or investigations, including where an alleged perpetrator of harm is an AQ employee. Due process and fair treatment will be extended to every person throughout the investigation and in any legal proceedings.

7.2 Reporting Inappropriate Behaviour

If an AQ School student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to⁸ the School Principal and/or relevant school campus Team Leader.

A staff member who receives a report of inappropriate behaviour must report it to the School Principal, Executive or General Manager. Where the School Principal, Executive or General Manager is the subject of the report of inappropriate behaviour, the staff member must inform a member of AQ's Board of Directors (the school's governing body)⁹. Reports will be dealt with under the AQQA Complaints Management Policy.

⁷ Education (General Provisions) Regulation 2017 (Qld) s.68 and s.69

⁸ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)

⁹ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)

7.3 Reporting Physical and Sexual Abuse¹⁰

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, registered nurse, teacher or early 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.

The AQ teacher, therapist or early education and care professional must complete a written report on ProSims and to the Chief Executive of the Department of Communities, Child Safety and Disability Services (or other department administering the *Child Protection Act 1999*), within the timeframes set out in the Department of Communities, child Safety and Disability Services Critical Incident Policy.

A report under this section must include the following particulars:

- state the basis on which the person has formed the reportable suspicion;
- include the information prescribed by regulation, to the extent of the person's knowledge¹¹.

7.3.1 Employees

An employee who becomes aware or reasonably suspects a child (client / student) has been sexually abused will:

- provide a safe space and support for the child (if applicable);
- immediately verbally report to their direct manager;
- if there is a crime scene, keep the area secure;
- as soon as possible, complete a detailed incident report including:
 - name of the person giving the report;
 - child's name age and sex;
 - basis for knowledge or reasonable suspicion of actual or likely child sexual abuse;
 - identity of anyone else who may have information about the suspected likelihood of abuse.

7.3.2 Managers

The manager (including the School Principal or CEO) who receives a verbal report under the preceding step will:

- immediately verbally report to the Child Protection Officer and/or Executive Manager / Chair of the Board;
- report any alleged criminal activity to the Police;
- continue to support the employee and child as relevant;
- redeploy additional staff to the centre if required.

7.3.3 Child Protection Officer

The Child Protection Officer will:

- notify an Executive Manager and/or Chief Executive Officer (CEO);
- coordinate communication with Child Safety;
- ONLY If advised by Child Safety, verbally report to the primary contact (family member and/or guardian) as soon as practicable;
- support the direct Manager;
- update any actions on the incident report.

7.3.4 Chief Executive Officer

The Chief Executive Officer will:

- notify the Chair of the Board of Directors;
- ensure notification to the relevant insurance provider.

¹⁰ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

¹¹ *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

8.0 COMPLAINTS

Suggestions of non-compliance with AQ's processes may be submitted as complaints under AQQA Complaints Management Policy.¹²

9.0 RELATED DOCUMENTS

Legislation and Regulations

Australian Human Rights Commission Act 1986 (Cth)
Child Protection Act 1999 (Qld)
Criminal Code Act 1899 (Qld)
Disability Services Act 2006 (Qld)
Disability Services Regulation 2017 (Qld)
Education (Accreditation of Non-State Schools) Act 2017 (Qld)
Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)
Education (General Provisions) Act 2006 (Qld)
Education (General Provisions) Regulation 2017 (Qld)
National Disability Insurance Scheme Act 2013 (Cth)
Privacy Act 1988 (Cth)
Guardianship and Administration Act 2000 (Qld)
Public Guardian Act 2014 (Qld)
Public Trustee Act 1978 (Qld)
Work Health and Safety Act 2011 (Qld)
Working with Children (Risk Management and Screening) Act 2000 (Qld)
Working with Children (Risk Management and Screening) Regulations 2011 (Qld)

Standards and Principles

Australian Privacy Principles
 Human Services Quality Standards (Dept Communities, Child Safety and Disability Services)
 National Disability Standards (Cth)

Autism Queensland Quality Assurance

AQQA Child & Youth Risk Management Strategy
 AQQA Client Protection Policy & Procedure
 AQQA Code of Conduct
 AQQA Complaints Management Policy
 AQQA Incident Management Policy & Procedure
 AQQA Privacy Policy
 AQQA School Supervision Policy & Procedure
 AQQA Workplace Health & Safety Policy

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¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*