



RISK MANAGEMENT GUIDE - PREVENTING ABUSE

In recent years, organisations have suffered significant reputation damage through the regular media reporting of alleged cases of abuse. While many of these cases refer to incidents in the past, abuse continues to occur today. One of the key reasons abuse is so often allowed to occur unchecked is because management policies are inadequate, ineffective or non-existent.

YOUR LEGAL OBLIGATIONS

There are many good reasons why your organisation should take preventative measures, not least are the legal obligations you must comply with.

Protection legislation varies from state to state. It is important that you understand the laws relevant to your location.

In addition to the laws drafted by governments you also have Common Law obligations. In particular you have a “duty of care” which requires you to take all *reasonable steps* to provide a safe environment for people involved with your organisation.

If a person is injured while making use of your property and/or activities and; the circumstances which caused the injury were *foreseeable* and; you had not taken *reasonable steps* to reduce the risk of injury; then you may be found to have acted negligently by a court and ordered to pay compensation.

An act of abuse committed against a person placed in your care is likely to be considered a *foreseeable event*.

While there is a tendency to concentrate on the abuse of children, it should be remembered that where a position of trust exists, there is the potential for any vulnerable person to be abused. In this document we will refer to children and other vulnerable persons in your care as clients.

1. DEVELOP A POLICY STATEMENT ON CLIENT PROTECTION

A policy statement will demonstrate the seriousness with which you view the prevention of abuse and allows you to draft a framework to guide your actions in the future. It will provide you with a document you can present to all paid and unpaid staff and will ensure the issue is always on the agenda.

Your policy statement should address all the issues that are raised in these guidance notes.

2. DOCUMENT THE WAY IN WHICH STAFF ARE SELECTED

In this document the terms **staff** and **employee** encompass: paid employees, unpaid employees, volunteers, students, people on work experience, management, board members, contractors, and others who may act on behalf of the organisation.

The way in which positions are appointed may leave your organisation exposed to infiltration by those with predatory motives. As many organisations have already adopted “best-practice” procedures, without appropriate screening protocols your organisation may be seen as an easy target. Furthermore many volunteer or community organisations are pressured to fill positions from a small number of willing applicants.

The following procedures are recommended when appointing staff (paid & unpaid) to work with clients:

- a) Ask all candidates to complete an application and a consent form.
- b) Where possible candidates should be interviewed by people with experience in recruiting.
- c) Request the names and details of two referees, preferably from a candidate’s previous employer or volunteer organisation. Contact the referees and check them out.
- d) Request or apply for a criminal record check. Each state has their own procedures for this process and it is important that you comply with the laws in your state.
- e) Don’t allow any volunteers to provide care for your clients until they have been involved with your organisation for at least six months.
- f) All paid positions should be subject to a probationary period. This will provide you with the opportunity to terminate the employee should there be any concerns about their behaviour.
- g) Don’t allow a person who has been convicted of violent or sexually related offences to work with clients. For the protection of the employee and those in your care, it is best if such a person is encouraged into other areas of service where clients are not involved.

3. REDUCE THE RISK THROUGH SOUND SUPERVISION PRACTICES

Screening applicants is not a total solution and it can never be assumed that your processes are 100% effective. There will always be a risk that an act of abuse will be committed, even a risk of a first offence being committed.

The next step in your prevention strategy is to ensure you have sound supervision practices during all your activities and events. It is essential to create an environment where the opportunity for incidents of abuse is reduced. The following points should be implemented:

- a) As part of your Client Protection Policy include a section that describes the qualities and behaviour that are expected of people who work with clients as well as behaviour that is considered inappropriate. This “Code of Practice” should be detailed in its expectations as it will make them easier to monitor and enforce.
- b) Create a reporting-friendly environment.
 - Advise clients who they can talk to if they have a problem or are worried.
 - Explain to your clients what types of behaviour are acceptable and what is unacceptable (in terms of their behaviour and staff behaviour towards them).

- c) Train staff to recognise the signs of abuse and to be on the look out for signs of exploitation within a group. An individual being highly favoured, or being treated harshly, may be a signal that the relationship between the employee and the client is one in which abuse may be occurring.
- d) It is highly desirable to have two adults present when supervising clients. If it is necessary for an employee to work one-on-one with a client, it should be done in a room which can be observed easily by others.

When transporting vulnerable clients, staff should avoid being alone with a client in a car. Where this is not practical, they should specifically confirm that they will take clients directly to and from arranged venues and not to spontaneously detour or make additional arrangements.

- e) Staff should avoid one-on-one counselling with members of the opposite sex. It is preferable to have another person present.

4. HAVE AN APPROPRIATE RESPONSE PLAN

Whilst it is hoped that you will never have to deal with an allegation of abuse, it is important that you have a response plan in place so that from the moment the allegation first arises, you will know what to do.

- 1) Establish and use a standard reporting procedure for any allegations of abuse.
- 2) Treat each allegation seriously. Do not attempt to deny the allegation or minimise its impact on the alleged victim. Do not sweep the matter under the carpet.
- 3) Appoint an independent person to deal with any allegation. The name, address and contact telephone number should be freely available to all leaders within the organisation.
- 4) Advise the authority with the statutory responsibility to investigate such incidents.
- 5) Advise your insurer immediately upon the commencement of an investigation.

APPENDIX 1 - POLICY & PROCEDURE CHECKLIST

A Client Protection Policy should contain statements that confirm:

- All relevant State legislation will be complied with.
- A volunteer (unpaid) employee will be a member of the organisation for 6 months before working with clients.
- A formal interview of all candidates will be undertaken.
- At least two referees will be requested from candidates, and contacted.
- A criminal record check (Working with Children Check in NSW, Vic & W.A) or (Suitability Notice/Blue Card in Qld) will be obtained for all employees. Other States and Territories do not yet have any specific requirements but criminal record checks should still be obtained.
- An employee will be barred from working with clients if they have prior convictions relating to violent or sexually related offences
- All Employees will receive training on the purpose and implementation of the Client Protection Policy & Procedures. Refresher training should also be conducted at least every two years.
- Two employees will be present whenever children or vulnerable clients are being supervised
- The organisation actively encourages the reporting of abuse
- The organisation is committed to being an environment where a client feels able to report abuse
- There is a procedure for dealing with and reporting reasonable suspicions of abuse
- Details of those reporting abuse will be kept private and confidential
- Reasonable suspicions of abuse will be reported to the authorities & the organisation's insurer

A client is – any vulnerable person where a position of trust exists with a representative of the organisation in the course of their appointed role.

This includes, but is not limited to: Children (persons under 18), elderly, intellectually or physically disabled, or emotionally vulnerable persons. In short those with a diminished capacity to whom a greater duty of care is owed.

An employee is - Any person (paid or unpaid) over the age of 18 who is responsible for the safety of any client in their care whilst holding a formal position in a recognised activity or service of the organisation.

An employee might include but is not limited to: Counsellors, Carers, Mentors, Care Pastors, Youth Leaders, Sunday School Superintendents, Teachers, Helpers, Social Club Leaders, Ministers of Religion, Music, Drama or other activity Leaders, Sports Coaches or Event Organisers.