

The Paraplegic and Quadriplegic Association of SA Inc

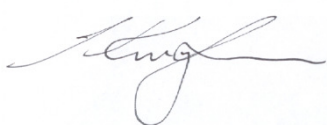


Mandatory Reporting Policy and Procedures

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) acknowledges that it has a legal and moral obligation to protect its clients from any form of abuse or neglect.

PQSA aims to reduce the risk of abuse or neglect occurring, and to ensure that a caring and appropriate response is taken should abuse occur.

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| Approved by:  | Date: September 2011 |
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985* (SA) and conducts its business through operating Divisions, namely Support Services and HomeCare+.

SCOPE

Compliance with this policy is a condition of appointment for all persons engaged to provide services on behalf of PQSA.

DEFINITIONS

Abuse - Can consist of one or more of but is not restricted to the following:

Physical Abuse - Any non-accidental physical injury resulting from practices such as: hitting, punching and kicking to include but not necessarily be limited to; shaking (particularly babies); burning (irons, cigarettes); biting, pulling out hair. Alcohol or other drug administration.

Sexual Abuse - Any sexual act or threat to perform such upon another person. This occurs when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. It does not necessarily involve genital contact but is any act which erodes the sexual boundary between two persons. 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 child's development, self esteem and social confidence over time. Behaviours may include: Devaluing, ignoring, rejecting, corrupting, isolating, terrorising or chronic and extreme domestic violence in the child's presence.

Neglect - Characterised by the failure to provide for the child's basic needs. Any serious omission or commission which jeopardises or impairs a person's development.

Board Member – Persons elected by members of PQSA Inc who have the power to appoint and reward the Chief Executive; set goals, formulate strategy, and approve business plans: approve annual budgets and business results; set, review policies for member communication and approve reports to members; and set and review budgetary control and conformance strategies.

Child - Any person under the age of eighteen (18) years.

Exploit – take advantage of for one's own purpose(s).

Manager/Supervisor – A person who is charged with the management or direction of PQSA including other divisions as determined from time to time.

Personnel – Are either employed by PQSA, or are engaged as a contractor or volunteer or in an unpaid position, such as Board Member or visitor.

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

Violence – Use of physical force intended to cause injury or destruction.

Vulnerable Adult – Is an adult aged 18 years or over who may be unable to take care of themselves, or protect themselves from harm or from being exploited. This may be because they have a mental health problem, a disability, a sensory impairment, are old and frail, or have some form of illness.

Must – indicates a mandatory action required by law, industrial instrument, or PQSA or procedure.

Should – indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

RESPONSIBILITIES

Chief Executive Officer is responsible for ensuring that:

- ◆ A high standard of conduct is maintained at all times.
- ◆ In the case of a report of abuse or neglect PQSA's Insurer is contacted immediately.

Managers – are responsible for ensuring that:

- ◆ All their staff are informed, understand and apply the principles of this policy.
- ◆ Accurate and confidential records of all mandatory reports are maintained.
- ◆ Client and personnel confidentiality is maintained at all times.
- ◆ Feedback is sought in relation to reports of abuse and neglect through Child, Youth and Family Services; and
- ◆ Appropriate feedback is issued to reporting personnel.

Manager, Human Resources is responsible for ensuring that:

- ◆ Legislative requirements both Federal and State are adhered to.
- ◆ 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.
- ◆ PQSA procedures are followed to protect the confidentiality of all parties concerned.
- ◆ Confidential paperwork relating to allegations of child abuse are retained in a safe environment to maintain confidentiality and in line with legislative and government policy.

Personnel are responsible for ensuring that:

- ◆ A safe environment for children and vulnerable adults is maintained at all times;
- ◆ Any suspicious behaviour or actions are reported in accordance with this policy;
- ◆ Established instructions are followed to protect children and vulnerable adults in their care;
- ◆ Accurate and confidential records of all mandatory reporting are maintained at all times.

POLICY

Mandatory reporting -

Section 11 of the *Children's Protection Act 1993* (SA) specifies who is legally mandated to report suspected child maltreatment to statutory child protection services.

- ◆ medical practitioners, dentists, enrolled nurses, social workers and pharmacists;
- ◆ police and probation officers;
- ◆ teachers; and
- ◆ Support workers and voluntary workers providing children's services.

Abuse types for which it is mandatory to report include:

- ◆ Physical;
- ◆ Sexual;
- ◆ Emotional/ psychological; and
- ◆ Neglect.

Reasonable grounds of abuse can be assumed when:

- ◆ A child or vulnerable adult discloses that he or she has been abused, and/or
- ◆ Someone close to a child or vulnerable adult (e.g. sibling, relative, close friend) discloses on behalf of that child or vulnerable adult.
- ◆ Professional judgment.

A Person reporting abuse:

- ◆ It is not the responsibility of the person reporting abuse to prove abuse has occurred.
- ◆ Is immune from civil liability for reporting suspicions in good faith. (Section 12(a) Children's Protection Act).
- ◆ Is entitled to feedback about the notification investigation by Family and Youth Services.
- ◆ Identity as a notifier will not be disclosed unless disclosure is made in the course of official duties.

PROCEDURES

All allegations of abuse that arise will be reported immediately to the Child Abuse Report Line (CARL) on 13 14 78.

CARL will be notified immediately if a Child discloses an incident of abuse or neglect that has occurred or if there are reasonable grounds to suspect a Child has been or is suffering abuse or neglect.

If the child or vulnerable adult is in immediate danger the Police will also be contacted on 131 444.

PQSA personnel will then immediately contact their Manager/Supervisor and complete an Incident Report that will be forwarded to the Manager, Human Resources in strictest confidence.

If a disclosure of abuse is made, the person who receives the disclosure will maintain appropriate support to the one 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 so that the matter is not swept under the carpet.
- ◆ Not pushing a child/vulnerable adult to disclose details of the alleged assault or attempting to investigate the allegation.
- ◆ Ensuring the child/vulnerable adult understands that their disclosure is being taken seriously; that what has happened is not their fault; and that they are correct in disclosing the incident.
- ◆ Reporting the abuse to the appropriate authorities (CARL/SA Police)
- ◆ Not making contact with the alleged perpetrator. If Association personnel are already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.
- ◆ If an alleged assault has taken place recently, clothing worn by the Child or vulnerable adult should be retained and handed to the police for forensic examination.
- ◆ Maintain confidentiality at all times.

All reports of abuse must be put in writing and retained in confidence on the client file. All details of the subsequent investigation will be documented and the documents will be held by the Manager, Human Resources in a secure location where a breach of privacy cannot occur.

PQSA recognize that it can be difficult for Aboriginal people and people from culturally and linguistically diverse back grounds to report cases of child abuse and neglect in their communities. Aboriginal personnel will be directed to Children, Youth and Family Services - Yaitya Tirramangkotti. Interpreting services are available through the **SA Government Interpreting and Translation Services - 8226 1990**

*All reports of abuse and neglect should be made to the **Child Abuse Report Line and Yaitya Tirramangkotti** (24 hours every day) 13 14 78.*

Personnel making reports of abuse are encouraged to seek feedback about their reports and any subsequent intervention through their Managers.

PQSA reserves the right to carry out disciplinary procedures in accordance with its policies and procedures.

Where an allegation is made against an Association Personnel that person will be removed from all activities and programs pending the outcome of all investigations.

Training

All personnel both paid and unpaid will undertake training in Mandatory Reporting before commencing work. A refresher course in Mandatory Reporting will be offered and personnel are encouraged to participate. Personnel will be issued with a copy of this policy as part of their Induction.

Any client or prospective client that believes that they are disadvantaged or discriminated against by the incorrect application of this policy may raise a dispute in accordance with the PQSA Grievance and Complaints' Management Policy and Procedure.

RELATED LEGISLATION

- ◆ Children's Protection Act 1993
- ◆ Children's Services Act 1985
- ◆ Crimes Act 1914 Part IIIA (Child Sex Tourism).
- ◆ Criminal Code Act 1995, (Telecommunications Offences, Subdivision C).
- ◆ The United Nations Convention on the Rights of the Child
- ◆ Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- ◆ Geneva Declaration of the Rights of the Child
- ◆ Charter of Rights for Children and Young People in Care.

SUPPORTING PQA DOCUMENTATION

- ◆ Recruitment Policy and Procedure
- ◆ Confidentiality Policy and Procedure
- ◆ Code of Ethical Behaviour
- ◆ Child Protection Policy and Procedure
- ◆ Behavioural Management Policy and Procedure.
- ◆ Complaints Management Policy and Procedures.
- ◆ Privacy Policy and Procedures
- ◆ Criminal History Clearance Policy and Procedure.
- ◆ Risk Assessment Management Policy and Procedure

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.