



Child Protection Policy – Responding to an allegation of child abuse against an employee / Volunteer

Policy number		Version	2
Drafted by	SB	Approved by MC on	18.05.2020
Responsible person	Management Team	Scheduled review date	MAY 2023

Applies to: All Staff

Specific responsibility: Management Team & Management Committee

Policy context: This policy aims to ensure that the organisation has systems set up to manage any allegation of abuse, neglect, harm or convictions against employees of this organisation. The policy and procedure guides the appropriate way to manage, investigate and report. Once the Management Team has been advised of a reportable allegation or conviction against an employee, they must notify the **NDIS Commissioner – Quality and Safeguards** as soon possible. The notification must include details of the allegation or conviction, proposed disciplinary or other action in relation to the employee, and the reasons for taking or not taking any action. This policy and procedure work in conjunction with the **Incident Policy and the Child Protection Policy and Procedure.**

Standards / Legislation or other external requirements

Relevant Industrial Awards
Fair Work Commission
Fair Work Act 2009
National Employment Standards
Work Health & Safety Act 2011 (State)
Work Health & Safety Regulations 2012(State)
National Disability Insurance Scheme Act 2013
National Disability Insurance Scheme Rules and Guidelines 2018
NDIS Terms of Business for Registered Providers
NDIS Quality and Safeguards Framework, 2016
NDIS Code of Conduct for Workers 2018
United Nations Convention on the Rights of Persons with Disabilities (CRPD)
Children and Young Person (Care and Protection) Act 1998 (State)

Contractual obligations

NDIS Service Agreements
Employment Agreements

POLICY STATEMENT

Employers are required to deal with a variety of complaints relating to employees. If the matter of complaint contains elements described below then it is an allegation of child abuse that requires follow up notification to the NDIS Commission - Quality and Safeguards and / or the NSW Dept. of Communities and Justice - Family and Community Services.

<https://www.facs.nsw.gov.au/families/Protecting-kids>



- The person who is the subject of the allegation must be a current employee of the Early Connections –Coffs Coast or have been an employee at the time the allegation was made and must be identifiable by name, description and work schedules.
- The allegation must contain a description of the behaviour that constitutes the child abuse.
- The alleged victim must be under the age of 18 years at the time of the alleged offense or behaviour.
- The organisations incident management system aligns with the *NDIS Incident Management Requirements: (from NDIS Incident Management and Reportable Incident Rules 2018)*, and includes procedures for identifying, assessing, managing and resolving such incidents. The organisations procedure specifies the people to whom incidents must be reported, how people with disability affected by an incident will be supported and involved in resolving the incident and when corrective action is required. See Incident Policy for further details.
- Anyone who has a concern or complaint about the quality or safety of services provided to an NDIS participant in NSW, can make a complaint on behalf of a person with disability to the NDIS Commission. <https://www.ndiscommission.gov.au/workers/complaints-and-concerns>

PROCEDURE

In the case of an allegation against an employee the following procedure will be implemented –

1. INITIAL RESPONSE:

- 1.1 Protect children and other vulnerable people from harm.
- 1.2 Protect employees from harm, from malicious gossip or unfounded accusations.
- 1.3 Demonstrate that such allegations are treated seriously by management and employees.
- 1.4 Offer information on support services for both the child and the employee.

2. INITIAL ACTIONS

- 2.1 Record verbatim any words used by a child or other person making an allegation.
- 2.2 Assess whether the allegation needs to be referred to the NSW Department of Communities and Justice www.dcj.nsw.gov.au or <https://www.facs.nsw.gov.au/families/Protecting-kids> or the Police and notify them promptly when appropriate.
- 2.3 Undertake an initial risk assessment to determine whether the employee's current duties are appropriate while the investigations are being carried out.
- 2.4 Commence and properly conduct an investigation as appropriate, or as deemed appropriate by the notified regulators (NDIS or Dept. Communities and Justice) . Any investigation will follow the steps outlined in the *Incident Policy*.
- 2.5 Notify the NDIS Commission as per the Incident Policy and Incident Form.
- 2.6 Record Incident in the Quality Management – Quality Improvement Register – following the reporting and follow up procedure.



3. Indicators of Sexual assault:

3.1 A team member may suspect that a child with a disability has been sexually assaulted by observing behavioural or physical indicators, particularly when they occur in clusters.

Some of the signs of sexual abuse could be:

- a. Bruises, bleeding in the genital area.
- b. Bruises to chest, buttocks, lower abdomen or thighs.
- c. Vaginal infection.
- d. Abdominal pain.
- e. Recurrent headaches/migraines.
- f. Sexually transmitted diseases.
- g. Psychosomatic illness
- h. Itching, inflammation or infection in the urethral, vagina or anal areas.
- i. Semen staining on clothing.

3.2 Some behavioural signs of sexual assault are:

- a. Report from a person.
- b. Inappropriate sexual activity.
- c. Fear from being alone with a particular person or going to a particular place.
- d. Sexual themes in drawings, drama or sexual acting out.
- e. Self-injury or hurting others.
- f. Unexplained increase in sexual knowledge.
- g. Regressive behaviour such as bed wetting.
- h. Withdrawal, depression or listlessness.

4. SUBSEQUENT ACTION

4.1 A meeting between the Organisations Chairperson or representative and the Management Team will be scheduled immediately (on the day the allegation was made) to;

- a. Decide on the risk posed to children/child by the employee.
- b. Contact Communities and Justice - NSW Department of Communities and Justice's - Community Services helpline - Child Protection Helpline - 24/7 - 132 111 - report suspected cases of child abuse and neglect.
- c. Follow the Mandatory Reporting Guidelines –
<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report/chapters/mandatory-reporter-guide>
- d. Decide on personnel to conduct an investigation.



4.2 Any staff member or committee member, volunteer or student involved in any way in the allegation or investigation will be asked to make a statement and sign a confidentiality statement in regards to the allegation / investigation.

4.3 The Organisations Complaint Form and Incident Form will be used as a basis to conduct the investigation.

4.4 The staff member, about whom the allegation is made, will be informed of their rights regarding legal assistance, access to the union and counselling services, contact information will be available. The contact number for the NDIS Commissioner –Quality and Safeguards will also be available for the staff member to seek advice.

4.5 At the completion of the investigation a decision will be made regarding action to be taken in regards to the allegation.

4.6 All paperwork and a copy of the investigation and subsequent action will be kept in a sealed envelope in a filing cabinet and labelled **Strictly Confidential: This file is not to be opened unless a request from the Department of Communities and Justice or the NDIS Commissioner – Quality and Safeguards.**

4.6 This information will be kept permanently.

DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none"> - Child Protection Policy and Procedure - Positive guidance and behaviour management policy. - Complaints Handling Policy and Procedure
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> - Keeping them Safe box (locked cupboard) - NSW Mandatory Reporter Guide 2014 - Children’s Services Regulations 2017. - Employment-related child protection notification and final advice forms

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	Management team and Management Committee	Management Committee

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
2	18.05.2020	Management Committee	May 2023



Management Committee:

A photograph of a handwritten signature in black ink on a white background. The signature is cursive and appears to read 'Ian Braine'.

Signed:

Name: Ian Braine - President
Date: 18.05.2020