

# The Paraplegic and Quadriplegic Association of SA Inc




## Child Protection Policy and Procedures

### **STATEMENT**

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is a child safe organization, committed to providing a safe and secure environment for all children in our care.

PQSA aims to reduce the risk of abuse or neglect occurring and to ensure that a caring and appropriate response is taken should abuse occur.

<b>Approved by:</b> 	<b>Date:</b> September 2014
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**The Paraplegic and Quadriplegic Association of SA Inc. is incorporated under the *Association Incorporation Act 1985 (SA)* and conduct its business through operating Divisions, namely Support Services and HomeCare+**

## **SCOPE**

This policy applies to the activities of PQSA and its Divisions.

## **DEFINITIONS**

**Abuse** - Can consist of one or more of, but is not restricted to, the following:

- ◆ **Physical Abuse** - Any non-accidental physical contact, with or without injury, resulting from practices such as hitting, punching and kicking. It may also include, but is not necessarily limited to shaking (particularly babies) burning (irons, cigarettes) biting, pulling out hair and alcohol or other drug administration.
- ◆ **Sexual Abuse** - Any sexual act or threat to perform such upon another person. This occurs when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. It does not necessarily involve genital contact, but is any act which erodes the sexual boundary between two persons. It may appear consensual but the validity of consent is negated by the power differential. In South Australia, the legal age of consent is seventeen (17) years,
- ◆ **Emotional Abuse** - The chronic attitude or behavior of one person, which is directed at another person, or the creation of an emotional environment which erodes a child's development, self esteem and social confidence over time. Behaviors may include: devaluing, ignoring, rejecting, corrupting, isolating, terrorising or chronic and extreme domestic violence in the child's presence.
- ◆ **Neglect** - Characterised by the failure to provide for the child's basic needs. Any serious omission or commission which jeopardises or impairs a child's development.

**Board Member** – Persons elected by members of PQSA who have the power to appoint and reward the Chief Executive; set goals, formulate strategy, and approve business plans; approve annual budgets and business results; set, review policies for member communication and approve reports to members; and set and review budgetary control and conformance strategies.

**Child** - Any person under the age of eighteen (18) years.

**Manager/Supervisor** – A person who is charged with the management or direction of PQSA and its divisions including other divisions as determined from time to time.

**Reasonable** – The appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

**Visitor** – Any person, including children, who attends or participates in PQSA's activities, objectives or strategic plan.

**Worker** – Is a person who carries out work in any capacity for a person conducting a business or undertaking, including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, apprentice or trainee, or a student gaining work experience or volunteer.

## **RESPONSIBILITIES**

**Chief Executive Officer :**

- ◆ A high standard of conduct is maintained at all times.
- ◆ In the case of a report of child abuse, PQSA's Insurer is contacted immediately.

**Managers :**

- ◆ All their staff are informed, understand and apply the principles of this policy.
- ◆ Accurate and confidential records of all reported cases of child abuse are maintained.
- ◆ Client and personnel confidentiality is maintained at all times.

- ◆ Feedback is sought in relation to reports of child abuse and neglect through Child, Youth and Family Services; and
- ◆ Appropriate feedback is issued to reporting workers.

#### **Manager, Human Resources :**

- ◆ Legislative requirements both Federal and State are adhered to.
- ◆ This policy is reviewed and updated on an annual basis.
- ◆ All workers are informed and trained in the application of this policy and its procedures.
- ◆ PQSA procedures are followed to protect the confidentiality of all parties concerned.
- ◆ Confidential paperwork relating to allegations of child abuse is retained in a safe environment to maintain confidentiality and in line with legislative and government policy.

#### **Workers :**

- ◆ A safe environment for children is maintained at all times.
- ◆ Any suspicious behaviour or actions are reported in accordance with this policy.
- ◆ They follow instructions established to protect children in their care and themselves.
- ◆ Accurate and confidential records of all reported cases of child abuse are maintained at all times.

## **POLICY**

The intent of this policy is to promote our ethical, respectful and safe service delivery for all children supported by PQSA.

All children have the right to be safe and protected from harm. PQSA workers have a responsibility to protect a child under their care and to promote that child's best interest and . While it may not be possible to eliminate risk entirely, much can be done to reduce opportunities for child abuse and assist personnel with the process of Mandatory Reporting. PQSA acknowledges that reporting concerns about child abuse and neglect often causes stress and anxiety for people and can be especially difficult for Aboriginal people or people from culturally and linguistically diverse cultures.

The Child Protection Policy and Procedures, in accordance with the Charter of Rights for Children and Young People in Care, advocates for:

- ◆ **Zero tolerance of child abuse:** Child abuse, including possession of or access to child pornography, is not tolerated by PQSA. PQSA actively manages risks of child abuse associated with delivering support and activities and trains its staff on their obligations and will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children.
- ◆ **Recognition of children's interests:** Australia is a signatory to the United Nations Convention on the Rights of the Child, and PQSA is committed to upholding the rights and obligations of the convention. PQSA recognises that some children, such as children with disabilities, are particularly vulnerable.

#### **Ethical Considerations:**

Some actions are considered unacceptable behavior by PQSA and will result in disciplinary action or termination.

These include:

- ◆ Inappropriate conversation of a sexual nature.
- ◆ Coarse language, especially that of a sexual nature.
- ◆ Suggestive gestures or remarks.
- ◆ Jokes of a sexual nature.
- ◆ Inappropriate touching.

- ◆ Age inappropriate literature (e.g. PG, M, MA, R or X rated material used with young Children).
- ◆ Recording or filming without prior consent.
- ◆ Acts of violence committed by workers in the course of an activity.

The age of individuals is recognised as one of the determinants in deciding what acceptable and unacceptable behavior is.

## **PROCEDURE**

### **Recruitment and Screening Processes**

PQSA's internal recruitment processes of workers already employ stringent screening measures to ensure inappropriate persons are not employed. These include Child Related Employment Screening through The Department for Communities and Social Inclusion (DCSI) and verbal reference checks of at least two (2) professional referees, which are carried out on all short listed applicants before they commence work. Additional screening measures are incorporated into selection processes for positions working with children, which include targeted interview questions.

**Where PQSA has identified that a prospective worker has previously committed a violent or sexually related offence, they will not, under any circumstances, be considered for child related employment or activities.**

### **Safe Environment**

Incidents of abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons, when ever reasonably practicable, there should be two people present when working with or supervising a child.

No person employed or appointed by PQSA will visit, without the prior approval of PQSA, a child in their home.

When transporting a Child, the child is to be taken directly to and from arranged venues; there must be no spontaneous detour under any circumstances.

All personal counseling is to be carried out within sight of a witness.

Workers are expected to respect a child's privacy during activities that require undressing, dressing or changing clothes. Under no circumstances will PQSA workers be alone in a room with a child while either is changing clothes.

Initiations and secret ceremonies are prohibited. All aspects of every child-related program will be open to observation by parents/guardians.

PQSA workers have the right to ask people who do not have a valid reason to be present at child-related activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

### **Ensure appropriate use of Communication Systems**

PQSA guidelines on appropriate use of its communication systems cover child pornography and any use of PQSA systems to access child pornography will not be tolerated and will be dealt with promptly, including reporting to police.

### **Disciplining Children**

It is not the responsibility of PQSA workers to discipline a child. If a child does not abide by the rules set down by PQSA, or is an obstruction to the care of other children or may cause harm to other children, the child will be removed and referred back to their parent or guardian.

At no time will PQSA workers administer any form of physical, emotional or mental discipline.

**Reasonable grounds of Child Abuse can be assumed when:**

1. A child discloses that he or she has been abused, and/or
2. Someone close to a child (e.g. sibling, relative, close friend) discloses on behalf of that child.
3. There is professional judgment that abuse has occurred or reasonable grounds to suspect that a child has been or is being abused or neglected.

**Notifying Allegations of Abuse**

**All child abuse allegations that arise will be reported *immediately* to the Child Abuse Report Line (CARL) on 13 14 78.**

CARL will be notified immediately if a child discloses an incident of abuse or neglect that has occurred somewhere other than PQSA premises, (e.g. home or school) or if there are reasonable grounds to suspect a child has been or is suffering abuse or neglect.

If the child is in immediate danger, the Police will also be contacted on 000 (emergency) or 131 444.

The worker will then immediately contact their Manager/supervisor and complete an Incident Report that will be forwarded to the Manager, Human Resources in strictest confidence.

If a disclosure of abuse is made, the person who receives the disclosure will maintain appropriate support to the one making the disclosure. This will include:

- ◆ Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim so that the matter is not overlooked.
- ◆ Not pushing the child to disclose details of the alleged assault or attempting to investigate the allegation.
- ◆ Ensuring the child understands that their disclosure is being taken seriously; that what has happened is not their fault and that they are correct in disclosing the incident.
- ◆ Reporting the abuse to the appropriate authorities (CARL).
- ◆ Not making contact with the alleged perpetrator. If PQSA personnel are already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.
- ◆ If the alleged assault has taken place recently, clothing worn by the Child should be retained and handed to the police for forensic examination.
- ◆ Maintaining confidentiality at all times.

Any disclosures by a child, reports of suspected abuse and all details of the subsequent investigation will be documented and the documents will be held by the Manager, Human Resources in a secure location where a breach of privacy cannot occur.

PQSA reserves the right to carry out disciplinary procedures in accordance with its policies and procedures.

Where an allegation is made, the accused Board Member, worker, client and visitor of PQSA will be removed from all children's activities and programs pending the outcome of all investigations.

**Alcohol and drugs**

The consumption of alcohol or illegal drugs by a child on PQSA grounds or during an activity is not to be allowed or condoned by any PQSA personnel. Any Child found to be under the influence of alcohol or illegal drugs is to be counseled and the parents/guardians contacted so the Child can be returned to their care immediately.

Any Child required to take prescription medication will provide a letter from their parents/guardians or medical professional to PQSA.

## Legal Obligations

### Child Related Employment Screening

As per PQSA's DCSI Employment Screening Policy and Procedure, all PQSA workers must have a current satisfactory Child Related Employment Screening through DCSI that must be renewed every three (3) years.

PQSA conducts Child Related Employment Screening for all workers working with children, as set out in section 8B of the *Children's Protection Act 1993*. PQSA ensures that Employment Screening information is dealt with in accordance with the standards developed by the Chief Executive of DCSI.

### Mandatory reporting - Reporting Child Abuse and Neglect.

Section 11 of the *Children's Protection Act 1993* (SA) specifies who is legally mandated to report suspected child maltreatment to statutory child protection services.

The following people are legally required to report reasonable suspicions of abuse:

- ◆ medical practitioners, dentists, nurses, social workers and pharmacists;
- ◆ police and probation officers;
- ◆ teachers; and
- ◆ Support workers and voluntary workers providing children's services.

Maltreatment types for which it is mandatory to report include:

- ◆ Physical abuse
- ◆ Sexual abuse
- ◆ Emotional/ psychological abuse
- ◆ Neglect.

PQSA acknowledges that it can be difficult for Aboriginal people and people from culturally and linguistically diverse backgrounds to report cases of child abuse and neglect in their communities. Aboriginal personnel will be directed to Children, Youth and Family Services - Yaitya Tiramangkotti. Interpreting services are available through the **SA Government Interpreting and Translation Services - 1800 280 203**.

All reports of child abuse and neglect should also still be made to the **Child Abuse Report Line** (24 hours every day) 13 14 78.

All reports of abuse must be put in writing and retained in confidence on the client file.

Workers making reports of abuse are encouraged to seek feedback about their reports and any subsequent intervention through their Managers.

Failure to notify suspected child abuse and/or neglect is an offence under the Children's Protection Act 1993 and carries a maximum penalty of a \$10,000 fine.

### Training

All workers will undertake training in Mandatory Reporting before commencing work with children. A refresher course in Mandatory Reporting will be offered and must be undertaken by all workers every two (2) years. Workers will be issued with a copy of this policy as part of their Induction.

## **RELATED LEGISLATION**

- ◆ Adoption Act 1988
- ◆ Charter of Rights for Children and Young People in Care Children's Protection Act 1993
- ◆ Children's Services Act 1985
- ◆ Children's Protection Regulations 2006
- ◆ Crimes Act 1914 Part IIIA (Child Sex Tourism).
- ◆ Criminal Code Act 1995, (Telecommunications Offences, Subdivision C).
- ◆ Criminal Law Consolidation Act 1935 (Section 49)
- ◆ Family Law Act 1975 (Cth)
- ◆ Family and Community Services Act 1972
- ◆ Geneva Declaration of the Rights of the Child
- ◆ The United Nations Convention on the Rights of the Child
- ◆ Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- ◆ Standard 1 Disability Service Standards: Rights
- ◆ Young Offenders Act 1994

## **SUPPORTING PQA DOCUMENTATION**

- ◆ Behavioural Management Policy and Procedure
- ◆ Code of Ethical Behaviour
- ◆ Complaints Management System Policy and Procedures
- ◆ Confidentiality Policy and Procedure (Under Review)
- ◆ DCSI Employment Screening Policy and Procedure
- ◆ Mandatory Reporting Policy and Procedure
- ◆ Privacy Policy and Procedures (Under Review)
- ◆ Recruitment Policy and Procedure
- ◆ Risk Assessment Management Policy and Procedure

## **BREACHES OF THIS POLICY**

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

## **DISTRIBUTION AND REVIEW**

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.