

## Safeguarding Children and Young People Procedure

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This procedure is written in accordance with MercyCare's Safeguarding Children and Young People Policy. It provides guidance on the expectations for behaviour of MercyCare people towards and in the presence of children and young people; to prevent behaviour that may be harmful to children and young people in our care.

### 1 Outcomes

All MercyCare people will comply with the Safeguarding Children and Young People Procedure to ensure a safe environment for children and young people across MercyCare.

### 2 Scope

This procedure applies to all MercyCare people - including governance, executive, employees, and volunteers.

### 3 Roles and Responsibilities

#### 3.1 Employees and volunteers

- Ensure compliance with this procedure.

#### 3.2 Managers

- Ensure procedure is followed and implemented.

#### 3.3 Coordinator of Safeguarding Program

- Review and update this document and supporting resources in consultation with relevant stakeholders.

#### 3.4 People Services

- Provide training and advice in the application of procedures.

#### 3.5 CEO and Executive Leadership Team

- Ensure MercyCare people have access to and understand this policy and related procedures
- Ensure all managers/supervisors have access to support and advice to understand and implement procedures
- Approves and endorses MercyCare's commitment to child safety - including Safeguarding Children and Young People policies and procedures.

#### 3.6 Board

- Approve and endorse the Safeguarding Children and Young People policy and note the related procedures.

### 4 Procedure

- This procedure addresses the major areas where MercyCare people interact with children and young people who take part in MercyCare programs and services; and assists employees, volunteers and students to safeguard children and young people from abuse or neglect
- As with any procedure, there will be areas that are not covered
- Where an employee, volunteer or student has any concerns in relation to situations involving children and young people, they are to consult their supervisor

- There may also be exceptional situations where these guidelines do not apply, for example, in an emergency. Nevertheless, it is required that (wherever possible) employees and volunteers seek management authorisation prior to taking action that contravenes these guidelines or that they advise management as soon possible after any incident
- A failure to follow these procedures can be considered as misconduct, and lead to disciplinary action. Such disciplinary action may, depending on the seriousness of the misconduct, include suspension while matters are investigated and/or dismissal. In addition to any internal disciplinary proceedings, we will report to the police all instances in which a breach of the law has or may have occurred.

#### 4.1 Sexual misconduct

- Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of, children or young people involved in any of MercyCare programs and services. Engaging in sexual behaviour with any child or young person while involved in our services is prohibited even if the young person/s involved may be above the legal age of consent
- 'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
  - 'Contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
  - 'Non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

#### 4.2 Positive guidance [Discipline]

- MercyCare strives to ensure that children and young people involved in MercyCare programs and services are aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants. However, there are times when MercyCare people may be required to use appropriate techniques and behaviour management strategies to ensure:
  - An effective and positive environment
  - The safety and/or wellbeing of children, young people or MercyCare people.
- MercyCare requires our people to use strategies that are fair, respectful and appropriate to the developmental stage of the children or young people involved. The child or young person needs to be provided with clear directions and given an opportunity to redirect their behaviour in a positive manner
- The following needs to be considered when developing and implementing strategies:
  - *Person centred principles* – reflects MercyCare's Person Centred Approach
  - *Contemporary* – reflects current practices and community expectations
  - *Evidence based* – reflects best practice in the sector
  - *Transparent* – ensures all stakeholders understand the purpose and direction of the strategy outcome
  - *Involve minimal restriction* – ensure the service user is not restricted in their daily life activities due to the supports or services in place.
- Under no circumstances are our MercyCare people to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

#### 4.3 Adhering to professional role boundaries

- MercyCare people will not, of their own volition or at the request of a service user, act outside the confines of their duties (as specified in their position description)
- MercyCare people must not:
  - Provide unauthorised transportation to children and young people, for example, dropping children/ young people off at the shops following a service meeting
  - Engage in activities with children or young people who are clients/members of our organisation outside authorised program hours and locations
  - Provide any form of support to a child or young person or their family, unrelated to our services, for example, offering to take a child to the movies to support Mum who is visiting family at MercyCare Aged Care Services
  - Seek contact with children or young people (or former participants) outside our programs and services
  - Accept an invitation to attend any private social function at the request of a child or young person who has participated, or is involved, in any of our services – or at the request of their family
  - Often, ELS staff have their own children attending MercyCare daycare centres. Where a staff member's child is invited to attend a private social function e.g. birthday party of another child who attends the centre, it is the staff member's responsibility to disclose the details to management before accepting the invitation. Staff members are reminded to carry themselves in a manner that abides with the Behaviour Guidelines detailed in this document if they attend the event with their children.
- If any of MercyCare people become aware of a situation in which a child or young person requires assistance that is beyond the confines of that person's role, or beyond the scope of our organisation's usual service, they should at the earliest opportunity:
  - Refer the matter to an appropriate support agency, or
  - Refer the child or young person to an appropriate support agency, or
  - Contact the child or young person's parent or guardian, or
  - Seek advice from management.

#### 4.4 Identification

- MercyCare people should use MercyCare identification only in delivery of our programs and services or when attending MercyCare functions.

#### 4.5 Use of language and tone of voice

- Language and tone of voice used in the presence of children and young people should:
  - Provide clear direction, boost their confidence, encourage or affirm them
  - Not be harmful to children – in this respect, avoid language that is:
    - Discriminatory, racist or sexist
    - Derogatory, belittling or negative, for example, by calling a child a 'loser' or telling them they are 'too fat'
    - Intended to threaten or frighten
    - Profane or sexual.

#### 4.6 Supervision

- MercyCare people are responsible for supervising the children and young people in MercyCare programs and services to ensure those participants:
  - Engage positively
  - Behave appropriately toward one another
  - Are in a safe environment and are protected from external threats.
- It is not possible for our MercyCare people to always avoid one-to-one unsupervised situations with children and young people due to the nature of the services we provide
- MercyCare service delivery staff, carers and volunteers whose designated roles at times require unsupervised one-to-one contact with children will have all relevant checks current and valid, and their role will be articulated through Position Descriptions or signed agreements
- Unsupervised one-to-one contact with children will not be delegated to unauthorised individuals, and activities must be conducted within line of sight with other authorized MercyCare staff
- If any concerns are raised or incidents occur, MercyCare people should immediately seek advice from management and report incidents according the **Responding to Child Abuse Reports and Allegations Procedure**.

#### 4.7 Use of electronic communications

- Wherever possible, email and text messages sent to a child or young person should be copied to their parent or caregiver
- Where a parent is not included in the communication:
  - Restrict such communication to issues directly associated with delivering our services, such as advising that a scheduled event is cancelled
  - Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual or inappropriate nature
  - Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact
  - Do not request a child or young person to keep a communication a secret from their parents or caregiver
  - Do not communicate with children or young people using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.
- All MercyCare people are required to follow our *Social Media Procedure*
- All MercyCare people, and the children and young people to whom we deliver services are required to follow our *IT Communication Policy* in relation to browsing websites on our organisation's computers
- MercyCare people are required to ensure appropriate monitoring of children and young people when they use our organisation's electronic communication equipment to ensure that they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

#### 4.8 Giving gifts

- Consideration needs to be made to the purpose of giving of gifts to children and young people involved in our services. Giving of gifts by our MercyCare people to children and young people to whom we provide services to is subject to:
  - Obtaining prior authorisation from a supervisor or manager
  - Parents or caregivers being made aware of any gift given.

#### 4.9 Photographs of children and young people

- The taking of photographs of children and young people involved in some of our services is encouraged to document and record the lives of children. However, the decision to take photographs of children and young people needs to be taken under these guidelines:
  - Children and young people involved in our services are to be photographed only if:
    - Permission has been granted by the child, or where the child is not able to give permission, from the parent or caregiver
    - The context is directly related to participation in our service
    - The child is appropriately dressed and posed
    - The image is taken in the presence of other MercyCare people
    - A copy is provided to the child, parent or caregiver.
  - Images are not to be distributed (including as an attachment to an email) to anyone outside our organisation other than the child photographed or their parent or caregiver, without management knowledge and approval
  - Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:
    - If in hard-copy form, in a locked drawer or cabinet
    - If in electronic form, in a 'password protected' folder.
  - Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required.
  - Images are not to be exhibited on our website without parental knowledge and approval, or such images must be presented in a manner that de-identifies the child or young person. Any caption or accompanying text may need to be checked so that it does not identify a child or young person if such identification is potentially detrimental.

#### 4.10 Physical contact with children and young people

- Any physical contact with children and young people must be appropriate to the delivery of our services such as in the day to day care provided to children through our Early Learning Centres, and based on the needs of the child or young person (such as to assist or comfort a distressed young person) rather than on the needs of MercyCare people
- Under no circumstances except when required for the delivery services (eg changing nappy, gross motor play in Early Learning Centre) should any of our MercyCare people have contact with children or young people involved in our services that:
  - Involves touching of genitals, buttocks, or breast area
  - Is other than as part of delivering medical or allied health services
  - Would appear to a reasonable observer to have a sexual connotation
  - Is intended to cause pain or distress to the child or young person – for example corporal punishment

- Is overly physical – for example, wrestling, horseplay, tickling or other roughhousing
- Is unnecessary – for example, assisting with toileting when a child does not require assistance
- Is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to the child/young person or to others, in which case:
  - Physical restraint should be a last resort
  - The level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the child or young person to prevent harm to themselves or others
  - The incident must be reported to management as soon as possible.
- MercyCare people are required to report to management any physical contact initiated by a child or young person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the child or young person, our MercyCare people and any other participants.

#### **4.11 Overnight stays and sleeping arrangements**

- Across our services, there can be a variety of reasons why overnight stays occur or when sleeping arrangements with children, young people and our MercyCare people need to be considered
- Overnight stays are to occur only in accordance with service delivery and with the authorisation of management and of the parents or caregivers of the children or young people involved
- Practices and behaviour by MercyCare people during an overnight stay must be consistent with the practices and behaviour expected during delivery of our service at other times
- Standards of care that must be observed by MercyCare people during an overnight stay include:
  - Providing children and young people with privacy when bathing and dressing
  - Observing appropriate dress standards when children and young people are present – such as no exposure to adult nudity
  - Not allowing children or young people to be exposed to pornographic material, for example, through movies, television, the Internet or magazines
  - Not leaving children under the supervision or protection of unauthorised persons such as hotel staff or friends
  - Not involving sleeping arrangements that may compromise the safety of children and young people such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a child or young person
  - The right of children to contact their parents, or caregivers, if they feel unsafe, uncomfortable or distressed during the stay
  - Parents or caregivers expecting that their children can, if they wish, make contact.

#### **4.12 Change room arrangements**

- MercyCare people are required to supervise children and young people in change rooms while balancing that requirement with a child or young person's right to privacy. In addition, MercyCare people:
  - Should avoid one-to-one situations with a child or young person in a change room area

- Are not permitted to use the change room area to, for example, undress, while children and young people are present
- Need to ensure adequate supervision in 'public' change rooms when they are used
- Need to provide the level of supervision required for preventing abuse by members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a child's privacy
- Are not to enter change rooms of the opposite sex – i.e. female MercyCare people are not to enter male change rooms and male MercyCare people are not to enter female change rooms.

#### **4.13 Use, possession or supply of alcohol or drugs**

- While on duty, MercyCare people must not:
  - Use, possess or be under the influence of an illegal drug
  - Use or be under the influence of alcohol
  - Be incapacitated by any other legal drug such as prescription or over-the-counter drugs
  - Supply alcohol or drugs (including tobacco) to children and young people participating in our services.
- Use of legal drugs other than alcohol is permitted, provided such use does not interfere with your ability to care for children involved in our service. For more information, see MercyCare's Alcohol and Drugs Policy.

#### **4.14 Transporting children**

- Children and young people are to be transported only in circumstances that are directly related to the delivery of our services
- Children are to be transported only with prior notification to the service supervisor or coordinator, and following permission being granted from the child's parent or caregiver
- Notification of transporting children involves providing information about the proposed journey, including:
  - The form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat
  - The reason for the journey
  - The route to be followed, including any stops or side trips, and expected timeframe
  - Details of anyone who will be present during the journey other than our MercyCare people who are involved in delivering our service.

## **5 Internal References**

- Alcohol and Other Drugs Policy
- Incidents Internal Escalation –Guidelines
- IT Communication Policy
- Safeguarding Children and Young People Policy
- Responding to Child Abuse Reports and Allegations Procedure
- Safeguarding Children and Young People Annual Review Procedure
- Social Media Procedure
- Definitions of Terms and Acronyms.

## 6 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
- Education and Care National Law (WA) Act 2012
- Education and Care National Regulations (WA) 2012
- National Quality Standards
- Disability Services Act 1993 (WA)
- National Disability Insurance Scheme Act 2013.

Approved by:  
**Chief Executive Officer**  
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