

*This procedure is to be read in conjunction with the [Child Safeguarding Policy](#).  
The [Child Safeguarding Policy](#) provides further detail relating to definitions of abuse and legislative requirements.*

## 1.0 PROCEDURE

The following Procedure provides processes for responding to allegations and/or identification of actual or suspected child abuse or harm within Autism Queensland (AQ) School (*for non AQ school clients please see [Child Protection \(Non-School\) Procedure](#)*). 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 and Procedures](#) for further details on reporting procedures.

### 1.1 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 Department of Child Safety, Seniors and Disability Services – Child Safety Services ('the Department').
- 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.
- Legal guardians should be informed when there are concerns, unless there are safety issues directly related to the guardian. In the instance where there are concerns relating to a guardian, AQ staff should be guided by Child Safety Officers.

### 1.2 Reporting Child Abuse<sup>1</sup>

For more detailed information related to definitions of abuse and reporting legislative requirements please see the [AQ Child Safeguarding Policy](#).

#### **Responsibilities under *Criminal Code Act 1899* (Qld)**

The *Criminal Code Act 1899* includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

#### **Failure to Report**

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. A reasonable excuse not to make a report under the *Criminal Code Act 1899* includes that a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) and the *Child Protection Act 1999* (reporting significant harm or risk of significant harm) as per this policy.

#### **Failure to Protect**

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

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.

A reportable suspicion about a child is a reasonable suspicion that the child:

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

*Please note: AQ considers all employees, regardless of role, mandatory reporters when there is a suspected reportable suspicion.*

The AQ teacher, therapist or early education and care professional must:

- complete an internal incident report;
- inform the Principal;
- with support from the Principal, report in writing to the Chief Executive of the Department (or other department administering the *Child Protection Act 1999*); and
- give a copy of the report to the Principal.

A report under this section must include the following particulars:<sup>2</sup>

- a) the basis on which the person has formed the reportable suspicion;
- b) the child's name, age and sex descriptor;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

### **1.3 Reporting Inappropriate Behaviour**

If an AQ School student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to<sup>3</sup> the Principal and/or relevant School Head of Campus or a trusted adult which can include the School Wellbeing Facilitator, Teacher or Teacher Aide.

A staff member who receives a report of another AQ staff member's inappropriate behaviour must report it to the Principal. Where the 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)<sup>4</sup>. Reports will be dealt with under AQ's *Complaints & Feedback Management Policy*.

### **1.4 Internal Reporting**

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

<sup>2</sup> See Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

## 1.5 Employees

### IF YOU ARE AN AQ STAFF MEMBER AND YOU ARE WORRIED ABOUT A CHILD:

- If the child is in **immediate danger**, make the child safe, provide medical assistance as required, and/or remove the source of harm or potential harm from the person (e.g. other people, harmful objects) if it is safe to do so;
- Call emergency services if necessary; inform the Principal and your direct manager as soon as you have any concerns – this might not be one specific situation but an accumulation of observations;
- If you cannot leave the child, direct any other staff member to contact the above people on your behalf;
- Make written notes as soon as possible;
- Inform the Manager Client Safety & Wellbeing;
- Discuss with the Principal to clarify what the next steps need to be;
- Follow all directions given to you by the Principal and other relevant managers
- If it is determined that a **report needs to be made to the Department**, you will need complete this (as the person with direct knowledge of what has occurred and the nature of the concerns), supported by the Principal. There may be some circumstances where the Principal will complete the report;
- If it is determined that a **report needs to be made to the police**, the Principal will initiate this, and you will need to provide the necessary information to the police when requested;
- Complete an Incident Report (see *Incident Management Policy and Procedures*);
- Ensure all subsequent events that occur:
  - as a result of the incident; and/or
  - as a result of AQ's actions in response to the incident; and/or
  - seem to otherwise relate to the incident/your concerns

are communicated to the Principal, your direct manager, the Manager Client Safety & Wellbeing and, where relevant, added to the Incident Report in the AQ incident management system.

## 1.6 Principal

### IF YOU ARE A PRINCIPAL OR ACTING ON BEHALF AND A STAFF MEMBER WHO DIRECTLY REPORTS TO YOU INFORMS YOU THAT THEY ARE WORRIED ABOUT A CHILD:

- Ascertain whether **urgent action** is immediately required as per *Incident Management Policy and Procedures*.
- If it is a **Critical Incident Level 1**, verbally inform:
  - the CEO or another member of the Executive Leadership Team (ELT) as relevant.

This may require another staff member to contact those people on your behalf, if your continued attendance on the scene is required.

- If it is a **Critical Incident Level 2**, verbally inform:
  - a member of the ELT; and
  - your direct manager.

This may require another staff member to contact those people on your behalf, if your continued attendance on the scene is required.

*Please note: When a Critical Incident level 1 or 2 incident report is created, an automatic email with the incident link will be emailed to ELT and Manager Client Safety & Wellbeing.*

- Inform the Manager Client Safety & Wellbeing.
- Follow any directions given to you by the CEO or ELT.
- For **all other incident levels**, direct communication to the CEO or ELT is not required.

**For all incident levels:**

- Gather further, more detailed verbal information from the staff member as soon as possible.
  - Gather verbal information from other staff members where possible.
  - Ensure the staff member/s have made written notes within the incident record.
  - Make your own written notes within the incident record as soon as possible.
  - In collaboration with the staff member and the Manager Client Safety & Wellbeing, determine what the appropriate next steps will be.
  - If it is determined that a report needs to be made to the police (required if concern is actual or suspected sexual abuse), you will need to do this as promptly as possible, and the staff member/s who reported the issue made aware that they will need to provide information to the police.
  - If a report to the Department is required, support and facilitate the staff member to do this (e.g. provide relief staffing to release the staff member, discuss the content of the report) before the end of the day.
  - Make provision for all staff involved to complete an incident report, if required, and other documentation before the end of the day (e.g. provide relief staffing to release the staff member/s).
  - Support the child, the staff member/s and the child's family (if harm was caused by somebody other than the parents/carers) throughout the situation.
- **Ensure that all the above obligations have been carried out, i.e.:**
    - Incident Report has been satisfactorily completed;
    - Any further documentation has been added to the Incident Report;
    - Physical evidence has been provided (e.g., photos of bruises) if relevant;
    - If, after investigation, it is confirmed that the perpetrator is an AQ staff member, HR is informed as soon as possible. HR will ascertain if report is required to Blue Card Services and Relevant Professional Registration Board which will be alongside any formal external investigation from services such as Police.
    - Ensure privacy is protected at all times. Details should only be discussed with people who are directly involved.

## 1.7 Manager Client Safety & Wellbeing

**IF YOU ARE THE MANAGER CLIENT SAFETY & WELLBEING AND YOU ARE INFORMED BY A STAFF MEMBER OR THEIR DIRECT MANAGER THAT THEY ARE WORRIED ABOUT A CHILD:**

- If a staff member, check they have informed the Principal.
- Discuss the concerns and ask for further information if necessary.
- Support in decision making regarding whether a report to the police is needed and talk to the staff member and their manager about this process.
- Support in decision making regarding whether a report to Department of Child Safety, Seniors and Disability Services – Child Safety Services is required and talk to the staff member about this process.
- Check that the staff member/manager is aware of and addressing all requirements:

- Incident Report procedure and any associated documentation on the AQ incident management system;
- ongoing monitoring of staff member/s, client and situation;
- where the perpetrator is an AQ staff member, that a report to HR has been made.
- 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.

## 1.8 Chief Executive Officer

The Chief Executive Officer will:

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

## 2.0 COMPLAINTS

Reports of non-compliance with this Procedure will be managed in accordance with AQ’s *Complaints & Feedback Management Policy*.

## 3.0 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)*

*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

### Internal

Child and Youth Risk Management Strategy

Child Protection (Non-School) Procedure

Child Safeguarding Policy

Child Safe Organisation Principles Booklet

Client Supervision Procedure

Client Diversity and Inclusion Policy

Client’s Rights Policy

Code of Conduct

Complaints & Feedback Management Policy and Procedure

Incident Management Policy and Procedures

Privacy Policy

Risk Management Policy & Framework

Work Health & Safety Policy

Whistleblower Policy & Procedure

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