

CHILD PROTECTION POLICY

Policy Statement:

HBCAA believes all children have the right to feel safe and families have the right to expect that their children, whilst being supported by HBCAA, will be protected from all types of abuse.

HBCAA is committed to providing a friendly, safe environment when supporting children and young people with a disability (people under the age of 18 years). Children and young people with a disability will be treated with respect and understanding at all times.

Policy Aims:

- To provide practices for recognising, responding to and notifying child abuse and neglect.
- To promote awareness that child abuse and neglect exists in our society in many forms, including physical, emotional, sexual and verbal abuse as well as neglect and domestic violence.
- To ensure that all staff are aware of their duty of care in relation to the protection of children and act in accordance with the recommended.

Responsibilities:

The Board of Management is responsible for:

monitoring and reviewing all organisational policies and practices: and auditing compliance with policy provisions, record keeping and training.

Management is responsible for:

providing support and advice to staff; and investigating and responding to complaints about alleged breaches of this policy.

All employees, paid and unpaid are responsible for:

adhering to all policies and practices of the organisation; and ensuring they are fully aware of and understand their obligations in relation to this policy.

Policy Detail:

HBCAA is required to work within the guidelines of our Code of Conduct and Ethics, Abuse Policy, the Child Protection Act 1999, Disability Service Standard 9 – Protection of Legal and Human Rights and Freedom from Abuse and Neglect, United Nations – Declaration of the Rights of Children including the summary of the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20th November 1989:

Children and young people with a disability need to maintain family and social contacts. Their ethnic and cultural identity will be taken into account.

Children and young people with a disability will be kept informed of matters affecting him or her in a way and to an extent that is appropriate, having regard to the child's age and ability to understand. If a child or young person with a disability is able to form and express views about his or her support, the views will be given consideration, taking into account the child's age or ability to understand.

Harm, to a child, is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing. It is immaterial how the harm is caused.

Harm can be caused by —

- (a) Physical, psychological or emotional abuse or neglect; or
- (b) Sexual abuse or exploitation

A **Child In Need Of Protection** is a child who has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm; and does not have a parent able and willing to protect the child from the harm.

HBCAA will work within the guidelines of our **Code of Conduct and Ethics, Abuse Policy, the Child Protection Act 1999, Disability Service Standard 9 – Protection of Legal and Human Rights and Freedom from Abuse and Neglect** and **United Nations – Declaration of the Rights of Children**

Listed below is a summary of the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20th November 1989: HBCAA management, staff and volunteers will work within these rights.

- Children have the right to be with their family or those who will care for them best.
- Children have the right to enough food and clean water.
- Children have the right to an adequate standard of living.
- Children have the right to health care.
- Disabled children have the right to special care and training.
- Children must be allowed to speak their own language and practice their own religion and culture.
- Children have the right to play.
- Children have the right to free education.
- Children have the right to be kept safe and not be hurt, exploited or neglected.
- Children must not be used as cheap labour or soldiers.
- Children have the right to protection from cruelty, neglect and injustice.
- Children have the right to express their own opinions and to meet together to express their views.

To Ensure Children and Young People With A Disability Are Kept Safe HBCAA Will

- Uphold the legal and human rights of child / young person user and take action to prevent and / or respond to allegations of abuse and neglect immediately.
- Support workers will be instructed to take a pro-active duty of care approach to the prevention of abuse and neglect of people of all ages.
- A condition of employment will be the successful application of a “Blue Card”.
- Support workers will not support children and young people with a disability until confirmation has been received by the CEO stating a successful application. This has to be in writing and on Commissioner of Children and Young People stationery.
- An unsuccessful application of a “Blue Card” will result in termination of employment (refer to Employment Contract, Terms and Conditions, Security Check – Page 3)

Procedures to Follow In Allegations of Abuse / Assault

The Support Worker

- The role of the Support Worker in suspecting abuse or neglect is to report the issue. Support Workers will report the suspicion of neglect or abuse verbally to the CEO as soon as it is detected and a written file note/incident report of the suspicion is required within 48 hours. One staff member will provide support (to ensure the person is not alone) and will ask the basics of what happened (do not discuss the incident with the person further). If the CEO is unavailable the support worker is to report the incident to an officer of **Department on Child Safety, Maryborough, 07 4190 4560**

The CEO Will

- Report the issue to the Department of Child Safety, Maryborough and the Disability Services (DS) Maryborough office (initial verbal report and followed by a file note/incident report).
- Report the issue to Police.
- Provide advice to the Support Worker/s regarding Preservation of Evidence and gaining a Medical Examination for the individual if physical or sexual assault is suspected.
- Contact the Adult Guardian (if applicable) about the need for the medical examination. Depending on the outcome from the Adult Guardian, the CEO will contact the person's Statutory Health Attorney about taking the individual to the doctor for a medical examination (within 24 hours). If a Support Worker/s is to take the individual to the doctor, the CEO will inform the Support Worker/s.
- Notify the family if applicable (within 24 hours).

For Suspected Sexual or Physical Assault

The CEO Will

- Notify the Statutory Health Attorney/family and discuss the need to take the individual directly to a doctor for an examination within 24 hours of the suspected incident (no washing of body or clothing). If a Support Worker/s is to take the individual to the doctor, the CEO will inform the Support Worker/s.
- Report the issue to Police.
- Gather the initial story on the incident (who, what, when and where) from the Support Worker.
- Write a Report on Suspected Cases of Abuse/Assault for the Department of Child Safety and Disability Services. (DS) and forward to both offices together with the Support Worker File Note.
- Provide ongoing support and communication to the individual, their family and the Statutory Health Attorney.
- Debrief Support Workers and follow up any staff impropriety. (if applicable)
- The CEO reports serious neglect and abuse issues to the Management Committee (providing verbal report and followed up with a written report).

Investigation

There will be a full investigation into all allegations of abuse; the investigation will be co-ordinated by a person from outside the organisation. The CEO's role will be to assist this person to organise the investigation; however at no time will the CEO take an active part in the investigation itself.

Please note, if a criminal offence is alleged eg. Physical assault or potential sexual assault, the police will be notified. The police will conduct an investigation that will include gathering all evidence, interview witnesses etc.

Special Considerations in Sexual or Physical Assault / Abuse Cases

Support Workers need to be aware that when sexual abuse or physical abuse is suspected they will:

- Maintain the physical environment where the incident occurred including any weapons used to inflict injuries (i.e., do not change any aspect of the environment until the CEO and/or police can view the scene).
- Ensure the person does not shower or bathe until a medical examination has occurred. Discuss with CEO the need for the medical examination. In some emergencies a CEO may be unavailable to discuss the need for the medical examination. In such a case, the Support Worker/s will discuss the issue with the Senior Lifestyle Support Worker who will contact the person’s Statutory Health Attorney about taking the individual to the doctor for a medical examination (within 24 hours). The Senior Lifestyle Support Worker will contact the Support Worker/s about who is taking the individual to the doctor (i.e., family or Support Worker/s)
- Ensure the person’s clothing is not washed (in case this is used as physical evidence in a court case).

Monitoring

Monitoring of this policy will be the ultimate responsibility of the CEO; however the Board of Management, Managers – Community Access and Accommodation, Senior Lifestyle Support Worker, Lifestyle Support Workers and Volunteers will also be responsible for the monitoring of this policy.

Breaches

Anyone who is found to be negligent and/or in breach of this policy will face disciplinary procedures.

Children and Young People Protection Policy aligns with Disability Service Standard 9 – Protection of Legal and Human Rights and Freedom from Abuse and Neglect

RESPONSES ON MATTERS OF CONCERN FOR CHILDREN / YOUNG PEOPLE BEING SUPPORTED

HBCAA will ensure that children and young people are supported in a way that meets the Child Protection Act 1999, Statement of Standards. Concerns raised about the standard of care provided for children and young people being supported will be responded to in accordance with the, afore mentioned legislation and related policies of HBCAA. Actions taken in this regard will be timely, accountable and transparent and in consultation with the Department of Child Safety.

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 being supported. All

actions taken and decisions made in accordance with this policy must ensure safe and accountable outcomes in relation to the support of children and young people.

- The Department of Child Safety and HBCAA have a duty of care to ensure that a child or young person is being supported in a way that meets the Statement of Standards and the Charter of Rights for a child/young person in care. Therefore HBCAA 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 HBCAA 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.

Practice

A matter of concern is any compliance issue raised in relation to the “standard of care” provided to a child /young person in a support arrangement.

The term “standard of care” shall mean those set out in the Child Protection Act 1999, Chapter 4, Part 1, Section 122. The following is a modified version of the Statement of Standards as applicable to HBCAA.

- The child’s/young person’s dignity and rights will be respected at all times.
- The child’s/young person’s need for physical care will be met, including adequate food, clothing and shelter.
- The child/young person will receive emotional care that allows him or her to experience being cared about and valued in a way that contributes to the child’s/young person’s positive self regard.
- The child’s/young person’s needs relating to his or her culture and ethnic grouping will be met.
- The child’s/young person’s material needs relating to his or her schooling, physical and mental stimulation, recreation and general living will be met.
- The child/young person will receive education, training or employment opportunities relevant to their age and ability.
- The child/young person will receive positive guidance when necessary to help him or her to change inappropriate behaviour.
- The child/young person will receive dental, medical and therapeutic services necessary to meet his or her needs.
- The child/young person will be given the opportunity to participate in positive social and recreational activities appropriate to his or her developmental level and age.
- The child/young person will be encouraged to maintain family and significant personal relationships.
- The child/young person will receive support appropriate to their special needs.
- Techniques for behaviour support will not include corporal punishment or punishment that humiliates, frightens or threatens the child/young person in a way that is likely to cause emotional harm.

- In situations where the chief executive has custody or guardianship of the child/young person, HBCAA and their support workers will act in accordance with the chief executives/Departmental reasonable directions.
- The application of the above standards to the child's/young person's care must take into consideration what is reasonable regarding the length of time the child is in the care of the service or support worker and the child's/young person's age and development.
- Additionally the child/young person's abilities, age, gender cultural backgrounds and religious beliefs will be considered in all situations.

The Board of Management of HBCAA will be informed of all matters of concern.

All matters of concern will be reported to the Department of Child Safety immediately and without preliminary investigation. The matter will continue to be dealt with in a transparent and accountable manner.

Investigations/disciplinary action, by HBCAA must not compromise any possible external investigation by the Department of Child Safety or the Queensland Police Service. Consultation with the Department of Child Safety will occur prior to any investigation/disciplinary action to determine appropriate strategies. Where external investigations will not be compromised, HBCAA, in consultation with the Department of Child Safety, reserves the right to implement our policy and practices to resolve and improve the standard of support provided by our support workers.

A register of matters of concern will be maintained within HBCAA, detailing the complaint, persons involved, date and time of event and actions taken.

Receiving a complaint regarding a matter of concern.

If a matter of concern is raised in relation to the care provided to a child/young person in an alternative care arrangement, the response will be to work collaboratively with the Departmental representative to determine if the issue constitutes a Child Protection Notification.

The following particulars will be provided in the initial report as stipulated by section 11 of the Child Protection Regulation 2000;

- the name and sex of the child/young person.
- location of the child/young person.
- the age of the child/young person if known.
- details of the basis for the responsible person becoming aware, or reasonably suspecting, that harm has been caused to the child/young person.
- details of the harm or suspected harm.
- if the responsible person knows the identity of the person who caused , or is reasonably suspected of causing, the harm and particulars of the identity.
- if the responsible person knows the identity of any other person who may be able to give information about the harm or suspected harm and particulars of their identity.

The Department of Child Safety will provide direction on the situation and if it is to be dealt with as a Child Protection Notification or Casework matter.

Child Protection Notification.

If the situation is deemed to be of a serious nature requiring a Child Protection Notification, internal Departmental processes will apply.

HBCAA will not investigate the matter as it will rely on the investigation by the Suspected Child Abuse and Neglect Team within the Queensland Police Services or Department of Child Safety, whichever Department the situation warrants.

Outcomes and recommendations provided by the above process will be implemented.

Casework.

Where a matter of concern is deemed to not constitute a Child Protection Notification a process of Casework will be followed in consultation with the Department of Child Safety.

Casework for children/young people, their families and support workers is based on ongoing assessment, planning, implementation and review. Casework interventions may include;

- having contact with the child/young person, separate to contact with the support worker.
- planning with relevant Departmental and support staff.
- ongoing participation of the child/young person and their family.
- prearranged contacts with Department of Child Safety/support worker/other service personnel.

Matters of concern about the support will be responded to in a timely manner using casework processes such as telephone discussions, home visits with the support worker, talking with the child/young person and Departmental consultation.

To facilitate responsive ongoing casework the following factors will be taken into account;

- the child/young person's protective needs, care needs, and current case planning goals.
- information and support required by the child/young person to enable their participation.
- support, training and/or resources required to assist the support worker meeting the child/young person's needs and case planning goals.
- whether all stakeholders have met their responsibilities for implementing the existing case planning goals and/or action plans specifically related to addressing any previous matters of concern.
- the nature, extent and outcomes achieved relating to any previous matters of concern addressed with the support worker.

Details of matters of concern (excluding the details of the notifier), actions taken and outcomes of casework interventions are recorded as case notes and other relevant documentation such as placement agreements, are filed in the child/young person's Profile. Action plans regarding casework interventions are provided to all persons responsible for their implementation. Relevant issues arising from the matter of concern will be discussed with the child/young person, parents and the Department of Child Safety as part of the ongoing casework with the child/young person/family.

Unresolved/ongoing matters of concern.

Where casework interventions and corresponding action plans fail to resolve escalating or ongoing matters of concern the following actions will be taken.

- Consultation between all stakeholders will occur to determine the effectiveness and relevance of the alternative care arrangement.
- Review of the situation to determine any further opportunities to resolve the matter/s.
- If all options are exhausted HBCAA will negotiate with the Department of Child Safety to cancel the alternative care arrangement.

RISK MANAGEMENT

(Child Protection Act 1999)

Principles

- The child's/young person's dignity and rights will be respected at all times.
- The child's/young person's need for physical care will be met, including adequate food clothing and shelter.
- The child/young person will receive emotional care that allows him or her to experience being cared about and valued in a way that contributes to the child's/young person's positive self regard.
- The child's/young person's needs relating to his or her culture and ethnic grouping will be met.
- The child's/young person's material needs relating to his or her schooling, physical and mental stimulation, recreation and general living will be met.
- The child/young person will receive education, training or employment opportunities relevant to their age and ability.
- The child/young person will receive positive guidance when necessary to help him or her to change inappropriate behaviour.
- The child/young person will receive dental, medical and therapeutic services necessary to meet his or her needs.
- The child/young person will be given the opportunity to participate in positive social and recreational activities appropriate to his or her developmental level and age.
- The child/young person will be encouraged to maintain family and significant personal relationships.
- The child/young person will receive support appropriate to their special needs.
- Techniques for behaviour support will not include corporal punishment or punishment that humiliates, frightens or threatens the child/young person in a way that is likely to cause emotional harm.
- In situations where the chief executive has custody or guardianship of the child/young person, HBCAA and their support workers will act in accordance with the chief executives/Departmental reasonable directions.
- The application of the above standards to the child's/young person's care must take into consideration what is reasonable regarding the length of time the child is in the care of the service or support worker and the child's/young person's age and development.

- Additionally the child/young person’s abilities, age, gender cultural backgrounds and religious beliefs will be considered in all situations.

Risk Management Strategies

Strategies for raising the awareness of staff on protection issues.

- Induction Training covers what constitutes Abuse Neglect and Exploitation of people HBCAA supports.
- Duty of Care training at Induction, covers the necessity to report untoward events and suspicions of Abuse, Neglect and Exploitation of people HBCAA supports
- All staff upon hiring must read, sign, date and agree to uphold the Policies and Practices of the organisation.
- Staff must re read the Policy and Practices Manual each year and sign off that they understand and agree to be bound by the policies.
- After a qualifying period all direct support workers must participate in a Certificate IV Disability Work qualification.

Strategies to reduce/eliminate a harmful event occurring.

- All staff, Volunteers, engaged contractors to have Criminal History Screening Checks.
- Criminal History Screening positive notices are kept updated.
- All staff sign, a Code of Conduct and Ethics 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 needs, skills and abilities of each Client.
- Mandatory reporting of specific Critical Incidents
- Staff meetings reinforce the necessity to report all incidents and suspicions to the CEO by using a Standard Incident form. This can be completed in our Administration Office for privacy reasons.

Reassessing effectiveness of Child related Risk Managements systems.

- The Board of Management will be kept informed of all events through the Management Teams Report.
- The Board of Management and the Management Team will reassess the system at the organisational level for continued effectiveness and relevance. Any changes to the policy or practice will have consultation from all stakeholders.
- The WH&S Officer will conduct all individual risk management assessments as needed.
- The CEO will review our Risk Management practices 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 policy will be seen as a serious offence. Such action or inactions will place children / young people at risk, resulting in disciplinary action and depending on the circumstances may result in dismissal.