

CLI19130B

CLIENT PROTECTION

Applies to: All Staff
Specific responsibility: CEO, Team Leaders and Staff

Version: 2
Date approved: 15/09/20
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Policy context: This policy relates to Glenhaven Family Care's commitment to the protection of all clients who access our services.

Standards or other external requirements	Quality and Safety All relevant State and National Standards NDIS (Code of Conduct) Rules 2013 NDIS Practice Standards
Legislation or other requirements	National Disability Insurance Scheme Act (2013) Cth Disability Services Act 2011 Children, Young Persons and Their Families Act 1997 The Federal Privacy Act 2013
Contractual obligations	DHHS, Alliance, MOU's, NDIS

POLICY STATEMENT

Glenhaven Family Care is committed to providing a safe and secure environment for all staff members, volunteers, visitors and in particular to the vulnerable people who receive services from Glenhaven Family Care.

Glenhaven Family Care Client Protection Policy aims to reduce the risk of abuse occurring, and to ensure that a caring and appropriate response is taken should abuse occur.

Glenhaven Family Care has no tolerance for abuse, neglect and/or exploitation of its clients and will respond immediately to support affected individuals and ensure appropriate reporting and investigation is conducted where this has happened or is alleged to have occurred.

This policy, as part of a broader client safeguarding framework will ensure, in so far as is reasonably practicable, that we will protect vulnerable clients from all forms of exploitation, violence and abuse, supported by an internal monitoring system and compliance with external reporting and monitoring.

DEFINITIONS

Abuse: is the violation of an individual's human rights or civil rights, through the acts or actions of another person/s. It refers to any non-accidental physical act inflicted upon a client. It may also include forms of financial exploitation and theft. The threat of such acts or behaviours may also be considered abuse. Types of abuse can include, but are not restricted to:

- **Physical Abuse** – Any non-accidental physical injury resulting from practices such as:

- Hitting;
 - Punching;
 - Kicking;
 - Burning;
 - Biting;
 - Pulling out hair; and
 - Alcohol or another drug administration.
- **Sexual Abuse** – any assault or abuse of a sexual nature, sexual molestation, incident exposure, sexual harassment or intimidation. Sexual abuse can occur when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. It may appear consensual, but the validity of consent is negated by the power differential;
- **Emotional Abuse** – the chronic attitude or behaviour of one person which is directed at another person, or, the creation of an emotional environment which erodes a person's self-esteem and social confidence over time.
Behaviours might include:
 - Insulting;
 - Bullying;
 - Devaluing;
 - Ignoring;
 - Rejecting;
 - Corrupting;
 - Isolating;
 - Terrorising; or
 - Chronic and extreme domestic violence in a child or vulnerable person's presence.
- **Financial Abuse** – the wrongful use of another person's money or assets or denying a person the use of their own money or assets. Types of abuse include, but are not limited to the following:
 - Misappropriation of money, valuable or assets;
 - Forging signatures on cheques;
 - Denial of access to personal assets;
 - Accessing a person's funds electronically; and/or
 - Forced or unauthorised changes to legal documents.

Neglect: characterised by the failure to provide for basic needs.

Child: any person under the age of 18.

Vulnerable Person: any person who is or may be in need of community care services by reason of mental or other disability, age or illness.

Clients: any person who receives services from Glenhaven Family Care.

Duty of Care: a moral or legal obligation to ensure the safety or wellbeing of others.

Incidents: something that happens, an individual occurrence or event.

Employee: a person who carries out work in any capacity for Glenhaven Family Care.

Reasonable: the appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

Reporting: is an account or statement given either verbally or in writing with the specific intention of relaying information or recounting certain events in an objective manner.

Volunteer: any person who is unpaid and over the age of 16 who assists in Glenhaven Family Care activities or services.

PROCEDURES

Responsibilities

CEO is responsible for ensuring:

- a high standard of conduct and behaviour is maintained at all times, which promotes a framework of client safeguarding;
- Contacting Glenhaven Family Care's insurer immediately in the case of a report of abuse in relation to a child or vulnerable adult;
- Federal and State Legislative requirements are maintained;
- This policy is reviewed and updated on an annual basis;
- All personnel are informed and trained in the application of this policy and its procedures; and
- Glenhaven Family Care procedures are followed to protect the confidentiality of all parties concerned.

Team leaders are responsible for ensuring:

- All their staff are informed, understand and apply the principles of this policy;
- All incidents reports relating to the compromise or potential compromise of client safety are immediately actioned, investigated and followed up;
- Accurate and confidential records of all reported cases of abuse against a child or vulnerable person are maintained; and
- Client and personnel confidentiality are maintained at all times.

Employees are responsible for ensuring:

- A safe environment is maintained at all times;
- Any serious concern in relation to a client or other employee's wellbeing is reported in accordance with this and related Glenhaven Family Care policies;
- They follow instructions established to protect all clients, particularly children and vulnerable adults in their care; and
- Accurate and confidential records of all reported cases of abuse are maintained at all times.

Ethical considerations:

Some actions may not be regarded as Abuse, but are unacceptable behaviour for Glenhaven Family Care. These include, but are not limited to:

- Inappropriate conversation of a sexual nature;
- Coarse language, especially that of a sexual nature;
- Suggestive gestures or remarks;
- Jokes of a sexual nature;
- Inappropriate touching;
- Recording or filming without prior consent;
- Acts of violence committed by workers in the course of an activity.

Client Rights

Each client of Glenhaven Family Care has the right to full and effective use of their personal, civil, legal and consumer rights. This includes, but not limited to:

- To quality care which is appropriate to their needs;
- To be treated with dignity and respect and to receive services without exploitation, abuse or neglect;
- To receive services without discrimination or victimisation, and without being obliged to feel grateful to those providing their care and accommodation;
- To personal privacy;
- To live in a safe, secure and home like environment, and to move freely both within and outside any residential home without undue restriction;
- To be treated and accepted as an individual, and to have their individual preferences taken into account and treated with respect;
- To continue their cultural/religious practices and to retain the language of their choice, without discrimination;
- To select and maintain social and personal relationships with any other person without fear, criticism or restriction;
- To freedom of choice;
- When of an appropriate age, to maintain their persona; independence, which includes a recognition of personal responsibility for their actions and choices, even though some actions may involve an element of risk which the client has the right to accept, and that should then not prevent or restrict those actions;
- To maintain control over, and to continue making decisions about, the personal aspects of their daily life, financial affairs and possessions;
- To be involved in the activities, associations and friendships of their choice, both within and outside of Glenhaven Family Care;
- To have access to services and activities which are available generally in the community;
- To be consulted on, and to choose to have input into, decisions about the living arrangements of Glenhaven Family Care home in which they reside;
- To have access to information about their rights, care, accommodation and any other information which relates to them personally;
- To complain and take action to resolve disputes;
- To have access to advocates and to other avenues of redress; and
- To be free from reprisals, or well-founded fear of reprisal, in any form for taking action to enforce their rights.

Recruitment and Screening Processes

Glenhaven Family Care employees, contractors and volunteers involved in activities or programs with children or vulnerable people will be carefully screened and selected. Prior to commencing employment or volunteer services, the following precautions will be taken:

- All potential employees and/or volunteers must provide a resume and application letter detailing relevant past experience, positions held, details of two referees and permission to contact them;

- Both referees will be checked and spoken to using an agreed set of questions which have been drafted by Glenhaven Family Care;
- The questions will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file;
- All short-listed candidates must undertake a formal interview which includes and analysis of past experience working with children and vulnerable people;
- A Police and Working with Vulnerable People Check which complies with the legislative requirements of Tasmania will be requested and received prior to the Employee or Volunteer commencing their proposed role. The check must show that the individual is not precluded from working with children or vulnerable people; and
- All paid and voluntary positions will be subject to a six month probationary period.

Where Glenhaven Family Care has identified that an applicant has previously committed a violent or sexually related offence, they cannot, under any circumstances, be considered for employment or engagement with Glenhaven Family Care.

Glenhaven Family Care will only use preferred contractors when having to outsource work. All contractors who perform work for Glenhaven Family Care will have a current working with vulnerable check. Contractors will never be left unattended with a child or vulnerable person.

Safe Environment

Incidents of abuse are unlikely to happen in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons, whenever reasonably practicable (within person-centered practice, support planning and funding agreements) there should be two people present when working with and supervising children and vulnerable adults. Where it is necessary to provide 1:1 care to children and vulnerable people Glenhaven Family Care will ensure regular rotation of staff and client feedback procedures are in place to identify if abuse is occurring.

Glenhaven Family Care employees and volunteers will not visit a child or vulnerable person in their homes outside of service delivery.

Employees and clients are expected to respect each other's privacy during activities that require undressing, dressing or changing clothes. Under no circumstances will a worker be alone in a room with a child or vulnerable person while they are dressing or undressing unless there is specific need for assistance as noted in the individual support plan or if a child requires assistance due to age.

Glenhaven Family Care employees or volunteers have the right to ask people who do not have a valid reason to present at an activity with a child or vulnerable person to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

Reporting Procedures

Glenhaven Family Care actively encourages and requires the reporting of all abuse including sexual abuse.

Glenhaven Family Care is committed to building an environment where either a victim or employee/volunteer feels able to report such abuse.

Employees or volunteers must report all reasonable suspicions of abuse to either their Team Leader or the CEO as soon as they become aware of them. Reasonable suspicion means fair and practical reason to believe an incident involving abuse has occurred based on verbal communication, hearsay, rumor or observation of behaviour. All details of those reporting abuse will be kept private and confidential.

Glenhaven Family Care will appoint an independent person with the specific duty of dealing with any allegations of harm and abuse as they arise.

Glenhaven Family Care has established an escalating procedure for handling allegations of abuse. The escalating procedure will be as follows:

- The automatic suspension from all work or other duties within Glenhaven Family Care of any person under investigation by Glenhaven Family Care or by the police, for committing abuse; and
- The automatic termination of their employment, or involvement with Glenhaven Family Care if found guilty of committing abuse, either by internal investigation or by a court.

If a child or vulnerable person is in immediate danger of a criminal offence or physical safety/security or there is need to preserve physical evidence, the Police must be contacted immediately.

Team Leaders need to be notified immediately if a child or vulnerable adult discloses an incident that occurred somewhere other than at a Glenhaven Family Care property or venue, e.g. an outing.

Any situation involving abuse of a child or vulnerable person is also subject to Mandatory reporting requirements and/or NDIS Incident Management and Reportable Incident Rules as detailed in the Glenhaven Family Care Mandatory Reporting Policy and Incident Management and Procedures Policy.

Abuse Disclosure

If a client child or vulnerable person makes a disclosure of abuse, the person who receives the disclosure will maintain appropriate support to the person making the disclosure. This will include:

- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim;
- Not pushing the child or vulnerable person to disclose details of the alleged assault or attempting to investigate the allegation;

- Assuring the child or vulnerable person they are understood, their disclosure is being taken seriously, that what has happened is not their fault, and that they are correct in disclosing the incident;
- Report the abuse to the Police and Glenhaven Family Care Team Leader or CEO.
- All reports of abuse are to be reported to the insurance company at the earliest possible opportunity.
- Not make contact with the alleged perpetrator.
- If the alleged assault has taken place recently, clothing worn by the child or vulnerable person should be, if reasonably practical, retained and handed to the police for forensic examination; and
- Maintaining confidentiality.

Any disclosures by a child or vulnerable person, reports of suspected abuse and all details of the subsequent investigation will be documented promptly and the documents will be held in a secure location where a breach of privacy cannot occur.

Training

All employees and volunteers will undergo training in:

- Protecting Children and Vulnerable People as part of their induction with Glenhaven Family Care; and
- Reporting procedures and the associated legal requirements.

Refresher training courses will be based on current best practice and changes to legislation and will be provided on annual basis.

Record Keeping

Incidents of abuse may not be reported for many years after they occurred. In the event of an allegation of abuse arising, Glenhaven Family Care will securely retain all documents containing personal information for not less than fifty years. This will ensure that documents are available in the event of an allegation of abuse arising.

Breach of Policy

Breaches of this policy are grounds for disciplinary action, up to and including summary dismissal.

Documents related to this policy	
Related policies	Mandatory Reporting Incident Management and Procedures Confidentiality Privacy
Forms, record keeping or other organisational documents	Individual Support Plan Incident report

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	CEO	CEO

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	15/10/19	CEO	15/10/20
2	15/09/20	CEO	15/09/21
3			

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