



Mercy Services

## CLIENT SAFEGUARDING POLICY

Manual: Service Delivery

Document ID: E.23

### 1. PURPOSE

An integral part of Mercy's commitment to the protection of vulnerable people is the client safeguarding policy. It consists of a set of principles and procedural benchmarks in relation to the protection of vulnerable people who receive services from Mercy Services.

### 2. PHILOSOPHY STATEMENT

- Mercy Services philosophy embraces a deep and lasting trust in the compassionate love of God.
- We believe in, and witness to, the dignity of the human person and the value and quality of human life.
- We respect that all persons are born equal and that all life is a God-given gift.
- We acknowledge that each person's journey is unique, and that support needs can vary from person to person.
- We believe in offering services that recognise and honour the whole person: body, mind, heart, and spirit.
- We believe in responsible stewardship: Placing high value on our human resources, while promoting rigorous attention to the financial, structural and material.
- We believe in collaborating with other organisations that share our values to better benefit the community we serve.
- We hold the values of Respect, Care, Justice, Unity and Service to be central to our culture and believe in demonstrating them in creative responsiveness to social needs of our times.

### 3. VISION STATEMENT

Mercy Services will be leading providers of compassionate care and quality services. We will excel in the delivery, management and measurement of service and quality, and will be implementers of innovative and integrated care delivery models.

### 4. MISSION STATEMENT

Our Mission is to provide holistic, proactive and inclusive service, in the spirit of our foundress, Catherine McAuley, to all those we support and work with both in the community and in a residential setting. In all our work we strive to provide compassionate, respectful, high quality and environmentally sustainable practices.

### 5. MERCY VALUES

Respect, Care, Justice, Unity and Service

### 6. WHO DOES THIS POLICY APPLY TO

This policy applies to the Mercy Services Board, all staff, visitors and volunteers

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### 7. POLICY

All Mercy Services clients, including children and Vulnerable Adults, have the right to be safe from abuse of any kind. Mercy Services staff and volunteers have a responsibility and duty of care to keep clients safe from harm and promote their wellbeing.

Abuse is not tolerated by Mercy Services. Mercy Services have zero tolerance for abuse and will not knowingly engage anyone who poses an unacceptable risk to children or Vulnerable Adults.

Actions that are considered unacceptable behaviour may result in disciplinary action or termination. For example:

- Sexually assault;
- Physically assault;
- Verbally abuse, denigrate or bully;
- Sexually harass;
- Engage in Grooming behaviour;
- Take inappropriate photos, or reproduce and/or distribute photos of Vulnerable people for an inappropriate purpose or distribute photos without their consent or the consent of their guardians;
- Publish any material containing images of Children or Young People without the consent of the parent/guardian of the Children or Young people included in the images; and/or
- Access, download, store or distribute any form of child pornography.

### 7. WHAT IS OUR COMMITMENT TO SAFEGUARDING OF VULNERABLE PEOPLE?

Mercy Services endorses the principles of:

- The **United Nations Convention on the Rights of the Child 1989** (ratified in Australia in 1990). The Convention recognises that Children or Young People under the age of 18 years need special care and protection.
- The purpose of the **United Nations Convention on the Rights of Persons with Disabilities 2006** (ratified in Australia in 2008) is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.
- There is no current convention on the rights of older persons, however, according to the Australian Human Rights commission, the following human rights are particularly relevant to older people: an adequate standard of living including access to adequate food, clothing and housing; the highest possible standard of physical and mental health; work and fair working conditions; be safe and free from violence; be free from cruel, inhuman or degrading treatment; privacy; family life.

### 8. SAFEGUARDING OF CHILDREN AND YOUNG PEOPLE

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In recognition of our support for the Convention on the Rights of the Child, Mercy makes the following commitments:

### 8.1. Our Commitment to Children or Young People

- a. We are committed to the safety and wellbeing of all Children or Young People who access any of our activities, programs or services.
- b. We are committed to providing Children or Young People with positive and nurturing experiences.
- c. We will support families and communities to promote Children or Young People's healthy development and wellbeing.
- d. We will strive to ensure that Children or Young People are protected.
- e. We will strive to ensure that Children or Young People are not exploited, abused or harmed during their involvement with any of our activities, programs, events or services.
- f. We will listen to Children or Young People and address any concerns that they raise with us.
- g. We will ask for consent from Children, Young People and their parents/carers/families before we seek out or provide information about them to any other individuals or organisation. However, we may not ask for consent to disclose information to Police, regulatory authorities or relevant statutory child protection agencies in the event that we have concerns about the safety and wellbeing of a specific Child or Young Person.

### 8.2. Our Commitment to Parents/Carers/Families

- a. We are committed to supporting parents and carers to protect their Children or Young People.
- b. We will offer assistance that builds on a family's strengths, is sensitive to their cultural and religious beliefs and empowers them to meet the changing needs of their Children or Young People.
- c. We are committed to communicating honestly and openly with parents and carers about the wellbeing and safety of their Children or Young People.
- d. We will promote and distribute information about this Safeguarding policy to Children, Young People and parents/carers as part of an introduction to our services and programs. The information will be made available in a developmentally appropriate language and translated to accommodate the main communities that access our services.
- e. We aim to be transparent in our decision-making with parents and carers as long as doing so does not compromise the safety of Children or Young People or breach any confidentiality obligations.

### 8.3. Our Commitment to Ensuring a Child Safe Organisation

- a. We are committed to using best practice standards in the recruitment, screening and employment of any persons in positions of authority.
- b. We will work to create an environment in which Children or Young People are safe and feel safe in any of our program, activities, or events.

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- c. We will strive to ensure that persons in positions of authority do not harm, abuse or exploit Children or Young People who are involved with our programs or services.

### 10. SAFEGUARDING OF VULNERABLE ADULTS

#### 10.1. Safe Environment

Mercy Services staff will not visit a Vulnerable adult in their homes without the prior knowledge and consent of Mercy Services Management. When transporting a Vulnerable adult, they are to be taken directly to and from arranged venues; there must under no circumstances be a spontaneous detour.

All personal counseling is to be carried out, where reasonably practicable, within sight of a witness.

Personnel and clients are expected to respect each other's privacy during activities that require undressing, dressing or changing clothes. Under no circumstances will a staff member or volunteer be alone in a room with a Vulnerable adult while they are dressing or undressing unless there is a need for assistance as noted in the Support Plan.

Initiations and secret ceremonies are prohibited.

Mercy Services staff have the right to ask people who do not have a valid reason to be present at a Vulnerable adult activity to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

#### 10.2. Ensure Appropriate use of Communication Systems.

Mercy Services guidelines on appropriate use of its communication systems cover pornography. The use of Mercy Services systems to access pornography will not be tolerated and will be dealt with promptly, including reporting to police.

#### 10.3. Disciplining Vulnerable Adults

It is not the responsibility of Mercy Services staff or volunteers to discipline a Vulnerable adult. If a Vulnerable adult in the care of Mercy Services does not abide by the rules set down by Mercy Services, or is an obstruction to the care of other Vulnerable Adults or may cause harm to other Vulnerable Adults, the service provided to the Vulnerable Adult will be reviewed and may be stopped.

At no time will Mercy Services staff or volunteers administer any form of physical, emotional or mental discipline. Reasonable grounds of abuse of a Vulnerable Adult can be assumed when:

- A Vulnerable Adult discloses that he or she has been abused, and/or
- Someone close to the Vulnerable Adult (e.g. sibling, relative, close friend) discloses on behalf of that Vulnerable adult.

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- In the professional judgment of a person working with the Vulnerable adult the person concerned displays behavior that indicates that they have been the victim of abuse or neglect.
- Medical opinion determines that the cause of an injury, illness or pregnancy has occurred as a result of abuse.

### 10.4. Abuse Disclosure

- If a disclosure of abuse is made, the Manager/Supervisor 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 the Vulnerable Adult to disclose details of the alleged abuse. Assuring the Vulnerable adult that they are understood, 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 including NSW Police. In the case of reportable assault, as defined by the Aged Care Act 1997, the incident requires to be reported to the Department of Health electronically. This includes unlawful sexual contact with or the unreasonable use of force towards a resident of an aged care home. Incidents of financial abuse are not subject to mandatory reporting, however, may be reported to the NSW Police.
  - Not making contact with the alleged perpetrator. If Mercy Services staff 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 the alleged abuse has taken place recently, clothing worn by the Vulnerable Adult should be retained and handed to the police for forensic examination.
  - Maintain confidentiality at all times. Any disclosures by a Vulnerable Adult, reports of suspected abuse and all details of the subsequent investigation will be documented. The documents will be held by the Head of People and Culture, in a secure location, where a breach of privacy cannot occur. Mercy Services reserves the right to carry out disciplinary procedures in accordance with its policies and procedures. Where an allegation is made, the accused Mercy Services staff or volunteer will be removed from all activities and programs pending the outcome of all investigations.

### 10.5. How does this Safeguarding policy apply to members of staff:

It is a requirement that all staff:

- Adhere to the Safeguarding policy; and
- Follow and adhere to the Complaints Procedure with respect to any breaches of this policy.

### 10.6. What are Mercy's Requirements of and Commitment to Staff and Managers in Relation to Protecting Vulnerable People?

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Providing the necessary support to enable them to fulfil their roles.

Putting in place a management structure that supports and develops them, as applicable, in their roles.

Providing appropriate guidance and development.

Ensuring that there is access to a Senior Person to make decisions in relation to any action required to safeguarding Vulnerable people from abuse.

At Mercy Services, we Expect Staff and Managers to:

- i. Understand the rights of Vulnerable people, as appropriate to their role.

A working knowledge of Vulnerable people's rights should inform decisions about how to behave with and act on behalf of Vulnerable people. It enables us to identify when Vulnerable peoples' needs and entitlements are compromised and when they require support.

- ii. Understand and acknowledge the foundational significance of family relationships for the development of Children or Young People.

This includes recognising, respecting and, where appropriate, working to strengthen the capacities of parents/carers and other family members to support, care and protect their Children or Young People.

- iii. Respect the cultural and religious practices of families who access our services, programs or events.

Whilst we recognise the importance of culture and religion in the lives of Children, Young People and families, the right of Children or Young People to protection from Harm takes precedence over any cultural or religious belief.

- iv. Understand and appropriately respond to the special needs of Children or Young People with developmental delays or disabilities.

This includes:

- Acting in ways that communicate effectively with and are supportive of Children or Young People with developmental delays or disabilities; and
- Being proactive in recognising the additional vulnerability to exploitation and Harm that Children or Young People with developmental delays or disabilities experience.

- v. Be respectful of Children and Vulnerable Adults by:

- Facilitating opportunities for Children and Vulnerable Adults to tell us their views and feedback;
- Treating Children and Vulnerable Adults as individuals and respecting their unique abilities and vulnerabilities;
- Expressing attitudes and engaging in behaviour that respect and support Children and Vulnerable Adults.

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- vi. Appropriately act on any concerns raised by Children, Vulnerable Adults and/or their parents/carers.

We will take seriously and appropriately investigate complaints or allegations made against any staff or managers. Any alleged crimes against Children, Vulnerable Adults or other family members will be reported to the Police. We expect persons in positions of authority to follow our complaints procedure without hesitation in response to concerns raised by Children and Vulnerable Adults and/or their parents.

- vii. Understand the definitions, indicators and impact of Child Abuse, including Grooming.

Experiences of Child Abuse and Grooming are significant sources of trauma for Children or Young People and intensify the risk of them developing a range of emotional, psychological, social, and behavioural problems. Through training and induction provided by Mercy, we expect staff and managers to be able to define Child Abuse, be aware of its indicators and understand its consequences.

Staff and managers must:

- Intervene to identify and prevent Child Abuse from occurring by following the Steps contained the Complaint Handling Policy E.08
- Take action to protect Children or Young People from further Child Abuse by following the steps contained in Complaint Handling Policy E.08

- viii. Know and follow regulations in relation to the care of Children or Young People.

It is the responsibility of the appropriate managers of our services, programs, events and activities, to take all reasonable steps to ensure that the regulations are adhered to, by all staff.

- ix. Know and follow the relevant law(s) in relation to reporting Reportable conduct in respect of children, young people and people with a disability and any other Vulnerable adult

In doing so, we expect staff to consult with a Senior Person to ensure that appropriate action is taken to respond to concerns about the wellbeing or safety of a Child or Young Person or Persons with a Disability.

- x. Co-operate with Police and/or other formal investigations to the best of their ability and within the regulations and legislation regarding privacy and sharing of information, to safeguard Children or Vulnerable Adults.

Where staff or managers are contacted by the Police, or any external agency including government child welfare departments, they must use best endeavours to cooperate as requested. Any unreasonable failure to reasonably cooperate with the external agency will constitute a breach of this client safeguarding policy. Co-operating with an external agency may involve, but is not limited to, the following:

- Speaking to a representative of the external agency and answering any questions they may have;
- Providing a statement regarding any particular conduct or facts the Person in a Position of Authority witnessed or experienced; and

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- Where practicable, giving evidence at any external hearing.
- xi. Always follow the Codes of Conduct
- Staff will be asked to personally endorse the General Code of Conduct and the Code of Conduct in dealing with Vulnerable Adults to formalise their acknowledgment of and adherence to their content.
- xii. Not Harm or exploit Vulnerable Adults who access our services, activities, programs, or events, nor contravene any laws or regulations regarding the safety and wellbeing of Children or Young People.

It is a serious breach of this Client Safeguarding policy and possibly the law, if any staff or manager harms or exploits Children or Young People or Vulnerable Adult who is involved in any of our activities, services, or programs. Breaches of this include, but are not limited to:

- Sexually assault;
  - Physically assault;
  - Verbally abuse, denigrate or bully;
  - Sexually harass;
  - Engage in Grooming behaviour;
  - Take inappropriate photos, or reproduce and/or distribute photos of Vulnerable people for an inappropriate purpose or distribute photos without their consent or the consent of their guardians;
  - Publish any material containing images of Children or Young People without the consent of the parent/guardian of the Children or Young people included in the images; and/or
  - Access, download, store or distribute any form of child pornography.
- xiii. Support vulnerable people and their families as directed by Senior Persons in the event that a vulnerable person is or is suspected of being Abused, Bullied or Exploited.

We recognise that the impact of abuse on Children and Vulnerable Adults is traumatic. We will provide opportunities for formal debriefing and/or counselling to the vulnerable person and their families who have experienced abuse and any other vulnerable person or family member in the community who may indirectly be affected by the incident(s).

The listed expectations are requirements of this Safeguarding policy and must be included in the policies, Codes of Conduct and operational procedures developed and implemented by Mercy.

### 9. WHAT SUPPORT WILL MERCY PROVIDE TO STAFF AND MANAGERS?

Mercy will ensure that all staff and managers:

- Receive training to keep vulnerable people safe from Abuse by providing training opportunities regularly and as appropriate to the various roles of staff and managers.

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- Are clear about what is expected of them regarding the welfare and safety of Vulnerable People by clarifying applicable procedures at regular opportunities and, where possible, encouraging standing agenda items at regular forums to discuss best practice procedures.
- Are aware of the appropriate recruitment, screening and employment practice in relation to individuals with specific roles in working or volunteering with Children or Young People and families.
- As applicable staff will be informed during their recruitment that their employment, coaching or volunteering will be subject to clearance under the Working with Children Check system and a National Criminal Records Check. It is a serious breach of this Policy if an individual who has convictions that would make him/her ineligible to be granted a Working with Children Check (or equivalent) clearance gains employment or is allowed to volunteer with Children or Young People who access our services, programs, events or activities. It is also a serious breach if an individual continues in his/her employment or volunteer role with us if he/she has been charged or convicted of a crime that would make him/her ineligible to be granted a Working with Children Check (or equivalent) clearance.
- Receive guidance and supervision in relation to their role with vulnerable people and families.
- To assist with some of the complexity and challenges of working with vulnerable people and their families, we will provide regular guidance for all staff and managers in relation to their specific roles with Children, and Vulnerable Adults and families. For example, the circulation and notification of changes to legislation involving safety and welfare.
- Make joint decisions with Senior Persons about initiating action to protect Children or Vulnerable Adults from abuse.
- We acknowledge abuse is a serious allegation and of the utmost importance of addressing allegations as soon as possible. In accordance with the complaint procedure/incident reporting policy, staff must report any complaint lodged with them to a Senior Manager as soon as possible. The Senior Manager will work with the staff member to address the complaint and ensure appropriate action is taken in response. The staff member should therefore not feel they must deal with the complaint themselves, as we will provide as much support as required.
- Receive appropriate and timely debriefing and/or counselling opportunities in the event that it is required following stressful or challenging situations involving Children, or Vulnerable Adults and/or their families.
- Mercy Services will provide debriefing and counselling opportunities.

## 12. RESPONSIBILITIES

The overall responsibility for this policy rests with the Chief Executive Officer.

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All managers are responsible to ensure all staff are aware of the policy, its contents and the implementation of the policy.

Mercy Services staff and volunteers are responsible for ensuring that a safe environment is maintained at all times, any serious concerns in relation to a client's wellbeing is reported in accordance with this policy and accurate and confidential records of all reported cases of abuse are maintained.

The policy is to be reviewed by the Mercy Service Board every 3 years or earlier if a review is required following a significant event or changes to legislation occur.

### 13. RISK ASSESSMENT

Mercy services will integrate a risk management framework to programing and recruitment with the express purpose of reducing and minimizing the risk to clients from abuse. These assessments will:

- Identify work systems and processes that create opportunities for abuse to occur
- Identify employee behaviours that are inappropriate with children or Vulnerable Adults
- Develop and implement management strategies to reduce or minimise risk of harm
- Report on the risks and preventative measures taken at each level of management

### 14. SAFE RECRUITMENT

Recruitment and screening procedures for roles with direct contact with or permitting access to Children or Young People and Vulnerable Adults

#### a) Introduction

Best practice recruitment and screening for all employees and volunteers who have direct contact with or access to Children or Young People and Vulnerable Adults, requires implementation of the practices outlined below.

The term "*volunteer*" includes any individuals volunteering their time free of charge, or receiving reimbursement expenses only; and

The term "*employee*" includes any individuals, whether full time, part time or casual, being employed by Mercy Services and being remunerated for their time and/or services.

#### b) Purpose

There are specific recruitment and screening procedures that must be consistently and comprehensively followed by Mercy Managers, when recruiting roles that have direct contact with or permit access to Children or Young People and Vulnerable Adults.

#### c) Advertising

All advertised positions and internal position descriptions for positions that require direct contact with or permit access to Children or Young People and Vulnerable Adults should contain the following statement:

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*“We require all applicants to undergo an extensive screening and background check process prior to appointment.”*

### d) Safeguarding Commitment Statement

The Safeguarding Commitment Statement must be supplied to all applicants for advertised positions at the same time as the position description and application documentation, and at least prior to an interview. All positions advertised online should contain a link to the “*The Safeguarding Commitment Statement*” or PDF version attached.

### e) Face-to-Face or Video Interview

All applicants that require direct contact with, or that permit access to Children or Young People and Vulnerable Adults, are required to attend or participate in at least one face-to face or video interview.

As part of the face-to-face or video interview, managers should highlight Mercy’s commitment to protecting vulnerable people including children and young people from abuse. Managers should also explain Mercy’s screening requirements and their purpose.

During face-to-face or video interviews, Mercy managers conducting the relevant interview must examine the following issues relating to the applicant’s suitability to work with vulnerable people:

- The applicant’s general awareness and understanding of issues relating to the safeguarding of vulnerable people and the importance of ensuring the safety and wellbeing of Children or Young People in particular;
- The applicant’s beliefs and values in relation to the treatment of vulnerable people;
- The applicant’s professional experience, qualifications and competence;
- The applicant’s reasons for leaving previous positions involving work with vulnerable people; and
- Any potential concerns regarding the applicant’s resume or work history, such as gaps in their work history, frequent job changes, and inability to nominate precise start or end dates for previous roles.

In undertaking an interview with any applicant for any role requiring direct contact with or access to Children or Young People, hiring persons in positions of authority must reference and choose appropriate ‘interview questions’. Managers must document an applicant’s responses and, if successful, add that documentation to their personnel file.

### f) Proof of Identity and Qualifications Check

The identity and qualifications of each shortlisted applicant for any position requiring direct contact with or access to Vulnerable people must be confirmed by sighting ‘proof of identity’ and ‘proof of qualifications’ documents presented by the applicant that are relevant to their role and their suitability to work with vulnerable people. On completion of the recruitment

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process, managers must add copies of the successful applicant's 'proof of identity' and 'proof of qualifications' documents to their employment file.

If a variation to these requirements is required in relation to proof of identity or proof of qualifications requirements, such as an applicant being unable to provide specific documentation, managers must approach an appropriate Senior Person and seek approval for a variation. The Manager may withhold approval for any variation requested at their absolute discretion.

### g) Background and Screening Checks

Applicants may be required to satisfy a number of background checks, at the commencement of, and in some cases during the time in which they hold their position. These include (but are not limited to) the following:

- A National Criminal History Record Check;
- A Signed Declaration;
- A reference check; and/or
- Any other relevant background checks to assess a person's suitability to work with Vulnerable people;
- When working in a role which is deemed by Mercy to include working with children or young people, unless the law provides otherwise, all employees and volunteers must have a satisfactory Working with Children Check in the appropriate jurisdiction in which they spend the majority of their working time.

Whenever possible, no applicant is to be offered a position with Mercy Services until after completion of the relevant background and screening checks. When this is not possible, appointment of that person must be contingent upon receiving a satisfactory background and screening check. At a minimum and subject to specific State or Territory requirements set out in the websites at the "*Working with Children Checks*", the potential employee must have completed the application documentation for the relevant Working with Children Check and/or background check and the employing manager must sign that documentation prior to the commencement date of that person's position.

If the applicant has already commenced holding a position with Mercy services and the results of any background or screening checks are unsatisfactory, subject to the individual employment contract, Mercy services may terminate the individual's position without notice. If at any stage (including before or after engagement) it is discovered that any aspect of the applicant's curriculum vitae or the references or background checks that are provided in support of the application are dishonest or misleading, Mercy Services will be entitled to terminate the engagement immediately without notice.

### h) Working with Children Checks

Mercy Services operate in NSW. Accordingly, Mercy's recruitment procedures require that working with children checks be obtained for all applicants (including all applicants who are Children or Young People) who are to be offered or have accepted a position that involves

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direct contact with or permits access to Children or Young People. Mercy Services will direct the applicant to the relevant check that is required and in doing so will make clear which jurisdiction(s) the relevant check(s) is or are to be obtained in.

The manager responsible for recruiting must either verify with the appropriate WCCC if the information cannot be verified through the appropriate authority, sight a copy of the applicable 'Working with Children' and record relevant details using our 'Working with Children Check Record'.

Mercy Services will not employ a person who returns a negative check based on 'Working with Children' check. For the avoidance of doubt, volunteers who return negative checks must not be engaged Mercy Services.

### **i) Record Keeping and Sharing of Information – Working with Children and/or National Criminal History Checks**

Mercy Services must comply with relevant laws in relation to record keeping. Best practice record keeping requires the maintenance of the following:

Records of all employees and volunteers, including proof of identify and proof of qualification documents and/or records.

A register of Working with Children Check and/or National Criminal History Checks, for all employees and volunteers, for whom checks have been obtained. This register must detail application and approval or rejection details (including Working with Children Check or equivalent identifiers), expiry dates and any other identifying and useful information.

Please see the "*WWCC and Background Check Register Template*"

### **j) Undertaking Reference Checks**

Employing Managers must conduct a minimum of two reference checks for all shortlisted applicants for any employment or volunteer roles. This is to gather additional information about the applicant's suitability to work in the role for which they have applied and to ensure the applicant holds the professional qualification, experience or registration they claim to hold in relation to their suitability to work with Children or Young People or Vulnerable Adults.

Applicants being considered for appointment should, in the first instance, be asked to provide contact details for two professional referees who can provide information relating to the applicant's suitability to the role, including relating to the applicant's suitability to work with Children or Young People or Vulnerable Adults. Professional referees:

- Should include a representative of the applicant's current or most recent employer; and
- Must, where practicable, have had a direct managerial relationship with the applicant and so be capable of commenting with direct knowledge in relation to the applicant, and ideally have been the applicant's supervisor or line manager.

Personal referees are not recommended. However, if there is no option but to include a personal referee (for example – applicants are applying for their first job), then that referee:

- Should not be related to the applicant;

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- Should have known the applicant for at least 12 months; and
- Must be able to vouch for the applicant's reputation, good standing and character.

The referee checks we undertake must involve direct contact with the referee, whether in-person, by phone, via video link or email. Written character references are not sufficient unless also followed up and verified through direct contact.

Difficulty in contacting referees, such as those based overseas, or those who have left an organisation, is not justification for accepting lower standards of scrutiny.

Referee checks will be attended, documented and provided to Mercy Services by an Independent Third Party Verification Service

### **k) Guidance for volunteers, short-term appointees**

Sensitivity is required in relation to asking parents/carers of the Children or Young People to whom we deliver activities, events, programs and services to undergo

'Working with Children' or 'National Criminal History Record' checks before they are accepted as volunteers.

Managers must emphasise to these parents/carers the importance we place on protecting the Children or Young People to whom Mercy delivers activities, programs, events and services, informing them that, whilst rare, there have been instances of parents/carers using their volunteer status within organisations such as ours as a path to abusing Children or Young People.

We inform prospective parent/carer volunteers that, in the light of the above, our approach is to take every precaution to protect the Children or Young People in our care.

## **15. BEHAVIOUR PROTOCOLS**

All staff have responsibility to follow the guidance laid out in this policy and related policies, and to pass on any welfare concerns using the required procedures.

We expect all staff, paid staff or volunteers, to promote good practice by being an excellent role model, contribute to discussions about client safeguarding and to positively involve people in developing safe practices.

## **16. ADDITIONAL SPECIFIC RESPONSIBILITIES:**

**The Chief Executive Officer has a responsibility to ensure:**

- The policy is in place and appropriate
- The policy is accessible
- The policy is implemented
- The policy is monitored and reviewed
- Ensure staff, paid staff and volunteers, have access to appropriate training/information

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- Promoting the welfare of children, people with disabilities and elderly persons
- Receive staff concerns about safeguarding and respond to all concerns in a serious, swift and appropriate manner

### 17. EDUCATION/TRAINING

#### 16.1. Induction will include:

- Discussion of the safeguarding policy and conformation of understanding
- Discussion of other relevant policies
- Ensure familiarity with reporting processes, the role of the CEO and whoever acts in their absence.
- Initial training on safeguarding including: safe working practices, safe recruitment, understanding child protection and adult safeguarding

#### 16.2. Training

All staff who, through their role are in contact with Children, or Vulnerable Adults will have access to safeguarding training at an appropriate level.

#### 16.3 Communications and discussions of safeguarding issues:

Commitment to the following communications and discussion of safeguarding issues will ensure effective communication of safeguarding issues and practice:

- Board meetings
- Management meetings
- Team meetings
- One to One meetings
- Clinical supervision
- Provision of a clear and effective reporting procedure which encourages reporting of concerns
- Encouraging open discussion to identify barriers to reporting so they can be addressed
- Inclusion of safeguarding as a discussion prompt during supervision meetings/appraisals to encourage reflection

### 18. REPORTING/RESPONDING TO CONCERNS

Mercy Services recognises its duty to report concerns or allegations against paid staff and volunteers within the organisation or by a professional from another organisation.

The process outlined below detail the stages involved in raising and reporting safeguarding concerns at Mercy Services

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1. Once you have a disclosure or information to suspect that abuse has occurred, or is likely to occur, make detailed notes and communicate your concerns to your immediate manager
2. Seek medical attention for the Vulnerable person if needed
3. Report concerns to the responsible senior manager
4. If the concern is about a line manager or director, this should be reported to any director of the board.
5. Retain all evidence and hand to the police for forensic examination
6. Discuss with parents of child or with vulnerable person. Obtain permission to make referral if safe and appropriate.
7. If required, report to the Ombudsman
8. Complete incident report form and report to police if appropriate.
9. Record the concerns in the notification register
10. Ensure feedback is received from the authorities and response recorded
11. Where the allegation involves a staff member or volunteer, that person may be suspended from duty pending investigation. If the person is also working with children or Vulnerable Adults for another organisation, either as employee or volunteer, the other organisation should be informed of the suspension and subsequent outcome.
12. The fact that a person tenders a resignation, will not prevent the allegation being followed up.

### 19. KEY PERFORMANCE INDICATORS

To be advised

### 20. EXPECTED OUTCOME

This policy seeks to ensure that Mercy Services undertakes its responsibilities with regard to the safeguarding of Vulnerable people and will respond to concerns appropriately. The policy establishes a framework to support paid staff and volunteers and clarifies the organisation's expectations.

### 21. DEFINITIONS

#### A Vulnerable person

Is a person who may be unable to take care of themselves, or protect themselves from harm or being exploited. This may include a person who:

- A child under the age of 18 years
- Is elderly and frail
- Has a mental illness including dementia
- Has a physical or sensory disability
- Has a learning disability
- Has a severe physical illness

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- Is a substance misuser
- Is homeless

### Young person and Child

Young people,' a term that includes children, means people who are under 25. 'Children' are defined in Australian law as young people who have not turned 18.

### Vulnerable Adult

A Vulnerable Adult is a person aged 18 or over who may be unable to take care of themselves or protect themselves from harm or being exploited

### Abuse

Abuse means Physical Abuse, Emotional or Psychological Abuse, Sexual Abuse, and Abuse of Power, that has caused, is causing or is likely to cause harm to a person's wellbeing or development, whether in person directly or as the result of a publication viewable by any other person by any means. Examples of Abuse include, but are not limited to, Bullying, Humiliation, Verbal Abuse and Insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.

### Child Abuse

Child Abuse is the mistreatment of a Child or Young Person that has Harmed, is harming or is likely to harm or endanger that Child or Young Person's physical or emotional health, development or wellbeing. For the avoidance of doubt, this includes but is not limited to Emotional or Psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Harassment.

### Child Protection Concern

A Child Protection Concern includes: disclosures of actual harm, abuse or sexual exploitation of a Child or Young Person; the potential risk of harm, abuse or sexual exploitation of a Child or Young Person; and breaches of the Codes of Conduct by staff or volunteers.

### Child or Young Person / Children or Young People

A Child or Young Person is a person under the age of eighteen years and Children and Young People mean more than one Child or Young Person.

### Discrimination

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is

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likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

In Australia, it is against the law to discriminate against someone because of the following (including but not limited to): age, sex or gender, gender identity, intersex status, race, colour, descent, national or ethnic origin, nationality, ethnoreligious origin, immigration, disability, mental and physical impairment, family/carer responsibilities, status as a parent or carer, marital status, pregnancy, potential pregnancy, breastfeeding, sexual orientation and gender identity, physical features, irrelevant medical record, irrelevant criminal record, spent convictions, political beliefs or activities, religion, religious beliefs or activities, national extraction or social origin, lawful sexual activity, profession, trade, occupation or calling, member of association or organisation of employees or employers, industrial activity, trade union activity, defence service, personal association with someone who has, or is assumed to have, any of the above characteristics

### Elder Abuse - Persons Over 65 Years Old

Elder abuse is the infliction of physical, emotional, and/or psychological harm on an older, Vulnerable Adult at the hands of a family member, non-family member in a trusting relationship, or a paid carer in an institution. Assessments of a potential or actual situation of abuse should also take account of the cultural context in which it has occurred.

The definition of elder abuse used by the Elder Abuse Prevention Unit is "*Any act occurring within a relationship where there is an implication of trust, which results in harm to an older person. Abuse can include physical, sexual, financial, psychological and social abuse and/or neglect*". This definition was endorsed by all Australian States, and Territories, through the Healthy Ageing Taskforce (HATF), on 8 December 2000

*"A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person"* United Nations Economic and Social Council

Elder abuse can take many forms including:

- Physical Includes hitting, slapping, burning, pushing, punching, pinching, biting, arm twisting, cutting, hair pulling, forced confinement to room, chair or bed.
- Psychological/Emotional Examples include:
  - Verbal intimidation - being forced into making decisions against their will.
  - Humiliation and harassment - being called names or experiencing behaviours that are degrading, in a public or private place, being treated like a child.
  - Threats of physical Harm - e.g. "*If you don't hurry up I'll give you something to be quick about*".
  - Threats of institutionalization - "*Do what I say or I'll put you in a home*".
  - Withholding of affection - refusing access to grandchildren.
  - Removal of decision-making powers.

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- Sexual abuse
  - Rape - Sexual intercourse against the wishes of an individual.
  - Indecent assault - Inappropriate sexual handling and touching.
  - Sexual harassment - Inappropriate comments / labeling about general appearance, attitude and behavior.
  - Any behaviour that makes an older person feel uncomfortable about their body or gender.
- Neglect Is the failure of a carer to provide the necessities of life to a person for whom they are caring. Neglect can be intentional or unintentional.
  - Unintentional neglect occurs when a carer does not have the skills or knowledge to care for a dependent person. They may not be aware of the types of support that are available, they may be ill themselves and unable to provide care.
  - Intentional neglect is when an older person is abandoned, not provided with adequate food, clothing, shelter, medical attention or dental care. Neglect may be the improper use of medication, poor hygiene or personal care or the refusal to allow other people to provide adequate care
- Financial abuse can range from misuse of an older family member's funds to embezzlement. Financial exploitation includes fraud, taking money under false pretences, forgery, forced property transfers, purchasing expensive items with the older person's money without their knowledge or permission, or denying the older person access to his or her own funds or home. It also includes the improper use of legal guardianship arrangements, powers of attorney

Each type of abuse can result in behaviour changes that indicate to others around them that something is not right.

### Grooming

Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a Child or Young Person with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of Children or Young People. For some perpetrators, there will be a lengthy period of time before the abuse begins. The Child or Young Person may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child or Young Person in and Abuse them relatively quickly. Some abusers do not groom Children or Young People but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.

### Harm

Harm to a person or a Child or Young Person is any detrimental effect of a significant nature to the person or Child or Young Person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:

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- Physical, Psychological or Emotional Abuse or Neglect;  Sexual Abuse or Exploitation;  a single act, omission or circumstance; and a series or combination of acts, omissions or circumstances.

### Harassment

Harassment means any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening and that is reasonably likely to cause Harm to the person who is the subject of the Harassment. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Harassment includes Bullying.

Unlawful Harassment includes the above but is either sexual or targets a person because of their race, gender, pregnancy, marital status, sexual orientation or other characteristic.

It does not matter whether the harassment was intended; the focus is on the impact of the behaviour. As a guide, if someone finds behaviour harassing, then it could be considered as harassment.

Harassment may be a single incident or repeated. It may be explicit, implicit, verbal or non-verbal and includes public acts of hatred

### Neglect

Neglect is the persistent failure or deliberate failure or denial to provide a Child or Young Person with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child or Young Person's health and development is, or is likely to be, harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect is to be referred to the relevant external authority in the jurisdiction in which it occurs.

### Physical abuse

Physical Abuse occurs when a person subjects a person or a Child or Young Person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a person or a Child or Young Person. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, harmful overtraining, and kicking.

### Police Check

Police Check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

### Sexual abuse

Sexual Abuse occurs when an adult or person of authority (e.g. older, or younger but more physically or intellectually developed) involves a Child or Young Person in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the

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Child or Young Person for their own benefit. It can include making sexual comments to a Child or Young Person, engaging Children or Young People to participate in sexual conversations over the internet or on social media, kissing, touching a Child or Young Person's genitals or breasts, oral sex or intercourse with a Child or Young Person. Encouraging a Child or Young Person to view pornographic magazines, websites and videos, or engaging Children or Young People to participate in sexual conversations over the internet is also considered Sexual Abuse.

### Sexual Exploitation

Sexual Exploitation occurs when Children or Young People are forced or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce pornography. Such pornography can be in the form of actual photos or videos whether or not published on the internet.

### Sexual Harassment

Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a hostile environment.

### Sexual Misconduct

Sexual Misconduct means any of the following: Sexual Offences; Sexual Harassment; and the use of technology or social media platforms with sexual connotation.

### Sexual Offence

Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Because of differences under State and Territory laws, this can include but is not limited to: rape; indecent assault; sexual assault; assault with intent to have sexual intercourse; incest; sexual penetration of child under the age of 16; indecent act with child under the age of 16; sexual relationship with child under the age of 16; sexual offences against people with impaired mental functioning; abduction and detention; procuring sexual penetration by threats of fraud; procuring sexual penetration of a child under the age of 16; bestiality; soliciting acts of sexual penetration or indecent acts; promoting or engaging in acts of Child or Young Person prostitution; obtaining benefits from Child or Young Person prostitution; possession of Child or Young Person pornography; and publishing Child or Young Person pornography and indecent articles.

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### 22. CONFIRMATION OF READING

Please complete the details below and return this completed form to Head of People and Culture

I confirm that I have been made fully aware of and understand the contents of the Mercy Services Client Safeguarding Policy.

Employee name: \_\_\_\_\_

Employee signature: \_\_\_\_\_

Date: \_\_\_\_\_

### 23. REFERENCES

- Child and Young persons (Care and Protection) Act 1998
- Child protection (Working with Children) Act 2012
- Crimes Act 1914
- Australian Human Rights Act 1986
- Workplace Relations Act 1996
- NSW Work Health and Safety Act 2011
- UN Convention on the Rights of the Child 1989
- UN Convention on the Rights of Persons with Disabilities 2006
- Aged Care Act 1997

### 24. OTHER RELATED POLICIES OR PROCEDURES

E.08 Complaints Handling

F.03 Recruitment

F.11 Credentialing

### 25. VERSION CONTROL AND CHANGE HISTORY

Version	Date Reviewed	Amendments
1.0		

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