

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:

- how the School will respond to harm, or allegations of harm, to students under 18 years; and
- 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, and especially to employees and activities of the School. Please refer to the *Child Protection (Non-School) Policy & Procedure* for child protections related to services, activities and locations other than the School. 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.

The protections included in this Policy apply to all AQ School students.

3.0 POLICY

Autism Queensland is committed to ensuring all children attending the School or engaged in other AQ services, facilities or activities are protected from harm and abuse. All employees must ensure their behaviour towards and relationships with children reflect proper standards of care in accordance with AQ policies and procedures, which ensure compliance with the requirements of the *Work Health and Safety Act 2011* (Qld) and the *Working with Children (Risk Management and Screening) Act 2000* (Qld). 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 *Child and Youth 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 Child Protection and Workplace Health & Safety training at induction and annually⁴. School staff will complete accredited online Child Protection training via the Independent Schools Queensland (ISQ) 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.

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

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)*

them⁶. AQ will conduct annual internal audits of its processes to ensure implementation and compliance relating to the health, safety and conduct of staff and students⁷.

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;
- ensures any person who makes a report can 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 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.

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

⁷ Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

5.3 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.

5.4 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.

5.5 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.

5.6 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.

5.7 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

Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020

- **All adults** in an institutional setting (e.g. a school, church or sporting club) must protect children from the risk of a sexual offence being committed against them.
- **All** suspected current or historical sexual offences MUST be reported to the Police.

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 kindergarten aged child registered in a kindergarten learning program at the School;
- a person with a disability who:
 - o under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the School; and
 - o 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 School Principal or to a Director of the School's governing body immediately.

The School 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 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 immediately.

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 abuse⁸.

7.0 REPORTING LIKELY SEXUAL ABUSE⁹

Section 366A of the *Education (General Provisions) Act 2006* states that if a staff member reasonably suspects, in the course of their employment at the School, that any of the following is likely to be sexually abused by another person:

- a student under 18 years attending the School;
- a kindergarten aged child registered in a kindergarten 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 suspicion to the Principal or to a Director of the School's governing body immediately.

The School Principal or the Director must immediately give a copy of the report to a police officer.

If the first person who reasonably suspects likely sexual abuse is the School Principal, the Principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a Director of the School's governing body immediately.

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 gender;
- details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- any of the following information of which the first person is aware:
 - the student's age;
 - the identity of the person who is suspected to be likely to sexually abuse the student;
 - the identity of anyone else who may have information about suspected likelihood of abuse¹⁰.

⁸ *Education (General Provisions) Regulation 2017 (Qld) s.68*

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

¹⁰ *Education (General Provisions) Regulation 2017 (Qld) s.69*

8.0 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 *Privacy Policy*. Also refer to the *Incident Management Policy & Procedure* for further details on reporting procedures.

8.1 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 AQ 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.

8.2 Reporting Inappropriate Behaviour

If an AQ School student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to¹¹ the School Principal and/or relevant School Head of Campus.

A staff member who receives a report of another AQ staff member's inappropriate behaviour must report it to the School Principal. Where the School Principal 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)¹². Reports will be dealt with under AQ's *Complaints Management Policy*.

8.3 Reporting Physical and Sexual Abuse¹³

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 an internal incident report;
- report in writing to the Chief Executive of the Department of Child Safety, Youth and Women (or other department administering the *Child Protection Act 1999*); and
- give a copy of the report to the School Principal.

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 knowledge¹⁴.

8.4 Internal Reporting

In addition to mandatory reporting procedures as outlined in this Procedure, the School Principal will notify the CEO and Client Safety and Wellbeing Manager in accordance with the *Incident Management Policy & Procedure*.

¹¹ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

¹² *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

¹³ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

¹⁴ *Child Protection Regulation 2011 (Qld) s.10 "Information to be included in report to chief executive"*

8.5 Responsibilities of all 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 report to the School Principal;
- 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 gender;
 - 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.

9.0 COMPLAINTS

Suggestions of non-compliance with this Policy & Procedure may be submitted and will be managed in accordance with AQ's *Complaints Management Policy*¹⁵.

10.0 RELATED DOCUMENTS

Legislation and Regulations

Australian Human Rights Commission Act 1986 (Cth)
Child Protection Act 1999 (Qld)
Criminal Code Act 1899 (Qld)
Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020
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)
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 2020 (Qld)

Standards and Principles

Australian Privacy Principles
Human Services Quality Standards
National Disability Standards (Cth)

Autism Queensland Quality Assurance

Child and Youth Risk Management Strategy

¹⁵ *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*

Child Protection (Non-School) Policy & Procedure
Client Diversity and Inclusion Policy
Client's Right Policy
Code of Conduct
Complaints Management Policy
Incident Management Policy & Procedure
Incident Categories Guidelines
Privacy Policy
Risk Management Policy
School Supervision Policy & Procedure
Workplace Health & Safety Policy
Whistleblower Policy

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