

Child Protection Policy

1.1 Definitions

- Coordinator
An employee appointed by the approved provider to supervise Educators to provide quality education and care.
- Educator
Are fully registered to carry out education and care in the residence or venue.
- Educator Assistant
A fit and proper person registered to carry out Education and care in the absence of the Educator.
- Harm
Harm is defined under the *Child Protection Act 1999* as “any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing”
- Nominated Supervisor
A person who holds a supervisor certificate appointed by the approved provider to be supervisor of the service
- Residence or Venue
The location or site registered to carry out Education and care.
- Significant
For harm to be significant, the detrimental effect on the child’s wellbeing must be substantial or serious, more than transitory and must be demonstrable in the child’s presentation, functioning or behaviour.
- Statement of Standards
The Statement of Standards refers to those standards as outlined in the Child Protection Act 1999.

1.2 Objectives

The objectives of this policy are to:

- Provide a standard approach for the protection of children and young people both accessing services of this organisation and in the wider community;
- Ensure all staff both paid and unpaid fully understand their obligations in relation to the protection of children and young people. Adherence to this policy is **mandatory**;
- Raise the awareness of the organisation at all levels, to the needs of children and young people; and
- Ensure that, when confronted with a disclosure or suspicion of harm to children and young people, Burnett Respite Services Inc responds professionally and in the best interests of the young person subject to the alleged harm.

1.3 Responsibilities

The Board of Management is responsible for:

- monitoring and reviewing all organisational policies and procedures; and
- auditing compliance with policy provisions, record keeping and training.

The CEO is responsible for:

- the implementation of the organisation's policies and procedures;
- providing appropriate information, advice and training and development to staff, volunteers, parents and carers to enable them to promote children and young people's well-being and to protect them from harm;
- investigating and responding to any reported incidents involving the abuse, assault, neglect or exploitation of any person in the care of the organisation; and
- ensuring all staff both paid and unpaid obtain and maintain a Blue Card following a Child Safety Check by the Commission for Children and Young People and Child Guardian and a National Police Check where applicable.

All employees are responsible for:

- adhering to all policies and procedures of the organisation;;
- delivering services in a way that is respectful of the person, non-abusive and wherever possible in a manner that meets the person's individual communication needs;
- the creation of a safe, friendly environment for children and young people, including the raising of awareness of child abuse protection strategies;
- the identification of possible risks for physical, psychological or emotional harm;
- recognising that people with challenging behaviours, who are non-verbal or who experience communication difficulties, are more prone to abuse; and
- obtaining and maintaining a Blue Card following a Child Safety Check by the Commission for Children and Young People and Child Guardian;
- Where an employee will, or is likely to provide a service funded by the Commonwealth, also obtain a National Police Check.

1.4 Policy Statement

Burnett Respite Services Ltd is committed to the safety and wellbeing of all children and young people accessing services provided by this organisation.

This organisation has a clear obligation to ensure that all children and young people have their rights met as equal members of society. These rights include the rights to feel safe and live in an environment free from abuse, assault, neglect and exploitation.

Children and young people can only be protected from harm if it is reported and dealt with quickly and effectively. Therefore, this organisation has a policy of mandatory reporting and requires that immediate action take place where any disclosure of harm is made.

1.5 Policy Principles

- The welfare and best interests of the child/young person are paramount.
- The primary goal of receiving, assessing, addressing and recording matters of concern is to provide safety for children and young people in alternative care. All actions taken and decisions made in accordance with this policy must ensure safe and accountable outcomes in relation to the care of children and young people.
- The Department of Child Safety and this organisation have a duty of care to ensure that a child or young person in alternate care is cared for in a way that meets the Statement of Standards and

the Charter of Rights for a child/young person in care. Therefore Burnett Respite Services Ltd will work in consultation with Departmental staff on all matters of concern.

- All stakeholders are accountable in exercising their roles and responsibilities in relation to the Statement of Standards.
- The child/young person and their parents will be encouraged and provided with opportunities to take part in decisions affecting their lives. Their views will be considered in decisions and actions taken.
- Decisions about an Aboriginal or Torres Strait Islander child/young person are made in accordance with the requirements of the Act.
- In accordance with the principles of natural justice Burnett Respite Services Ltd will work within a positive framework to address all matters of concern as they arise in relation to the standard of care for a child/young person in an alternative care arrangement.

This document should be read and implemented in conjunction with the following documents:

- Service User Protection
- Code of Conduct
- Preventing and Responding to abuse, assault and neglect of people with a disability
- Duty of Care
- Service User's Rights

1.6 Further information

- Further information is given through the Policy Principles and Procedures below:

Protocols

What is a Disclosure of harm?

A Disclosure of Harm occurs when someone, including a child, tells you about harm that has happened or is likely to happen in the future. Disclosures of Harm may begin with:

- "I think I saw....."
- "Somebody told me that..."
- Just think you should know ..."
- I'm not sure I know what I want you to do, but ..."

Responding to harm by a member of staff

- all staff will respond to suspected harm in accordance with this policy;
- all suspected acts of harm by a member of staff must be reported to the police;
- all reasonable steps must be taken by all staff to ensure the person thought to be harmed is protected from further harm;
- the legal rights of the employee should not be infringed upon; and
- the employee's right to natural justice is to be upheld.

Responding to harm by another service user

- this organisation and its staff are responsible for the management of interactions between service users, carers and parents and other visitors to the service;
- where established plans fail to prevent the harm of one service user by another, service users must be protected from further harm in the first instance;
- staff should be considerate of any possible sources of distress; which may cause one service user to harm another; and
- a review of any circumstance pertaining to any abusive event must be conducted.

Preventing harm

- all management and staff, both paid and unpaid must take all reasonable steps to prevent the harming of any child; and
- All management and staff will make themselves aware of any strategies, which may have been put in place to prevent the harming of any child or young person.

Reporting responsibilities

- all management, staff and volunteers have a duty of care to report all alleged or suspected instances of harm in accordance with this policy and protocol; and with the accompanying procedures;
- where any employee, paid or unpaid believes that a disclosure of harm concerns a senior member of staff or management, that employee may make a report directly to the relevant authorities; and
- any person making a report relating to alleged or suspected harm to any child or young person is entitled to make such a report without fear of retribution or retaliation.

Procedures

When a disclosure of harm to a child or young person is made:

- The person to whom the disclosure is made will remain calm and find a private place to talk;
- The person to whom the disclosure is made must not promise to keep it a secret; tell the person making the disclosure that they have done the right thing and that you are obligated to report it;
- The person to whom the disclosure is made must document the disclosure/allegation using the relevant Incident Report form;
- The person to whom the disclosure is made will immediately contact the CEO during normal working hours or the on-call staff member if out of hours;
- The CEO or on-call staff member will establish the nature of the incident and determine the next actions to be followed;
- In all cases where a disclosure of harm to a child or young person has been made, the CEO or on-call staff member will contact the relevant external agencies. These agencies will include but not be limited to: Queensland Police, Department of Child Safety and Disability Services Queensland;
- No internal investigation is to be conducted which may compromise or prejudice any police or external agency involvement or impede natural justice;
- The CEO or a delegated staff member will liaise with police or other external agency and the management;
- Prior to the clarification of the nature of the alleged offence do not inform other staff or the alleged offender of any investigation; and
- Where no external agency is to conduct an investigation or pursue an allegation further, this organisation will conduct an internal investigation to ascertain whether any breaches of policies or procedures have occurred.

Where the alleged offender is a **staff member**:

- The CEO will ensure that all reasonable steps are taken to avoid contact between the alleged offender and the person either making the allegation or the person thought to be a victim of harm. This may include but not be limited to:
 - supervision of any and all interactions between the parties;
 - immediate removal to alternative duties;
 - immediate suspension from duties, depending on the nature of the circumstances.

- The organisation will ensure at all times that the legal rights of any staff member are not infringed upon, that the conditions of relevant industrial awards, certified agreements or enterprise bargains are not infringed upon, and the right to natural justice is upheld.

Where the alleged offender is another **service user**:

The CEO will ensure that:

- all reasonable steps are taken to avoid contact between the alleged offender and the person either making the allegation or the person thought to be a victim of harm;

The organisation will ensure that:

- a staff member supervises any and all interactions between the person and the alleged offender;
- assistance and support is offered to both parties in any interactions with the police or other external organisation or authority;
- both parties are provided with appropriate information in the appropriate format, about their legal rights, options and support services available, or be given the opportunity to access this information;
- The organisation will also ensure that the alleged offender has access to a support person or advocate who can assist the person through the interview process and facilitate legal representation; and
- This support person or advocate should be a person without prejudice and chosen by the alleged offender. This may be:
 - guardian and/or advocate;
 - family member;
 - friend; or
 - Someone who is not involved in any inquiry.

Where the alleged offender is a **person outside of this organisation**:

- This organisation will ensure that where possible, all interactions between the alleged offender and the person suspected of being the victim of harm will be avoided or will occur only where it is required and only under appropriate supervision.

Where the offender is a **member of this organisation**, and is found to be criminally responsible or found guilty with no conviction recorded, after an investigation:

- Where a member of this organisation is found to be criminally responsible, or found guilty with no conviction recorded, this organisation will take appropriate disciplinary action;
- Any actions taken are to be taken in accordance with the *Industrial Relations Act 1999*, any employment contracts in force, terms of employment, code of conduct or similar employment agreement which was a condition of employment;
- Where necessary the organisation should seek advice from the relevant employer adviser i.e. Commerce Queensland, legal adviser or similar peak body or organisation supporting and representing this organisation; and
- At the conclusion of any investigation process, a full review and report of the incident and subsequent actions will be undertaken to determine the effectiveness of the response procedure and highlight good practices, and actions that may be taken to minimise the risk of the situation re-occurring.

Where investigations were conducted, no charges were laid, or the alleged offender is not prosecuted or found criminally responsible:

- This organisation will conduct an internal investigation. The standard of proof in criminal matters is “beyond reasonable doubt”. This is a higher or stronger level of proof than is required for an industrial or disciplinary process, which only requires that the matter be proved on the balance of probabilities. The finding of not guilty in a criminal case involving allegations of abuse, assault or neglect by staff against a service user does not therefore prevent this organisation from taking disciplinary or other appropriate action.
- The outcome of any investigation must include recommendations to prevent the incident re-occurring. This may include the organisation taking disciplinary action or other appropriate actions such as:
 - counselling of the staff member;
 - additional training;
 - transfer of duties;
 - increased supervision;
 - official warning;
 - dismissal; or
 - A combination of the above.
- Before any disciplinary action is taking, this organisation will ensure that the staff member has been afforded natural justice and that any action or decision is based on the full and documented consideration of the facts; context, intent and the impact of the original incident; and
- At the conclusion of any investigation process, a full review and report of the incident and subsequent actions will be undertaken to determine the effectiveness of the response procedure and highlight good practices and actions that may be taken to minimise the risk of the situation re-occurring.

Support and Debriefing:

- Where possible and appropriate, this organisation will ensure that the person subjected to harm is provided with and/or assisted to access opportunities for support, counselling and/or debriefing;
- Staff involved in, or concerned with any incident are to be offered access to the Employee Assistance Program.
- Where families, carers or other service users are affected by an incident of abuse, assault or neglect, this organisation will ensure that offers of and access to the above support services are available.

Risk Management and Children

Strategies for raising the awareness of staff on protection issues:

- Induction Training covers what constitutes Abuse Neglect and Exploitation of Customers.
- Duty of Care training at Induction covers the necessity to report untoward events and suspicions of Abuse, Neglect and Exploitation of Customers.
- All staff upon hiring must read, sign, date and agree to uphold the Policies and Procedures of the organisation.
- All staff attend an annual reinduction program at which Duty of Care is an agenda item.
- All part time/full time staff must participate in a Certificate III Disability Work qualification or higher.

Strategies to reduce/eliminate a harmful event occurring:

- All staff, Volunteers, Host Families, engaged contractors to have Criminal History Screening Checks.
- Criminal History Screening Positive Notices are kept updated.
- All staff sign a Code of Conduct which explains the behaviours required of them and explanations of these behaviours are given at induction.
- All staff sign a Confidentiality and Privacy Agreement.
- Specific policies are in place to report and assess all WH&S incidents or near misses.
- Consent forms record where a child can go, who they cannot approach or have access to, who we can share information with, permission for photos and special outings. Outings outside the town area require management and parent permission using the appropriate form.
- Profiles explain the skills and abilities of each Customer.
- Mandatory reporting of specific Critical Incidents.

Reassessing effectiveness of Child related Risk Managements systems:

- The Board of Management will be kept informed of all events through the CEO's report
- The Management Team will reassess the system at the organisational level for continued effectiveness and relevance. Any changes to the policy or procedure will have consultation from all stakeholders.
- The WH&S Officer will conduct all individual risk management assessments as needed.
- The WH&S Officer will review Carinbundi's Risk Management procedures and processes on an annual basis.
- This policy is subject to input from all stakeholders especially where they see it being overly restrictive or insufficient for its stated purposes.

Failure to uphold this policy:

Breaches of this risk management policy will be seen as a serious offence. Such action or inactions will place customers, especially children, at risk - resulting in disciplinary action and, depending on the circumstances, may result in summary dismissal and a referral to the relevant authorities.