

# CHILD PROTECTION AND VULNERABLE ADULTS POLICY

Workpower






## WHERE THIS POLICY APPLIES

This policy applies to all Workpower businesses and services.












## RELEVANT LEGISLATION

-  [Disability Services Act 1986 \(Cth\)](#)
-  [Fair Work Act 2009 \(Cth\)](#)
-  [National Disability Insurance Scheme Act 2013 \(Cth\)](#)



## RELATED DOCUMENTS

-  [Accident, Incident and Near Miss Procedure](#)
-  [Code of Conduct](#)
-  [Complaints Process Guidelines](#)
-  [Complaints Procedure](#)
-  [My Plan Policy](#)
-  [NDIS Practice Standards](#)
-  [Positive Behaviour Support Policy](#)
-  [Safeguarding Policy](#)
-  [Restrictive Practice Policy](#)

## PURPOSE

This policy has been developed to provide a practical guide to prevent abuse in Workpower's programs. It outlines a range of risk management strategies that will be implemented which will reduce the risk of children and or vulnerable adults being harmed.

## POLICY STATEMENT

- > Workpower is committed to the safety and wellbeing of all children and vulnerable adults. We support the rights of children and vulnerable adults and will act without hesitation to ensure a safe environment is maintained.

- > Workpower is committed to the protection of children and vulnerable adults from harm, abuse and exploitation. Children and vulnerable adults have a right to survival, development, protection and participation as stated in the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities.
- > Workpower will uphold these rights.
- > Workpower takes its duty of care seriously and will aim at all times to provide the safest possible programs and environments for children and vulnerable adults. This will be achieved by identifying and managing risks that may lead to harm.
- > Workpower is committed to fostering the health, dignity and self-respect of children and vulnerable adults through understanding and adopting principles associated with Rights of Children and Rights of Persons with Disabilities.
- > Workpower will ensure all relevant persons undergo training on the rights of the child and Rights of Persons with Disabilities.
- > The training will reflect the core values outlined in the United Nations Convention on the Rights of the Child (CRC 1989) and Rights of Persons with Disabilities. This will include:
  - Effective communication
  - The right to express their views
  - The right to be listened to and views taken into account
  - Right to cultural expression

## SCOPE OF POLICY

This policy applies to all staff and people who do business with Workpower, including contractors.

‘Child’ refers to: anyone who has not yet reached their 18th birthday. ‘

**Vulnerable adult’** refers to; anyone aged 18 years old and over who’s ability to protect themselves from abuse is impaired due to their disability

‘Staff’ refers to: full time, part time and casual staff.

‘Others’ refers to: visitors, volunteers, board members, and trustees, staff in partnership agencies, and any other individuals or groups that has contact with the organisation.

## RESPONSIBILITIES

### Workpower Managers:

- > Arrange for and/or conduct training as required

- > Supervise all employees, visitors, contractors and volunteers to ensure the rights of children and vulnerable adults are being respected
- > Conduct appropriate investigations into reports of any incident where children's and vulnerable adults rights are not being observed
- > Arrange further training and/or disciplinary action towards persons who fail to adopt the principles associated with rights of children and vulnerable adults.

#### **Employee, Contractors, Visitors, Volunteers:**

- > Participate in prescribed training
- > Act in a manner that fosters the, self-respect dignity and health of children and vulnerable adults and follow requirements outlined in training
- > Report to management any incident where a child or vulnerable adult's rights are not or have not been protected.

#### **THE POLICY**

- > Will demonstrate Workpower's commitment to protect children and vulnerable adults from harm and abuse
- > Aims to educate staff and others about abuse and promote a safe and a friendly culture where everyone is committed to keeping children and vulnerable adults safe
- > Aims to create an open and aware environment where concerns for the safety and well-being of a child and or vulnerable adult can be raised and managed in a fair and just manner, which protects the rights of all
- > Will provide guidance on how to respond to concerns and allegations of abuse. It provides guidance to staff and others on how to work respectfully and effectively with children and vulnerable adults. This will provide all stakeholders, including staff and others, with a safe working environment.

Workpower is obliged to adhere to local and international criminal laws, which prohibit the abuse and exploitation of children and vulnerable adults.

#### **GUIDING PRINCIPLES**

Workpower believes that any form of abuse and exploitation is unacceptable and will not be tolerated. The United Nations Convention on the Rights of the Child is the universal foundation for child protection. The fundamental principle of the Convention is that children have their own indivisible rights.

Workpower believes that all children and vulnerable adults have a right to be safe at all times, and we have an obligation to provide safe and protective services and environments. Its duty of care is to take all reasonable steps to ensure that children and vulnerable adults are safe from harm.

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Controlled versions of this document are available in Sharepoint

Adherence to this policy is a mandatory requirement for all staff and others.

Workpower will ensure that all staff and relevant stakeholders are made aware of the child protection and vulnerable adult policy and their responsibilities.

- > All decisions regarding the welfare and protection of children and vulnerable adults made are based on the Best Interests Principle.
- > Children and vulnerable adults in our programs should be given opportunities to express their views on matters affecting them.

Workpower believes that all children, young people and vulnerable adults should be equally protected and assisted regardless of their gender, nationality, religious or political beliefs, family background, economic status, physical or mental health or criminal background.

## **RISK MANAGEMENT**

Workpower recognises that there a number of potential risks to children and vulnerable adults in the delivery of our programs to the vulnerable and disadvantaged. In recognising these risks, Workpower proactively assesses and manages these risks to all service recipients in our programs (and in the communities in which we work) to reduce the risk of harm.

This is achieved by:

- > Our recruitment processes which ensure that people employed have the NDIS Worker Screening check, police check (if applicable), and as per their role a working with children check.
- > The completion of the NDIS Worker Orientation Module by all Workpower staff.
- > Workpower will orientate new staff and provide clear expectations of work through job descriptions.
- > Our staff will adhere to Workpower's code of conduct which outlines behaviour and conduct expected of staff and volunteers working with vulnerable adults and children.
- > Education on identifying and reporting suspected abuse will be provided to staff on systematic basis or as needs arise.
- > Examining each program and its potential impact on children and vulnerable adults. Programs that involve direct work with children are considered a higher risk, and therefore require more stringent child protection procedures.
- > Undertaking a risk assessment within the planning phase of service access ensuring strategies and supports are identified to the individual, community and organisation.
- > As children and vulnerable adults are part of every community in which we work, we are always mindful of potential risks. Risk management is an ongoing part of every activity, and

Workpower conducts a risk assessment on every new and emerging program, activity and project.

- > All staff and others will be required to read and sign the Workpower's Child Protection and Vulnerable Adults Policy.
- > Workpower reserves the right to refuse employment or terminate any person's employment where that person may pose a risk to children/ vulnerable adults, in accordance with appropriate industrial relations legislation.

### **Off-Site Activities**

Workpower is committed to conducting all off-site activities in a manner that ensures the health and safety of participants, employees, volunteers, contractors and members of the public.

To eliminate or reduce as far as reasonable, risks to health and safety of participants, workers, volunteers, contractors and members of the public that may arise from the location and/or activities undertaken. Workpower will develop a comprehensive risk management program to identify hazards and risks for all proposed locations/activities.

The following information should be used as a guide for assessing off site activities

- > Exact Location
- > All proposed activities
- > Licenses, permits or specialist equipment required
- > Emergency plans relevant to the location
- > Known hazards of the location and all activities
- > Previous incidents /near misses at the location
- > Strategies in place to reduce known hazards and prevent any injury/illness
- > Communication equipment and methods
- > Safe transport to and from
- > Training for staff as relevant
- > Sanitation /hygiene facilities

Where required, Workpower will conduct risk assessments for any hazards identified and consult with relevant persons to determine suitable controls. Risk control selection will be undertaken in line with Workpower's risk management policies.

## Use of Children's Images

Workpower will at all times portray children in a respectful, appropriate and consensual way. Our guidelines on the use of children's images:

- > A child should always be portrayed in a dignified and respectful manner and not in a vulnerable or submissive manner.
- > Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- > A child and its family must always be asked for consent when using their images. When asking for consent to use the image, details should be given as to how and where this image will be used.
- > There should be no identifying information of the child used in the publication of images with their location.
- > Children should be portrayed as part of their community.
- > Local cultural traditions should be assessed regarding restrictions for reproducing personal images.
- > Images should be an honest representation of the context and the facts.
- > When sending images electronically, file labels should not reveal identifying information.
- > All photographers will be screened for their suitability, including police checks where appropriate.

## Release to Guardians

Workpower has a legal and moral obligation to ensure the health, safety and welfare of children and vulnerable adults, visitors, volunteers and contractors.

Workpower is committed to development and implementation of structured procedures for release of children and vulnerable adults into guardian care.

To ensure all children and vulnerable adults are released to approved caregivers/guardians, Workpower staff ensure :

- > Stakeholder and emergency contacts are current and documented in client management system or the individual's profile
- > Children and or vulnerable adults do not leave our care with unknown persons unless stakeholder has informed of alternate arrangements

Further to these procedures, Workpower will develop site-specific emergency response procedures in the event that a person is at risk of harm from known individuals.

All employees, contractors, volunteers and visitors will receive appropriate training in relation approved release to guardian procedures and the emergency response procedures to follow in the event of an unapproved person requesting release of a child.

All uncontrolled possessions or abduction of a child or vulnerable adult will be immediately notified to the Police.

## **SAFETY**

### **Bullying**

Workpower has a legal and moral obligation to ensure the health, safety and welfare of children, employees, visitors, volunteers and contractors.

Workpower is committed to a Zero Tolerance towards bullying and bullying behaviours.

To adopt a Zero Tolerance Policy towards bullying and ensure all relevant persons are provided with sufficient training to recognise signs of suspected bullying and appropriate reporting procedures to follow, Workpower will adopt the following strategies:

- > Promote a Zero Tolerance commitment towards bullying and bullying behaviours.
- > Model respectful interactions with colleagues, volunteers, visitors, management, children and other relevant persons
- > Ensure Adequate supervision of children / vulnerable adults in all areas
- > Open and positive communication

Workpower will ensure all relevant persons are trained to recognise types of bullying behaviour's, such as:

- > Physical and/or verbal abuse
- > Social isolation
- > Cyber bullying

Workpower will ensure all relevant persons are trained to recognise the physical, social, emotional and cognitive signs that a child / vulnerable adult may exhibit from being exposed to bullying.

In line with Zero Tolerance requirements, all suspected reports of bullying, and bullying behaviours, will be investigated and suitable action will be undertaken.

## POSITIVE BEHAVIOUR SUPPORT

Workpower recognises the physical and psychological impact that dealing with behaviours can have on staff and volunteers and is committed to providing a safe and healthy workplace for our customers.

To provide training, guidance and support for persons supporting individuals with challenging behaviour to enable positive outcomes, Workpower has a positive behaviour support policy and guidelines which aims to:

- > Provide strategies to assist children and vulnerable adults to identify, manage and learn from negative behaviours in a positive and non-threatening way
- > Acknowledge and strike a balance between the Rights of Children and vulnerable adults and the rights of staff and volunteers to a safe and healthy workplace.
- > Take a holistic approach and engage specialist service providers if a behaviour support plan is required

Positive Behaviour Support will provide information for participants, families, employees and volunteers about:

- > How to promote positive behaviour patterns
- > How to promote the importance of positive interactions with key people in the individuals life
- > Understanding why children/ vulnerable adults can act out in a negative way
- > How to set acceptable behavioural limits

The guidelines enable staff /volunteers to follow an escalation procedure to ensure adequate physical and psychological support is provided to assist with the management of behaviours of concern.

The guidelines will also outline how to manage behaviours of concern (such biting, hitting, screaming, or “tantrums”) to ensure the safety of the individual and staff/ volunteers.

## BEHAVIOUR SUPPORT PLANS

As an Implementing Provider of Behaviour Support Plans, Workpower have a series of obligations that must be met in accordance with NDIS Act 2018 & state policy, the NDIS Practice Standards (updated Nov 2021), the NDIS (Restrictive Practices & Behaviour Support) Rules 2018 & state policy. These are the following:

- Ensure the safety and security of individuals when subject to any unplanned or unauthorised use of a restrictive practice, including supporting an individual’s referral by a medical practitioner when required.



- Ensure collaboration with mainstream service providers, in the event that warrants or deems this. This may include working with the police and/or other emergency services, mental health & allied health professionals and others.
- Ensure that in the event of an unauthorised restrictive practice has been used, that the staff involved with the individual is offered debriefing, to identify improvement in services and supports, and identify any further action required.
- Report the usage of all Restrictive Practices (Unauthorised & authorised) to the NDIS Quality & Safeguarding Commission.
- Ensure all Workpower staff are provided with on-going training and learning opportunities to understand their obligations.
- Support families to advocate for on-going funding and support for & from relevant Behavioural Support Practitioner providers where relevant.
- Establishment of Quality Assurance Panels. Workpower as an Implementing Provider, must convene a panel to review each regulated restrictive practise within a person's Behavioural Support Plan, in accordance with Stage Two authorisation as outlined by the Department of Communities Restrictive Practice Guidelines, from 1<sup>st</sup> May 2021 onwards. Before this date, it is an optional requirement.
- Monitor & review the usage of all Restrictive Practices within our supports.
- Continue to ensure that all individuals; with their consent, and their support network, including key stakeholders, other Allied Health professionals and other service providers, where appropriate, are included in the review of incidents.

### Support Staff Obligations

- Interact with children/vulnerable adults in a positive, non-threatening way
- Respect the Rights of Children / Vulnerable Adults at all times
- Participate in training, work in accordance with NDIS Code of Conduct & Practice Standards
- Report any usage of RPs using Workpower's Incident Reporting Processes, participate in development of BSPs,
- Assist with the implementation of the behaviour support strategies and provide feedback on effectiveness
- Keep accurate records & document any usage of RPs in BSPs using WP's reporting templates and submit to relevant Managers/Supervisors in required timeframes,
- If any unauthorised RP is used to discuss with Managers/Supervisors & participate in review & monitor the impact of its usage on the person with disability as part of this process.
- Support staff to attend specific training if required with Behavioural Support Practitioners around the implementation and usage of any Authorised Restrictive Practices within a person's Behavioural Support Plan.

Decisions made by staff should take into consideration any issues relating to the protection of children and vulnerable adults. If there is a potential threat to a child's / vulnerable adult's safety it should be addressed and reported immediately.

## REPORTING SUSPECTED ABUSE AND HOW TO RESPOND

Workpower has a legal and moral obligation to ensure the health, safety and welfare of children and vulnerable adults, visitors, volunteers and contractors. Workpower is committed to protecting children and vulnerable adults/volunteers/contractors from the effects of violence/abuse as far as is reasonable.

Workpower considers the abuse and exploitation of children/ vulnerable adults to be completely unacceptable. We will take all concerns and reports of abuse seriously and act on these reports immediately.

It is mandatory for all Workpower staff and others to report concerns or allegations of abuse. These concerns may relate to a child/ vulnerable adult or a staff member involved in the organisation or a concern about a child/vulnerable adult or persons outside of the organisation's programs.

If you do have a concern you should immediately follow Workpower's abuse reporting procedures.

Workpower employees are required by law to report any suspected cases of any of the following to the relevant State Authority.

- > Sexual abuse or exploitation
- > Medical, physical neglect
- > Psychological harm from witnessing domestic violence
- > Non-accidental physical injuries

## WHO SHOULD REPORT?

All Workpower staff, volunteers and people connected to Workpower

## WHAT SHOULD BE REPORTED?

- > Any disclosure or allegation from a child/ vulnerable adult or staff regarding the safety/abuse exploitation of a child /vulnerable adult
- > Any observation or concerning behaviour exhibited by a Workpower staff, volunteer or other relevant stakeholder that breaches the Workpower code of conduct for working with children/ vulnerable adults
- > Inappropriate use of the organisation's photographic equipment or computers including evidence of pornography.
- > Staff engaging in suspicious behaviour that could be associated with exploitation of an individual.

## WHO TO REPORT TO?

Reports should be made to the line manager who will follow Workpower's critical incident reporting procedures.

## WHEN TO REPORT?

Concerns around abuse should be raised immediately.

## HOW SHOULD IT BE REPORTED?

The report can be made verbally in the first instance and followed up with a written report. Reports must stick to the facts and include dates, times, location and include witnesses where possible. If reporting a disclosure from a child report what they said, use their words.

## WHAT WILL HAPPEN NEXT?

The Manager in consultation with the Executive Manager and the CEO will discuss the allegations and then decide upon the next step. This will involve either:

- > Interviewing the person/persons who made the allegations or other witnesses to gather more information with which to make a decision
- > Report to local police and or child protection authority
- > Report made to the Australian Federal Police
- > Concern handled internally if it is not a criminal matter
- > No further action taken

Workpower will treat all concerns raised seriously and ensure that all parties will be treated fairly and the principles of natural justice will be a prime consideration. All reports will be handled professionally, confidentially and expediently.

All reports made in good faith will be viewed as being made in the best interests of the child/vulnerable adults regardless of the outcomes of any investigation. Workpower will ensure that the interests of anyone reporting abuse in good faith are protected.

Any person, who intentionally makes false and malicious allegations, will face disciplinary action.

## OTHER ACTIONS

- > **Protect the individual** – Once an allegation is made there should be an immediate response that protects the individual from further potential abuse or victimisation. The individual may require medical assistance or counselling support. Where possible the individual should remain in the place of residence or relevant program.

- > Distance the alleged perpetrator. This may mean:
  - The best interest of the individual may warrant the standing down of a staff member or volunteer.
  - The manager should recommend the appropriate action in writing to the CEO, in accordance with investigation of serious misconduct procedures.
  - Any staff member stood down in this manner continues to receive full pay - this measure recognises that that the member is entitled to a just process that does not pre-judge guilt or innocence.
- > Confidentiality - All reports, the names of people involved and the details will remain confidential. Only the line manager, executive manager, CEO and Chairman of the Board and the people involved will be informed of the report. Details will be released on a “need to know” basis or when required by relevant local or Australian law or a notification to police or child protection authorities is made.

**REFERENCES**

- > Children – Working with Children; [safetyculture.org](http://safetyculture.org)
- > UN Convention on Rights of a Child
- > UN Convention on Right of Persons with Disability
- > Department of Child Protection, Western Australia

Workpower’s management seeks cooperation from all staff in realising our child protection and vulnerable adults policy and creating a safe environment for all children and vulnerable adults involved with our organisation.

I _____ ( <i>print name</i> ) understand and agree to abide by this Child Protection Policy and Vulnerable Adult Policy as stated above.	
<b>Signed</b> _____	<b>Date</b> _____