

# The Paraplegic and Quadriplegic Association of SA Inc




## Mandatory Reporting Policy and Procedures

### STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) acknowledges that it has a legal and moral obligation to protect its clients, children and adults, from any form of abuse or neglect.

PQSA will reduce the risk of abuse or neglect occurring; however, should abuse occur or be suspected of occurring, all incidents will be reported immediately and PQSA will ensure that a caring and appropriate response is taken.

Approved by: 	Date: <i>March 2018</i>
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**The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Support Services and HomeCare+.**

*Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.*

## **SCOPE**

Compliance with this policy is a condition of appointment for all persons engaged to provide services on behalf of PQSA.

## **DEFINITIONS**

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

**Emotional Abuse** - the chronic attitude or behaviour of one person which is directed at another person, or, the creation of an emotional environment which erodes a person's development, self-esteem and social confidence over time. Behaviours may include: devaluing, ignoring, rejecting, corrupting, isolating, terrorising or chronic and extreme domestic violence in a child's presence.

Indicators that emotional abuse may have occurred include avoiding home, running away/staying at friends' houses, fear of the dark/not wanting to go to bed, lying or stealing, lack of trust in adults/workers, poor self-image or self-esteem and secretive/disruptive behaviour.

**Neglect** - characterised by the failure to provide for a person's basic needs.

Any serious omission or commission which jeopardises or impairs a person's development.

Indicators that may indicate that neglect has occurred include a failure to thrive, developmental delay, a tendency to be prone to illness, sickly appearance, abnormally high appetite, stealing or hoarding food, smelly/dirty appearance and untreated medical conditions.

**Physical Abuse** - any non-accidental physical injury resulting from practices such as hitting, punching and kicking, shaking (particularly babies), burning (irons, cigarettes), biting, pulling out hair and forced alcohol or other drug administration.

Indicators of physical abuse having occurred may include bruising in unlikely places, inconsistent or absent explanation of bruises, any bruising on a baby, pressure marks from fingers, bite marks, fractures, suspicious burns and poisoning/significant over-medicating.

**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 person (and potentially their 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 power differential.

Indicators of sexual abuse having occurred may include genital injuries, bite marks, presence of sexually transmitted disease, persistent soiling or bed wetting, sleep disturbance, age-inappropriate sexual behaviour, excessive masturbation which does not respond to boundaries or discipline, obsessive and compulsive washing and wariness of physical contact.

**Board Member** – person elected by members of PQSA who have the power to appoint and remunerate the Chief Executive, formulate strategy and approve business plans, approve annual budgets, set and review policies, set and review budgetary control and conformance strategies and, as a collective, provide oversight and governance of the Association

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

**Exploit** – take advantage of for one’s own purpose(s)

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

**Must** – indicates a mandatory action required by law, industrial instrument, or PQSA or procedure

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

**Should** – indicates a recommended action that a person is obliged to be follow.

**Violence** – use of physical force intended to cause injury or destruction

**Vulnerable Adult** – is an adult aged 18 years or over who may be unable to take care of themselves, or protect themselves from harm or from being exploited. This may be due to mental illness, disability, sensory impairment, age and frailty or some form of illness.

**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 a volunteer.

## **RESPONSIBILITIES**

**Chief Executive Officer** is responsible for ensuring that:

- ◆ A high standard of conduct is maintained at all times
- ◆ In the case of a report of abuse, PQSA’s Insurer is contacted immediately
- ◆ There is oversight of each case of abuse and neglect to determine an appropriate response.

**Managers** are responsible for ensuring that:

- ◆ All their staff are informed, understand and apply the principles of this policy
- ◆ Accurate and confidential records of all mandatory reports are maintained
- ◆ Client and worker confidentiality is maintained at all times
- ◆ Feedback is sought in relation to reports of abuse through the Department for Child Protection (or equivalent) and other state government departments and funding bodies
- ◆ Appropriate feedback is issued to reporting workers.

**Manager, Human Resources** is responsible for ensuring that:

- ◆ Legislative requirements, both Federal and State, are adhered to
- ◆ This policy is reviewed and updated on an agreed basis
- ◆ All personnel 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 abuse is retained in a secure environment to maintain confidentiality and in line with legislative and government policy.

**Workers** are responsible for ensuring that:

- ◆ Any concern regarding abuse, including suspicious behaviour, is reported according to legislative requirements and PQSA Policies and Procedures
- ◆ A safe environment for children and vulnerable adults is maintained at all times
- ◆ Established instructions are followed to protect children and vulnerable adults in their care
- ◆ Accurate and confidential records of all mandatory reporting are maintained always.

## **POLICY**

### ***Mandatory reporting -***

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. They include:

- ◆ Enrolled and Registered Nurses
- ◆ Social Workers and Psychologists
- ◆ Workers providing children's services or who hold a management position where their duties include the direct responsibility for, or direct supervision of services to children
- ◆ Approved family day care providers
- ◆ Medical practitioners, dentists and pharmacists
- ◆ Police and probation officers
- ◆ Teachers; and
- ◆ Any other person who is a worker in, a Government department, agency or instrumentality, or a local government or non-government organisation, that provides health, welfare, education, or residential services wholly or partly for children.

Reasonable grounds of abuse can be assumed when:

- ◆ A child or vulnerable adult discloses that he or she has been abused, and/or
- ◆ Someone close to a child or vulnerable adult (e.g. sibling, relative, close friend) discloses on behalf of that child or vulnerable adult.
- ◆ Professional judgment.

Incidences of abuse towards a child, as described by this policy, must be reported to the Department for Child Protection as outlined on their website:

<https://www.childprotection.sa.gov.au/reporting-child-abuse>

Incidences of abuse or any concerns regarding the care of a child or vulnerable adult must also be reported to state/federal statutory and funding bodies as documented in specific funding and service agreements.

**A worker reporting abuse:**

- ◆ It is not the responsibility of the worker reporting abuse to prove abuse has occurred
- ◆ Is immune from civil liability for reporting suspicions in good faith. (Section 12(a) Children's Protection Act)
- ◆ Is entitled to feedback about the notification investigation by the state government department responsible
- ◆ Identity as a notifier will not be disclosed unless disclosure is made in the course of official duties.

**PROCEDURES**

All allegations of abuse that arise must be reported immediately to the Child Abuse Report Line (CARL) on 13 14 78 (workers may also use the Department for Child Protection online reporting system).

CARL must be notified immediately if a child discloses an incident of abuse that has occurred or if there are reasonable grounds to suspect a child has been or is suffering abuse. If the child or vulnerable adult is in immediate danger the Police will also be contacted on 131 444 (or 000 in an emergency).

The PQSA worker will then immediately contact their Manager/Supervisor and complete an Incident/Concern Report and forward the report to their Supervisor in strictest confidence. As part of the Incident/Concern Reporting process, the Manager/Supervisor will check that the worker has fulfilled their responsibilities with respect to mandatory reporting as detailed above.

If a disclosure of abuse is made, the person who receives the disclosure will provide support to the one making the disclosure, by:

- ◆ 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 swept under the carpet
- ◆ Not pushing a child/vulnerable adult to disclose details of the alleged assault or attempting to investigate the allegation
- ◆ Ensuring the child/vulnerable adult 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/SA Police)
- ◆ Not making contact with the alleged perpetrator. If a PQSA worker has already been providing direct support to the alleged perpetrator at that time (e.g. escorting them to the Police Station), HomeCare+ will roster another person to assume this responsibility for the duration of any investigation.
- ◆ Retaining and handing to the Police any clothing worn by the child or vulnerable adult if an alleged assault has taken place recently.
- ◆ Maintaining confidentiality at all times.

All reports of abuse must be put in writing and retained in confidence on the client's file. 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 recognises that it can be difficult for Indigenous people and people from culturally and linguistically diverse backgrounds to report cases of child abuse and neglect in their communities.

All reports of abuse involving indigenous individuals made to the CARL will be referred to **Yaitya Tirramangkotti**.

Interpreting services are available through the:

**SA Government Interpreting and Translating Centre - 8226 1990 or 1800 280 203.**

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

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

Where an allegation is made against a PQSA worker, that person will be removed from all related services pending the outcome of an investigation.

### **Training**

All workers will undertake training in Mandatory Reporting before commencing work. Subsequently Mandatory Reporting must be undertaken bi-annually by all PQSA workers. All new workers will be issued with a copy of this policy as part of their Induction.

Any client or prospective client that believes that they are disadvantaged or discriminated against by the incorrect application of this policy may raise a dispute in accordance with the PQSA Complaints/Concern Management Policy and Procedure.

## **RELATED LEGISLATION**

- ◆ Charter of Rights for Children and Young People in Care.
- ◆ Children's Protection Act 1993
- ◆ Children's Services Act 1985
- ◆ Crimes Act 1914 Part IIIA (Child Sex Tourism).
- ◆ Criminal Code Act 1995, (Telecommunications Offences, Subdivision C).
- ◆ 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

## **SUPPORTING PQSA DOCUMENTATION**

- ◆ Behavioural Management Policy and Procedure.
- ◆ Code of Ethical Behaviour
- ◆ Child Protection Policy and Procedure
- ◆ Complaints Management Policy and Procedures.
- ◆ Confidentiality Policy and Procedure
- ◆ Criminal History Clearance Policy and Procedure.
- ◆ Privacy Policy and Procedures
- ◆ Recruitment Policy and Procedure
- ◆ Risk Assessment Management Policy and Procedure
- ◆ Vulnerable Adult Policy and Procedure
- ◆ WHSE – Incident Concern Reporting 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.

