

Responding to Child Abuse Reports and Allegations Policy

This policy is written in accordance with MercyCare's Safeguarding Children and Young People Policy and provides guidance on responding to abuse disclosures, reports and allegations. MercyCare has zero tolerance for child abuse.

1 Outcomes

All MercyCare people will identify, report, and respond to any concerns about, or incidents of, abuse or neglect towards children or young people. We are required to respond to abuse or neglect perpetrated by MercyCare people or by other people. This policy applies to all MercyCare people.

2 Roles and Responsibilities

2.1 Employees, Volunteers and Students

- Ensure compliance with this policy

2.2 Managers

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

2.3 Human Resources

- Provide training and advice in the application of this policy and procedure
- Respond to incidents involving MercyCare people
- Ensure recruitment of staff includes mandatory checks of WWC and National Policy Clearance Checks

2.4 CEO and Executive Leadership Team

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

2.5 Board

- Approve and endorse MercyCare's commitment to the safety and wellbeing of children and young people – including Safeguarding Children and Young People Policy and notes Responding to Child Abuse Reports and Allegations Policy

3 Policy

- 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.
- A failure to report instances, allegations, disclosures, or concerns in relation to abuse or neglect of a child or young person will be viewed as a serious matter that may, depending on the circumstances, result in disciplinary action or be grounds for dismissal.

3.1 Abuse types

- **Sexual abuse**

Sexual abuse is any interaction between a child and an adult (or another child) in which a child is forced or enticed to take part in sexual activities that they do not fully understand or are unable to give informed consent to. Sexual abuse can include both touching and non-touching behaviours.

- **Physical violence**

Physical violence is the intentional or reckless use of physical force against, with, or in the presence of a child, which has the ability to cause injury or harm to the child.

- **Family violence**

Family violence is any threatening, coercive or abusive behaviour that occurs between family members or intimate and domestic partners, that causes fear in the person experiencing the behaviour.

- **Emotional or psychological abuse**

Emotional or psychological abuse refers to isolated or persistent emotional maltreatment that impacts on a child's emotional development.

- **Serious neglect**

Serious neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child and had the opportunity to meet those needs but failed to do so.

- **Other conduct of a sexual nature**

Other conduct of sexual nature can be unwelcome behaviours, which are considered sexual harassment, can be of verbal, non-verbal, physical, or visual nature including grooming. Grooming involves predatory behaviour designed to facilitate sexual activity with a child. Perpetrators purposely create relationships with children, their families or carers to create a situation where abuse could occur.

3.2 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 will become aware of an allegation through contact with the child or young person, or the service will be notified from an external source.
- Please note - when a child or young person discloses allegations of abuse or neglect it is imperative that MercyCare people maintain basic principles of active listening by being calm, supportive and reassuring, concentrate on how they are feeling rather than questions and answers, and explain what you are going to do.

3.3 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, volunteers, contractors or students will notify their direct line manager immediately.
- In consultation with the direct line manager, 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, immediate notification will be made to Department of Communities and/or WA Police.

- If the direct line manager of the service is unavailable (or they are the subject of the complaint), employees, volunteers, contractors or students are required to report the matter to a Senior Manager or to the Safeguarding Children and Young People (SCYP) Team via the following contacts:
 - Email: safeguardingchildren@mercyCare.com.au
 - Phone: 6228 1509
- The SCYP Team supports safeguarding processes and provides a contact point for concerns raised by MercyCare people, or external parties.
- Human Resources will work with the direct line manager to respond to incident reports when staff are involved

3.4 Forming a belief on reasonable grounds

- A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that a child or young person’s health, safety or wellbeing is at risk and the parents/carers/guardians are unwilling or unable to protect the child or young person.
- There may be reasonable grounds for forming such a belief if:
 - A child or young person states that they have been abused
 - A child or young person states that they know someone who has been physically or sexually abused (sometimes they may be talking about themselves)
 - Someone who knows the child or young person states that the child or young person has been abused
 - A child or young person shows signs of being 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.

3.5 Mandatory Reporting Requirements

- Certain MercyCare people will be required to follow additional legal mandatory reporting requirements dependant on their role:

Mandatory reporting legislation and summary	Relevant employees, volunteers, contractors or students who must comply
Abuse in Care Protocols	
MercyCare agree to work together with the Department of Communities in following the Abuse in Care Protocols. All employees, volunteers, contractors or students 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.	Employees, volunteers, contractors or students working with Children in Care

Mandatory reporting legislation and summary	Relevant employees, volunteers, contractors or students who must comply
Mandatory Reporting	
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.	Doctors, nurses, midwives, teachers, police officers and boarding supervisors
Reporting notifiable incidents	
It is a statutory requirement under the Mental Health Act (MHA) 2014 that all notifiable incidents in mental health services are reported to the Chief Psychiatrist as soon as practicable, ideally within 48 hours of the event.	Employees, volunteers, contractors or students working in mental health services

The WA Government passed legislation to extend mandatory reporting requirements to Ministers of religion, Early Childhood workers, Out-of-Home Care workers, Registered Psychologists, School Counsellors and Youth Justice workers.

Table 1 Staged Implementation of mandatory reporter groups

Mandatory Reporter Group	Proposed commencement
Minister of religion	1 November 2022
Assessor	1 November 2023
Departmental officer of the Department of Communities	
Out-of-home care worker	
School counsellor	1 May 2024
Psychologist	
Early childhood worker	1 November 2024
Youth justice worker	1 May 2025

- All employees, volunteers, contractors or students 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.

3.6 Recording of Information

- Employees, volunteers, contractors or students are required to record observations and any statements made by the child or young person. These observations are to be recorded as a Safeguarding Incident on CAMMS reporting software on the MercyCare intranet. If employees, volunteers, contractors or students do not have access to the intranet (some volunteers and contractors) they are able to fill out MercyCare’s ‘Safeguarding Children and Young People Incident Report Form’. All details must be treated as highly confidential.
- In the instance where employees, volunteers, contractors or students have completed an incident form for their service, they are required to submit a deidentified summary of the Safeguarding incident on CAMMS.

- When a report of concern, or of an incident, involving MercyCare people are involved employees, volunteers, contractors or students 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 policy.
- 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, employees, volunteers, contractors or students 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
 - Record what was said (where possible, noting the exact words used by the person making the allegation) on the Safeguarding Incident CAMMS
 - Explain to the child and young person (if present) that other people may need to be told
 - Provide reassurance that our organisation will take immediate action in response to the allegation
 - Report the matter as per this policy

3.7 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, employees, volunteers, contractors or students
- 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.

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

- All employees, volunteers, contractors or students 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), employees, volunteers, contractors or students are required to report the matter to a Senior Manager or to Human Resources
- Incidents will be escalated according to the Guidelines document for “Incidents: Internal Escalation Requirements”.
- If a ‘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) has been made against employees, volunteers, contractors or students of our organisation, Human Resources will work together with the Line management to:

- Review the 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 employees, volunteers, contractors or students to a position where they do not work with children
 - Additional supervision of employees, volunteers, contractors or students
 - Removing through isolating and disconnecting employees, volunteers, contractors or students from direct contact with the service user
 - Suspending employees, volunteers, contractors or students from duty until the validity of the allegations is determined
 - Standing down employees, volunteers, contractors or students depending on the severity and seriousness of the allegation.
 - Assist in addressing the support needs of those impacted by the allegation including:
 - The child, young person and their family
 - The person against whom the complaint is made by, for example, offering professional counselling
 - Other employees, volunteers, contractors or students impacted by the allegations.
- Make clear to other employees, volunteers, contractors or students 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 Human Resources and only in direct relation to investigation of the allegation.
- The Safeguarding Children Team 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.
- The Safeguarding and Inclusion Officer will report all critical incidents to be verbally reported to ACF within 24 hours; serious incidents of abuse and the response management 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.

4 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.

5 Documentation

- When responding to reports or allegations of child abuse, MercyCare People must document any allegation, disclosure, incident or concern regarding child abuse on the digital Safeguarding Incident form
- In situations where employees, volunteers, contractors or students 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 Safeguarding Incident CAMMS or required form for contractual reporting (as in Abuse in Care Protocol) to record their observations and concerns
- Human Resources will oversee the creation of a file containing the Safeguarding Incident Report 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:
 - Electronic documentation stored in a restricted folder.
- MercyCare maintains and regularly monitor records of child abuse reports 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 is to be incorporated into risk identification and management planning as part of the bi-annual risk review
 - The Safeguarding and Inclusion Officer will monitor trends and ensure these are considered as part of the annual review as detailed in the Annual Review Procedure.

6 Internal References

- Incidents: Internal Escalation Requirements Guidelines
- IT Communication Policy
- Risk Management Framework
- Privacy Policy
- Safeguarding Children and Young People Policy
- Safeguarding Children and Young People Procedure
- Safeguarding Children and Young People Annual Review Procedure

7 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
- Mental Health Act (MHA) 2014

Approved by:
MercyCare Board
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Flow Diagrams



