Protecting and supporting your community

Sexual Abuse Insurance

OPTIONAL EXTENSION

Supplementary Questionnaire

Important notices

This questionnaire is for use when Sexual Abuse insurance cover is requested.
Please read this section before completing this proposal

In respect of this questionnaire:

"Abuse" means any physical or nonphysical intentional action that harms or injures another person or other people.

"Assault" means any action, threat or attempt of inflicting physical harm to or unwanted physical contact with another person or other people.

"Sexual Abuse" means any abuse or assault of sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation.

"Safeguarding" is protecting the welfare and human rights of people (particularly people that may be at risk of abuse, neglect or exploitation) that are connected with an organisation. The term Safeguarding has previously been considered in reference to protecting children or vulnerable adults, however Australian legislation has broadened the definition to include all people who due to their personal circumstances require additional protection.

"Vulnerable people" can be any person with whom an organisation engages (clients, staff, contractors, volunteers, suppliers and other third parties). Vulnerable people have specific legislative and ethical protections relating to safeguarding over and above the overarching principle that all people must be protected from harm. Vulnerable people can include:

- children and seniors;
- people with impaired intellectual or physical functioning;
- people from a low socio-economic background;
- people who are Aboriginal or Torres Straight Islanders;
- people with low levels of literacy or education;
- people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.

Against a background of greater public awareness concerning "abuse" the potential long-term consequences for survivors of abuse, increasing recourse to litigation, possible wrongful accusations, and retrospective legal changes Ansvar keep under review risk management procedures and our underwriting approach for sexual abuse cover.

It is important to be aware that an incident today may give rise to a claim in perhaps 20 or more years' time.

With this situation, there are complex long-term "abuse" exposure issues for policyholders and insurers alike. Good risk management is seen as a major underwriting factor in the prevention of abuse and the damaging consequences of possible wrongful accusations.

Depending upon the nature of an organisation, there are varying regulatory, compliance, and industry requirements relating to safeguarding vulnerable people and prevention of harm.

Compliance with these provisions will help reduce risk, however, a key element to minimise the "abuse" risk is the ongoing adherence by policy holders and their employees, contractors and volunteers to good risk management practices.

Safeguarding policies and procedures, including a Client Protection Policy, assist organisations manage prevention of harm to vulnerable people along with reporting of harm and are essential within good risk management frameworks.

Crucial features of Safeguarding Policies and Procedures include:

- That their provisions are embedded in the culture and day-to-day operation of the organisation at all levels with relevant formal training and refresher courses held at least every year.
- An ongoing review of these policies and procedures (at least every year) so as to maintain current good practice standards in safeguarding procedures and observe any changes to legislation, industry standards, and community expectations.
- The secure retention of all personnel employment, incident and investigation reports, liability insurance policies and other relevant incident-related correspondence. Such documents should be retained for no less than 50 years. The requirements of the current Privacy legislation should be observed in respect to documents containing personal data.

Such action assists you to:

- Protects vulnerable people.
- Maintain the integrity of the organisation.
- Avoid damaging allegations and possible litigation that can have a profound effect upon those involved.
- Maintain an appropriate risk management program, fulfilling your obligation to take reasonable and appropriate measures to protect from harm all persons in your care and employment and/or other specific conditions in accordance with the terms of your liability insurance policy with Ansvar.

The following Questionnaire draws attention to the most important features in Safeguarding and prevention of harm risk management. Upon receipt of the completed Questionnaire our underwriters will review your responses to determine your eligibility to obtain cover under the Sexual Abuse Insurance Optional Extension. If your responses meet our risk selection and acceptance criteria you will be provided with a quotation including full details of such terms.

A special note relating to record keeping

Incidents of abuse may only come to light after a long period of time, in some cases many years.

The long-term security of relevant documents including your Safeguarding policies and procedures and your Public Liability Insurance Policy is of crucial importance should allegations of abuse arise. All such documents must be securely retained for a minimum of 50 years.

Documents containing personal data (as defined in the relevant Privacy legislation) should be securely retained "for as long as necessary" (certainly from an insurance point of view no less than 50 years) to ensure that the documents are available in the event of an allegation of abuse arising.

The individuals mentioned in the documents should be notified that information about them may be held for a long period of time as part of a Safeguarding and prevention of harm risk management program. This may be best handled by use of a general statement in employment contracts and your published service use/member information literature.

In addition, storage provisions for all such documents must be arranged in the event the organisation ceases operations. Generally acceptable methods of storage in these circumstances would be at the office of a solicitor, accountant or at a professional secure storage company.

Our Risk Solutions Division

Our Risk Services Division is here to help with the implementation of robust risk management. If you are not compliant with all of the attached criteria, we can provide you with support to develop the appropriate procedures. The objective of Safeguarding and protection of harm to vulnerable people is always Ansvar's focus.

A note regarding your duty of disclosure

Answers to the following questions and information given assist Ansvar in the assessment of the risk. All relevant facts must be disclosed.

Failure to do so may result in the insurance cover being inoperative. Relevant facts are those that would be likely to influence an insurer's consideration of the risk. If you are in any doubt as to whether a fact is relevant it should be disclosed. You should keep a record of all information supplied to Ansvar in connection with this insurance.

Unless we specifically request, we do not require sight of your written Safeguarding policies and procedures. You may be currently developing or updating your Policy. If that is the case you must advise us that the policies and procedures are being developed or reviewed. Whilst we can assist with the structure of your Safeguarding policies and procedures, guidance upon protection issues specific to the nature of your organisation should be sought from relevant authorities, central bodies or associations.

Sexual Abuse Insurance

Supplementary Questionnaire

Office Use Only

Intermediary name | Account number | Policy number

1. Applicant(s) Information

Name of applicant/insured organisation

Address

Postcode

Ansvar will rely on your responses to the following questions to determine your eligibility to purchase insurance cover for Sexual Abuse related claims against your organisation. Ansvar can assist you with identifying and addressing areas that do not meet Ansvar's risk selection and acceptance criteria to be able to consider providing cover under the Sexual Abuse Insurance Optional Extension. Please contact your intermediary or Ansvar directly for assistance.

2. Protection of Vulnerable People

a. Does your organisation have evidence that it has identified and complies with legislation relevant to the protection of vulnerable people? ☐ Yes ☐ No

If Yes, how is this applied in your operations?

b. Are your organisation's employees, contractors or volunteers ever alone with vulnerable people in an unsupervised environment (i.e. one-to-one, closed room, no other persons involved etc.)? ☐ Yes ☐ No

If Yes, what procedures and processes do you have in place to prevent harm and identify if abuse is occurring? Please provide details i.e. rotation of staff members, client feedback framework, independent case managers.

c. Are vulnerable people in your organisation's care ever left alone with each other in an unsupervised environment (i.e. one-to-one, closed room, no other persons involved etc.)? ☐ Yes ☐ No

If Yes, what procedures and processes do you have in place to prevent harm and identify if abuse is occurring? Please provide details.

d. Does your organisation provide services to vulnerable people which includes overnight activities/ stays (i.e. camps, out of home care, emergency accommodation etc.)? ☐ Yes ☐ No

If Yes, provide details of overnight accommodation (including whether in the Carer's own home, a professionally supervised residential care facility, school dormitory, multi-bed camp room/cabins, etc.). What procedures and processes do you have in place to prevent harm and identify if abuse is occurring? Please also provide details of measures taken to manage contact between clients, employees, contractors and volunteers.

e. Please advise the number of clients in your care and care providers in the following occupations and environments:

Occupational/ Environment	Total number of Clients in Care during the course of 12 months	Number of Employees	Number of Contractors	Number of Volunteers
Aged Care				
Child Care/ Early Learning				
Disability Care (Day Care Services)				
Out of Home Care including Foster Care, emergency accommodation, respite care where provided in the Carer's own home				
Overnight accommodation in a professionally supervised residential care facility or dormitory or multi-bed camp room/cabins, etc				
Schools/ Colleges				
Other (please specify)				

3. Safeguarding Policies and Procedures

a. Do you have specific Safeguarding policy/ies and procedure/s addressing protection of vulnerable people, prevention of abuse and/or harm, and responding to reports of abuse and/or harm? ☐ Yes ☐ No

b. When were these policy/ies and procedures/s first implemented?

c. When were these policy/ies and procedure/s last reviewed and updated?

d. When are these policy/ies and procedure/s scheduled for their next review/update?

e. Do you provide or facilitate formal training, including induction training and regular refresher training, for all employees, contractors and volunteers in respect of accessing, understanding and applying these policy/ies and procedure? ☐ Yes ☐ No

If Yes, how is this done, at what intervals, and what records are kept of this training?

f. Are other people involved or who interact with your organisations (such as clients, client families, suppliers, sponsors, regulators etc.) aware of these policy/ies and procedure/s and do they have access to them? ☐ Yes ☐ No

If Yes, who is aware and how is this done?

g. Do your policies and procedures include the following recruitment, screening and selection requirements?

i. You undertake a formal interview of all candidates including any volunteers or contractors for positions involving work with vulnerable people, including analysis of past experience working with vulnerable people? ☐ Yes ☐ No

ii. You contact at least two referees - supplied by candidate, ideally previous employers, confirming the identity of the candidate and their suitability to work with vulnerable people? ☐ Yes ☐ No

iii. You comply with all relevant state and/or federal legislation in respect to obtaining a Working with Children check and/or Working with Vulnerable People check and/or Criminal History check for all candidates prior to commencement with your organisation, and take reasonable steps to ensure ongoing monitoring of its validity? ☐ Yes ☐ No

iv. You prohibit the employment or engagement of any person from working in your organisation if they have prior convictions relating to violent or sexually related offence? ☐ Yes ☐ No

If No, to any of the above, please provide a full explanation.

h. Do your policies and procedures include the following in respect of reporting and responding to **complaints and/or reasonable suspicion*** of sexual abuse?

i. A requirement for any actual, alleged or reasonable suspicion* of sexual abuse to be reported to:

- police and/or other statutory authority/ies in compliance with mandatory reporting obligations and any other legislated responsibilities relevant to safeguarding and protection of vulnerable people, your occupation or industry; and
- senior management/ executive/ board representative/s as identified in your policies and procedures; and
- your insurer.

☐ Yes ☐ No

ii. An internal reporting/ escalation procedure providing alternative senior management/ executive/ board representative reporting options in the event that the primary nominated representative/s may somehow be conflicted or lacks independence from the circumstances of the actual, alleged or reasonable suspicion* of sexual abuse.

☐ Yes ☐ No

iii. A commitment and understanding by and across your organisation of a culture and environment where survivors of abuse, employees, contractors and volunteers will report physical or sexual abuse?

☐ Yes ☐ No

iv. Your active encouragement to report any actual, alleged or reasonable suspicion* of sexual abuse (i.e. a commitment to receiving complaints openly and not dismiss concerns when they are raised).

☐ Yes ☐ No

v. A requirement for all details in relation to any reports or allegations of physical or sexual abuse to remain private and confidential.

☐ Yes ☐ No

vi. A process for dealing with alleged perpetrators of sexual abuse including:

- the automatic suspension of an employee, contractor or volunteer from work or other duties within your organisation, if they are under any investigation (internally or by the police) for committing sexual abuse; and
- the automatic termination of an employee's, contractor's or volunteer's involvement with your organisation if found guilty of committing sexual abuse following an investigation or trial.

☐ Yes ☐ No

***Reasonable suspicion** means fair and practical reason to believe an incident involving sexual abuse has occurred based on either verbal communication, hearsay, rumour or observance of behaviour.

4. Past Incidents of Sexual Abuse

In respect of any of your activities, have there been any incidents reported to you relating to actual or alleged sexual abuse?

☐ Yes ☐ No

If Yes, please provide full details and relevant dates including if any insurance claims or payouts were made. (If there is insufficient space please attach full details and all relevant documentation.)

5. Declaration

I/We declare that as far as I am/we are aware the statements made by me/us or on my/our behalf and the information supplied in connection with this Questionnaire are true, correct and complete and that all reasonable and proper enquiries have been undertaken to ensure that no information relevant to Ansvar's decision whether or not to offer to insure our organisation against legal liability for abuse, has been omitted from or not attached to this Questionnaire.

Signature

Name

Date

Position

FOR MORE INFORMATION

Call us on **1300 650 540**
Email us at **info@ansvarrisk.com.au**
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