

Responding to Child Abuse Reports and Allegations Procedure

This procedure is written in accordance with MercyCare's Safeguarding Children and Young People (SCYP) Policy and provides guidance on how to respond to child abuse disclosures, reports and allegations.

1 Outcomes

All MercyCare people will identify, report, and respond to any concerns about, or incidents of, child abuse or neglect towards children or young people to whom we provide services. We are required to respond to abuse or neglect perpetrated by MercyCare people within our organisation or by other persons.

2 Scope

This procedure applies to all MercyCare people – which includes governance, executive, employees, volunteers and students.

3 Roles and Responsibilities

3.1 Employees, Volunteers and Students

- Ensure compliance with this procedure.

3.2 Managers

- Ensure procedures are implemented and followed
- Ensure employees and volunteers have access to support and advice to understand and implement this policy and procedure.

3.3 People Services

- Provide training and advice in the application of procedures.

3.4 CEO and Executive Leadership Team

- Ensure employees and volunteers have access to and understand this procedure
- Ensure all managers have access to support and advice to understand and implement this policy and procedure
- Approve and endorse MercyCare's commitment to child safety – including Safeguarding Children and Young People Policy and Responding to Child Abuse Reports and Allegations Procedure.

3.5 Board

- Approve and endorse MercyCare's commitment to child safety – including Safeguarding Children and Young People Policy and notes Responding to Child Abuse Reports and Allegations Procedure.

4 Procedure

- MercyCare people are required to report any instance of serious abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect) immediately, or if that is not possible, no later than before ending that person's shift or session of work with our organisation
- **A failure to report** instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person (by employees and volunteers within our organisation or by others) will be viewed as a serious matter that may, depending on the circumstances, result in disciplinary action or be grounds for dismissal.

4.1 Allegations of abuse or neglect

- The notification of an allegation of abuse or neglect can take various forms – either an employee, volunteer, contractor or student (employees and volunteers) will become aware of an allegation through contact with the child or young person, or the service will be notified from an external source, e.g. the Department, School, psychologist other support service
- When a child discloses allegations of abuse or neglect it is imperative that employees and volunteers maintain basic principles of active listening to a child or young person – be calm, supportive and reassuring, concentrate on how they are feeling rather than questions and answers, and explain what you are going to do.

4.2 Reporting of concerns or allegations regarding abuse or neglect by family or other external sources

- When an allegation of abuse or neglect has been made, employees and volunteers will notify the Coordinator or Manager of the service (or Line Manager) immediately
- In consultation with the Coordinator or Manager of the service, all the available information will be considered. If the child or young person is believed to be at imminent risk of harm or in immediate danger, notification will be made to Department of Communities and/or WA Police immediately
- If the Coordinator or Manager of the service is unavailable (or they are the subject of the complaint), the worker is required to report the matter to a Senior Manager or to the Safeguarding Children Team ** via the following contacts:
 - Email: safeguardingchildren@mercycare.com.au
 - Phone: 62281509
- ** The SCYP Team supports Safeguarding Children and Young People processes; provides a contact point for concerns raised by MercyCare people, parents or external parties; and works with the Line Manager to respond to incident reports when staff are involved
- This team currently includes the Manager Service Development and Innovation and the Coordinator for Safeguarding Children and Young People Program

4.3 Forming a belief on reasonable grounds

- A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents/carers/guardians are unwilling or unable to protect the child
- There may be reasonable grounds for forming such a belief if:
 - A child or young person states that they have been physically or sexually abused
 - A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
 - Someone who knows the child or young person states that the child or young person has been physically or sexually abused
 - A child shows signs of being physically or sexually abused
 - The person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development
 - The person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.

4.4 Mandatory Reporting Requirements

- Certain MercyCare employees and volunteers will be required to follow additional legal mandatory reporting requirements:

<i>Mandatory reporting legislation and summary</i>	<i>Relevant employees and volunteers who must comply</i>
<p>Abuse in Care Protocols</p> <p>MercyCare agree to work together with the Department of Communities in following the Abuse in Care Protocols. All staff are to be aware of and knowledgeable of the Abuse in Care Protocols and will apply these protocols when allegations of abuse in care are made.</p>	Staff working with Children in Care
<i>Mandatory reporting legislation and summary</i>	<i>Relevant employees and volunteers who must comply</i>
<p>Mandatory Reporting</p> <p>It is a legal requirement in Western Australia for doctors, nurses, midwives, teachers, police officers and boarding supervisors to report all reasonable beliefs of child sexual abuse to the Department of Communities.</p>	Doctors, nurses, midwives, teachers, police officers and boarding supervisors

- All our employees and volunteers retain the right to report directly to relevant authorities, such as police or child protection, any concerns they may have in relation to the safety and welfare of a child or young person, regardless of whether or not they have also reported that matter internally.

4.5 Recording of Information

- A written record of observations and any statements made by the child or young person must be made. These observations are to be recorded on MercyCare's 'Safeguarding Children and Young People Incident Report Form'. All details must be treated as highly confidential.
- In taking a report of concern, or of an incident, from others within our organisation our employees and volunteers are:
 - Not to assess the validity of such allegations or concerns, but to report all allegations or concerns to the nominated person or persons within our organisation as described in this procedure
 - To disregard factors such as the authority or position of the persons involved and any pre-existing views about the good character, or otherwise, of any person involved or under investigation.
- In situations where a child or young person is making an allegation, our employees and volunteers are required to:
 - Listen to the allegation or disclosure supportively, without dispute
 - Clarify the basic details, without seeking detailed information or asking suggestive or leading questions, using our organisation's Safeguarding Children and Young People Incident Report Form

- Record on the Safeguarding Children and Young People Incident Report Form what was said (where possible, noting the exact words used by the person making the allegation)
- Date and sign the record
- Explain to the child (if present) that other people may need to be told, in order to stop what is happening
- Provide reassurance that our organisation will take immediate action in response to the allegation
- Report the matter as per this procedure (as above).

4.6 Escalation of Incidents

- All incidents will be escalated according to the document Incidents: Internal Escalation Requirements Guidelines – which details the internal escalation of reports about incidents, or alleged incidents that involve or affect the service users, and employees and volunteers
- This ensures:
 - Notification of Service managers/delegates, Service Unit Managers, Executive Directors, CEO and Board Chair of significant incidents in a timely and accurate manner
 - Diligent, consistent, high quality care for service users, employees and volunteers.

4.7 Additional requirements where concerns or allegations of abuse or neglect involve our employees and volunteers

- All employees and volunteers must report immediately **any breach** of the **Safeguarding Children and Young People Procedure** arising from an action of an employee or volunteer within MercyCare.
- Reports should be made to the Coordinator or Manager of the service
- If the Coordinator or Manager of the service is unavailable (or they are the subject of the complaint), the worker is required to report the matter to a Senior Manager or to the **Safeguarding Children Team** via the following contacts:
 - Email: safeguardingchildren@mercyCare.com.au
 - Phone: (08) 62281509
- Incidents will be escalated according to the Guidelines document for “Incidents: Internal Escalation Requirements” – which details the internal escalation of reports about incidents, or alleged incidents that involve or affect the service users and employees and volunteers. In response to any instance of ‘serious’ breaches which relate to abuse or neglect (‘serious’ being cases in which the abuse or neglect has resulted in, or is likely to result in, significant harm to a child or young person) our People Services will provide support to Line Managers to deal with allegations of inappropriate and unacceptable behaviour and the Safeguarding Children Team to will provide advice on safeguarding and reporting processes. This will be in line with MercyCare’s procedures for complaint resolution and disciplinary measures and in consultation with Police and other authorities
- Through Line Management escalation process it would be determined if additional resources or expertise is required
- If a ‘serious’ allegation has been made against employees and volunteers of our organisation, People Services will work together with the Safeguarding Children Team to:

- Review the Safeguarding Children and Young People Incident Form or required form for contractual reporting (as in Abuse in Care Protocol) to ensure all relevant details are documented
- Cooperate with the Police and other authorities and assist in their investigation of the allegation
- Take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm through options such as:
 - Redeploying that employee and volunteer to a position where they do not work with children
 - Additional supervision of that employee and volunteer
 - Removing through isolating and disconnecting the employee and volunteer from direct contact with the service user
 - Suspending the employee and volunteer from duty until the validity of the allegations is determined
 - Standing down the employee and volunteer depending on the severity and seriousness of the allegation.
 - Assist in addressing the support needs of those impacted by the allegation including:
 - The child and their family
 - The person against whom the complaint is made by, for example, offering professional counselling
 - Other employees and volunteers impacted by the allegations.
- Make clear to other employees and volunteers who are aware of the allegation that:
 - The allegation does not mean the person is guilty, and that the allegation will be properly investigated
 - They are not to discuss the matter with any person, except as directed by police, child protection authorities and/or our People Services and only in direct relation to investigation of the allegation.
- All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation will be investigated and will be the subject of a Critical Incident Review
- The Coordinator of Safeguarding Children and Young People program reports details of the allegation and the Incident Management Review to the Australian Childhood Foundation within 28 days, in accordance with the requirements of the Safeguarding Children Program. The details in this report will be de-identified.

5 Confidentiality and privacy

- MercyCare maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the child or young person and/or investigation of the allegation.

6 Documentation

- As part of our policy for responding to reports or allegations of child abuse, MercyCare has developed a Safeguarding Children and Young People Incident Report Form, which is to be used to document any allegation, disclosure, incident or concern regarding child abuse

- In situations where our employees and volunteers become aware of abuse whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or young person, they are required to use our Safeguarding Children and Young People Incident Report Form or required form for contractual reporting (as in Abuse in Care Protocol) to record their observations and concerns as accurately as possible
- People Services will oversee creation of a file to contain the completed Safeguarding Children and Young People Incident Report Form and any other documentation relating to the allegation / subsequent action
- To prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation of abuse or neglect of a child or young person by having:
 - Hard-copy documentation stored in a locked filing cabinet (or similar)
 - Electronic documentation stored in a password-protected folder (or similar).
- MercyCare maintains and regularly monitor records of child abuse reports as part of our Incident Management processes to ensure that there is compliance and integrity with this policy; and that requirements for reporting to external authorities are complied with
- The follow-up from incidents are to be incorporated into risk identification and management planning as part of the bi-annual risk review
- The Safeguarding Children Team will monitor trends, and ensure these are considered as part of the annual review as detailed in the **Annual Review Procedure**.

7 Internal References

- Alcohol and Other Drugs Policy
- Incidents: Internal Escalation Requirements Guidelines
- IT Communication Policy
- Risk Management Framework
- Safeguarding Children and Young People Policy
- Safeguarding Children and Young People Procedure
- Safeguarding Children and Young People Annual Review Procedure
- Definitions of Terms and Acronyms.

8 Legislation and Standards

- Children and Community Services Act 2004
- Children and Community Services Regulations 2006
- Children and Community Services Legislation Amendment and Repeal Act 2015
- Working with Children (Criminal Record Checking) Act 2004 (WA)
- Working with Children (Criminal Record Checking) Regulations 2005
- Child Care Services Act 2007
- Disability Services Act 1993 (WA)
- National Disability Insurance Scheme Act 2013
- Aged Care Act 1997.

Approved by:
Anthony Smith, CEO
Date approved: 09/07/2019

1. Flow Diagrams



