

# Child Protection (Non-School) Procedure

*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 (except school – see [Child Protection \(School\) 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 prioritize 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 Autism Queensland (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 Families, Seniors, Disability Services and Child Safety ('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.

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

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

- **All adults** must report sexual offending to the **Police** unless they have a reasonable excuse. This includes current or historical offending.
- **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.

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.

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

### 1.2.1 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 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;

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

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- Inform the Manager Client Safety & Wellbeing (CS&W);
- If you are at a school other than AQ's own school, report to that school's principal, follow that school's child protection policy as directed by the principal and also inform your direct manager as soon as possible;
- Discuss with your direct manager to clarify what the next steps need to be;
- Follow all directions given to you by managers
- If it is determined that a report needs to be made to the Department, you will need complete this (as the person with the direct knowledge of what has occurred and the nature of the concerns), supported by your manager;
- If it is determined that a report needs to be made to the police, your direct manager or their manager 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 concernsare communicated to your direct manager, the Manager Client Safety & Wellbeing and, where relevant, added to the Incident Report in the AQ incident management system.

### 1.2.2 Managers

**If you are a manager 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](#).

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- If it is a **Critical Incident Level 1**, verbally inform:
  - the CEO or another member of the Executive Leadership Team (ELT) as relevant; and
  - your direct manager as soon as it is possible to do so.

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 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 all directions given to you by the CEO or ELT or Manager Client Safety & Wellbeing.
- 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.

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- 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).
- If the child is accessing the service using NDIS funding and the incident meets the NDIS Quality & Safeguard Commission ('the Commission') criteria as a reportable incident – that is, that the harm came about as a consequence of AQ providing an NDIS-funded service to the child – make a report to the NDIS Commission within 24 hours of the occurrence of the incident (see [ndiscommission.gov.au/providers/incident-management-and-reportable-incidents](https://ndiscommission.gov.au/providers/incident-management-and-reportable-incidents)), followed by a 5 day report.
- 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;
  - you have been provided with the necessary information to complete the 5-day report to the NDIS Commission if required;

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- 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, People and Culture (P&C) is informed as soon as possible. P&C 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.

### 1.2.3 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 it is a staff member who has contacted you, check they have informed their direct manager.
- 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 the Department required and talk to the staff member about this process.
- Support in decision making whether a report to the Commission is required and if so, that it is the direct manager who will need to upload this to the Commission portal.
- 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;
  - a report has been made to the Commission, where necessary;
  - where the perpetrator is an AQ staff member, that a report to P&C has been made;

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- 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.

### 1.2.4 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

*Australian Human Rights Commission Act 1986 (Cth)*

*Child Protection Act 1999 (Qld)*

*Corporations Act 2001 (Cth)*

*Criminal Code Act 1899 (Qld)*

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

*Disability Discrimination Act 1992 (Cth)*

*Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 (Cth)*

*Disability Services Act 2006 (Qld)*

*Education (Accreditation of Non-State Schools) Act 2017 (Qld)*

*Human Rights Act 2019 (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)*

# Child Protection (Non-School) Procedure

## Standards and Principles

- Australian Privacy Principles
- Human Services Quality Standards
- National Disability Standards (Cth)
- NDIS Quality & Safeguarding Framework
- National Principles for a Child Safe Organisation

## NDIS Modules and Practice Standards

### Core 1: Rights and Responsibilities

- o 09 Independence and Informed Choice
- o 10 Violence, Abuse, Neglect, Exploitation and Discrimination

### Core 2: Governance and Operational Management

- o 12 Risk Management
- o 16 Incident Management

### Core 3: Provision of Supports

- o 19 Access to Supports
- o 20 Support Planning

### Module 3: Early Childhood Supports

- o 56 The Child

## Internal

- Child and Youth Risk Management Strategy
- Child Protection (School) Procedure
- Child Safeguarding Policy
- Child Safety Code of Conduct
- Child Safe Organisation Implementation Booklet
- Client Protection (Adult) Procedure
- Client Safety Management Guidelines
- Code of Conduct

- Complaints & Feedback Management Policy
- Incident Management Policy and Procedures
- Positive Behaviour Support and Restrictive Practices Policy & Procedure
- Privacy Policy
- Reportable Incident Investigation Form – NDIS Participants Only
- Risk Management Policy & Framework
- Work Health & Safety Policy

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