



Manual: Service Delivery

E.23 Safeguarding Policy

REVIEWED: JULY 2021

E.23 Safeguarding Policy

1. Purpose

The purpose of this policy is to protect people, particularly children, Adults at-risk and any beneficiaries of assistance, from any harm that may be caused or witnessed by Mercy Services and its operations. This includes harm arising from:

- The conduct of staff, volunteers, visitors, or business partners associated with Mercy Services
- The design and implementation of Mercy Services programs and activities

This policy lays out the commitments made by Mercy Services and informs staff, Board members, volunteers, visitors and business partners of their responsibilities in relation to safeguarding.

2. What is safeguarding?

Safeguarding means protecting peoples' health, wellbeing, and human rights, and enabling them to live free from harm, abuse and neglect.

In our sector, we understand it to mean protecting people, including children and Adults at-risk, from harm that arises from coming into contact with our staff, programs or services.

3. Scope

This Policy and its procedures apply to all Mercy:

- Staff, volunteers, contractors and consultants contracted by Mercy Services
- Associated personnel whilst engaged with work or visits related to Mercy Services, including but not limited to the following: Board members and program visitors including journalists, celebrities and politicians
- The Policy applies to both during and outside of normal working hours.

Further explanation of the Mercy Safeguarding Standards is included in the document Guidelines for Implementation of the Mercy Services Safeguarding Standards

4. Policy Statement

Mercy Services believes that everyone we encounter, regardless of age, gender identity, disability, sexual orientation or ethnic origin has the right to be protected from all forms of harm, abuse, neglect and exploitation.

Mercy has a zero tolerance towards incidents of violence or abuse against children or adults, committed by either employees, volunteers, business partners, those we provide services to or those who interact with Mercy Services, and will not tolerate abuse and exploitation perpetrated within its organisation or services.

Central to everything we do is our commitment to first do no harm to children or adults at-risk, to respect the right of all beneficiaries, and to uphold the best interests¹ of children or adults¹ as a primary consideration in all actions and decisions. We will not knowingly engage anyone who poses an unacceptable risk to children or adults. When we receive information about concerns or witness any matter relating to abuse of a child or adult, we respond appropriately and report any such concerns to the appropriate authority². This includes contacting the police immediately where there may be immediate risk of harm to any person, especially a child or at-risk adult.

We are committed to continuous improvement of safeguarding efforts which emphasises prevention of abuse and other forms of violence or harm. We abhor any misuse of power, status, or trusted position for any sexual or other exploitative purposes. We endeavour to tackle this root cause of abuse in our prevention and training efforts.

Mercy Services commits to addressing child & adult safeguarding throughout our work; applying the three pillars of prevention, reporting and response, addressed the following areas of safeguarding:

- 1. Safeguarding responsibilities – Leadership, Governance & Culture**
- 2. Behavioural Protocols – Safeguarding Behavioural Protocols & Disciplinary Action**
- 3. Safeguarding Incidents & Response Protocols**
- 4. Managing Safeguarding Risks**
- 5. Governance Framework**
- 6. Recruitment & Screening**
- 7. Training & Induction**
- 8. Communications, Social Media & Technology**

5. 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.

6. Confidentiality

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need to know basis only and should be kept secure at all times.

¹ Convention on the Rights of the Child, General Comment 14:
http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C-GC_14_ENG.pdf

² Child Safe Organisations – Reportable Conduct Scheme - <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>

POLICY:

1. Safeguarding Responsibilities

1.1 Relevant People & Partners: Mercy equips all employees, volunteers, and Board members to understand and perform their safeguarding responsibilities and obligations, together with abiding by the Code of Conduct. Mercy also applies appropriate standards to external parties, including visitors, contractors, partners, and others connected with partners or contractors, to address safeguarding risks relating to their engagement with Mercy's work. Hereafter, the full range of people for whom all or some of this Policy are relevant (either directly or through contractual arrangements) will be referred to as Mercy staff, volunteers & partners.

1.2 Awareness: All Mercy staff, volunteers & partners sign an acknowledgement that they know, understand, and will follow this Mercy Services Safeguarding Policy. Signed agreements are kept on file by People & Culture.

1.3 Training: All Mercy staff, volunteers & partners receive safeguarding training at the commencement of their employment or Mercy affiliation. Mercy employees and volunteers receive refresher or other safeguarding training annually thereafter.

1.4 Safeguarding Staffing: The Safeguarding Coordinator is the organisations contact point and works with senior management to ensure this policy is implemented via Prevention, Reporting & Responding.

1.5 Board & CEO Responsibilities:

BOARD - The Mercy Board will uphold its legal obligations with regards to safeguarding. As the owner of the policy, it is the Board's responsibility to ensure Child & Adult at-risk safety and wellbeing is embedded in organisational leadership, governance and culture. As the owner of the policy, it's the Board's responsibility to ensure the policy is fit for purpose and reviewed at a minimum of every 3 years or if a significant event, changes in services or legislation occurs.

CEO – The CEO has overarching responsibility of the policy to ensure:

- implementation aligning to best practice,
- relevant legislation, regulations and mandatory reporting requirements are followed.
- staff, volunteers, clients and their families have access to the policy
- staff and volunteers are provided with appropriate training and education
- all reports of allegations/concerns of abuse to a child/Adult at-risk will be investigated
- at all times ensure an appropriate person is designated the Safeguarding Coordinator
- specialist advice is sought from statutory child protection services where necessary
- specialist advice is sought from appropriate adult at-risk services where necessary
- oversight of the safeguarding implementation plan which is tracked, reviewed and updated regularly

1.6 Reporting: All staff, volunteers & the Board must:

- Adhere to this Safeguarding Policy

- Refer to and adhere to the Complaints or Incident Policy with respect to reporting any concerns or allegations made regarding abuse or breaches of this policy.

2. Behavioural Protocols

All Mercy's clients/residents, including adults at-risk and children have the right to be safe from abuse of any kind. Mercy Services staff, volunteers & partners have a responsibility and duty of care to protect clients from harm and promote their wellbeing.

2.1 Acceptable behaviour – Mercy staff, volunteers & partners will:

- a)** create and maintain an environment which prevents abuse of children and Adult at-risk and promotes the implementation of these Behaviour Protocols.
- b)** are careful about perception and appearance in their language, actions and relationships with children and Adult at-risks. Their behaviour—including in person and on digital platforms, both online and offline—demonstrates a respect for children and adults and their rights.
- c)** ensure that all physical and online contact with children and Adults at-risk is appropriate.
- d)** use positive, non-violent methods to manage children's or adult at-risk behaviour.
- e)** accept responsibility for personal behaviour and actions as a representative of Mercy Services.
- f)** are always accountable for their response to a child's or adult at-risk behaviour; adults avoid being placed in a compromising or vulnerable position with children.
- g)** comply with safeguarding related investigations (internal and external) and make available any documentary or other information necessary for the completion of the investigation
- h)** comply with applicable **data privacy laws** and with relevant Mercy Privacy Policy, including **Mercy Social Media Policy**, and other relevant policies, when handling any personal data about individual children or adult beneficiaries; noting in general that collecting or using such data must be limited to the minimum necessary, and that such data must be maintained and transferred in a secure, confidential manner;
- i)** immediately report through established reporting mechanisms any known or suspected safeguarding incident or breach of this Policy by a Mercy employee or affiliate.
- j)** when transporting an Adult at-risk, they will be taken **directly** to and from arranged venues
- k)** where reasonably practical conduct personal counselling within sight of a witness.
- l)** ensure privacy is respected for clients and residents during activities that require dressing and undressing or changing clients or residents clothing.

2 Unacceptable behaviour – Mercy staff, volunteers & partners **do not**:

- a)** behave in an inappropriate physical manner or develop a sexual relationship with a child (under 18 years old).
- b)** develop or seek a sexual relationship with any Mercy beneficiary of any age; such relationships are not acceptable and will not be tolerated since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of Mercy's work.

- c)** sexually, physically, emotionally, psychologically or verbally abuse, harass, or groom any beneficiaries (adult or child); such behaviour constitutes an act of gross misconduct.
- d)** exchange money, employment, goods, or services for sex (including sexual favours, other forms of humiliating, degrading, or exploitative behaviour, or other exploitative demands with any beneficiaries (adult or child).
- e)** fondle, hold, kiss, hug or touch children or adult at-risk beneficiaries in an inappropriate or culturally insensitive way.
- f)** use language, make suggestions, or offer advice to a child or adult at-risk which is inappropriate or abusive, including language that causes shame or humiliation, or is belittling or degrading.
- g)** never be alone with a client's child or agree to watch a client's child when providing a service.
- h)** never be alone in a room with an adult at-risk while they are dressing or undressing (unless there is a need for assistance as noted in their Support/Care plan).
- i)** hit or use other corporal punishment against a child or adult at-risk while the child or adult at-risk is in Mercy care or the Mercy employee or volunteer is conducting Mercy work.
- j)** When transporting an adult at-risk will not make any spontaneous detours unless it is in the best interests of the adult at-risk.
- k)** will not visit an adult at-risk in their home without prior knowledge and consent of Mercy management.

2.3 Disciplinary Action: Failure to follow Mercy Safeguarding Behaviour Protocols, failure to follow any other part of the Mercy Safeguarding Policy, other inappropriate behaviour toward children or adult at-risk, or failing to report a known or suspected safeguarding incident committed by Mercy staff, volunteer & partner, is grounds for immediate discipline, up to and including termination of the employment or other association with Mercy.

3. Safeguarding Incidents, Concerns & Response Protocols

3.1 Reporting an allegation or concern regarding abuse:

In accordance with the Complaints Policy, Incident Reporting Framework and Whistle-blower Policy staff, volunteers and partners must report any complaint, allegation or concern regarding abuse raised with them to a Senior Manager. Mercy has a responsibility under mandatory reporting obligations to immediately report concerns or allegations against staff, volunteers, or partners to statutory bodies.

The matter is to be brought to the attention of the CEO who has a duty to inform the Board and ensure the appropriate, confidential initial response and investigation is undertaken in a timely manner.

Upon receipt of an allegation or suspected case of abuse, Mercy will ensure the protection of all child & adult at-risk. This may include referral to victim support services, psychosocial supports and, if required, reporting the matter to the police.

3.2 Disclosure: Whilst Mercy maintains appropriate confidentiality for individuals in Safeguarding Incidents, Mercy may disclose information about incidents, when lawfully

permitted, in order to support prosecution of suspected criminal activity, meet regulatory requirements, support learning and accountability, advocate to prevent future incidents, or as required by law.

Information in ongoing investigations of Safeguarding Incidents, and information about past incidents, is shared only with those on a 'need-to-know' basis, as deemed necessary by the CEO/Board.

3.3 Reporting Process: The following steps outline the process staff, volunteers & partners can follow if they receive an allegation of abuse or have a safeguarding concern regarding conduct of a staff, volunteer or affiliate:

1. If a person is in imminent danger contact the Police (000) and seek medical attention (if needed);
2. Upon disclosure or when receiving information alleging abuse or harm, ensure the safety of the alleged survivor and contact your immediate manager, including completing an [incident report form](#).
3. If the concern is about a line manager or director, this is to be reported to the CEO or Chair of the Board;

CEO – Tony Bidstrup	Chair of the Board – Peter Williams
Tony.Bidstrup@mercyservices.org.au	Peter.Williams@health.nsw.gov.au

4. Ensure no further harm of the adult or child by having a support person or appropriate person (with permission) to care for them.
5. If confidentiality is required/preferred, or if the above options are not available for whatever reason, contact the independent whistle-blower service Grapevine Hotline
Telephone: 1300 933 977 (24 hours)
Email: Mercyservices@grapevineonline.com.au

3.4 Investigating an Allegation or Concern:

3.4.1 The CEO will ensure:

- the alleged survivor is safe
- initial mandatory reporting obligations are completed
- an investigation into the allegations or concerns raised is initiated
- with senior management, complete an initial risk assessment and determine if the Subject of Complaint will be placed on suspension for the duration of investigation.
- a confidential, procedurally fair investigation is conducted.
- in line with the Complaints Policy, risk assessments are updated throughout the investigation process and experienced, external investigators engaged if required.
- If the Subject of Complaint works with children or Adults at-risk for another organisation, (either as an employee or volunteer), and is put on suspension, Mercy will notify the organisation of the investigation.

3.4.2 The survivor will be supported by Mercy and referred to a range of [support services](#), including any family members also impacted. Staff involved in the investigation and reporting of the allegation can be referred to Mercy's' [Employee Assistance Program](#) (EAP) or call 1800 613 155.

3.4.3 Any information obtained during an investigation will be provided to the Police as required.

3.4.4 Where an allegation or concern is substantiated against a staff member, volunteer or affiliate, or there has been a serious breach of policy or the Code of Conduct, disciplinary measures up to and including termination will be pursued.

4. Managing Safeguarding Risks

Managing safeguarding risks form part of Mercy's Risk Management Framework, which comprises of this policy and its requirements around assessing organisational risk.

4.1 Safeguarding Risk Management Plan

Mercy will actively manage and assess safeguarding related risks across the organisation to identify processes and behaviours that are inappropriate, and develop and implement strategies to minimise risk or harm via:

- Risk Assessments
- Governance Framework
- Recruitment & Screening
- Training & Education
- Safe Environment
- Support & Advisor bodies

5. Governance Framework

Mercy Board and CEO commit to open communication and discussion regarding safeguarding issues with Mercy advisory committees established to identify and address safeguarding risks and build a foundation and culture of safety.

These committees provide staff and volunteers with opportunities to raise and discuss safeguarding issues and practice openly and in confidence. Significant issues can be raised with the Risk & Continuous Improvement Committee or anonymously via [Grapevine](#) (external Whistle-blower service) or via 1300 933 977, 24hrs 7 days a week.

6. Recruitment & Screening

6.0 Recruitment: There are thorough recruitment & screening procedures that must be consistently and comprehensively followed.

6.1 Screening: Mercy takes diligent measures to screen out all people who might seek to use Mercy to harm children or Adults at-risk, or whose past actions indicate an unacceptable risk of such harm. These measures include addressing safeguarding in job advertisements, applications, interviews, and references. Safeguarding screening measures are applied to all candidates for employment (including Board members and volunteers).

6.2 Identity & Background Checks: Candidates for employment, Board/Advisory Council members, and volunteers—as well as relevant personnel of contractors and partners—have an identification check and an appropriate criminal record/police background check, NDIS

Worker check and Working with Children Check ³to the extent permitted by law, prior to employment or engagement with Mercy Services, and periodically thereafter as required by law or appropriate for the context. People with a prior conviction for any crime against children are not hired or engaged by Mercy. People with a prior conviction for sexual exploitation or abuse against an adult are not hired or engaged by Mercy to work directly with children or vulnerable adults and are subject to a risk assessment prior to engagement. Recruitment, screening and background records of all employees, volunteers & partners will be maintained and renewed as required.

The Safeguarding Policy: The Safeguarding Policy must be supplied to all prospective employees or volunteers prior to their interview to ensure awareness of Mercy's employment expectations. A copy is also easily accessible on the [Mercy website](#).

7. Training & Induction

7.0 For the lifecycle of their employment/affiliation, Mercy will support staff and volunteers to build a culture of safeguarding through education and training.

7.1 Induction includes:

- Training of the Mercy Services Safeguarding Policy and declaration of understanding of responsibilities and consequences of protocol violations.
- Discussion and reference to relevant policies ie Code of Conduct, Complaints Policy
- Training on reporting process, response protocols and escalation procedures
- Safeguarding Training - identifying the types of abuse of children & Adults at-risk.

7.3 Safeguarding Training: Upon commencement, all staff will receive Safeguarding Training and annual refresher training thereafter. This is in addition to any capacity building and online training courses completed as part of their substantive role.

8. Communications, Social Media & Technology

8.0 Mercy has policies outlining the appropriate use of IT, communications, and social media platforms (IT & Communications D.13 & Social Media D.16) in conjunction with employee usage.

8.1 Digital Awareness: Mercy actively supports children and Adults at-risk in Mercy organised information and communication technology activities – to understand how to safely and appropriately utilise social media and digital technology, while avoiding risks and appropriately responding to threats or incidents.

³ Office of the Children's Guardian – Working with Children Check -
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

Safeguarding Principles

Mercy endorses and commits to the principles of:

- The United Nations Convention on the Rights of the Child 1989 (ratified in Australia 1990).
- The United Nations Convention on the Rights of Persons with Disabilities 2006
- The United National Principles for Older Persons
- Charter of Aged Care Rights 1 July 2019

Associated policies

- A.3 Code of Conduct Staff & Volunteers
 - E.08 Complaints Policy (E.08)
 - C.11 Recruitment Policy
 - D.16 Social Media Policy
 - E.15 Privacy Policy
 - E.16 Protection of Vulnerable Adults from Abuse & Neglect
 - E. 17 Protection of Children from Abuse & Neglect
 - E.27 Whistle-blowing Policy
- Other policies as appropriate*

Definitions

Abuse: 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.

Adult at risk: any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. are unable to protect themselves from abuse or neglect or exploitation because of their care and support needs.

Partners: Board members, consultants; volunteers; contractors; program visitors including journalists, celebrities and politicians

Beneficiaries: In regards to safeguarding, Mercy uses a broad, working definition of 'beneficiary' to include not only direct beneficiaries of our services, but also any child or adult who might suffer harm caused by Mercy employees or partners as part of Mercy Services presence with clients, residents and families.

Child Protection: All measures taken to prevent and respond to abuse, neglect, exploitation and all other forms of violence against children.

Safeguarding: Preventing, reporting, and responding to harm, abuse or exploitation of children or adults at-risk by Mercy employees, volunteers or partners.

Volunteer: A person who is neither employed by Mercy nor legally obliged to work for Mercy, but who on free will and without expectation of payment or other remuneration, contributes their time, skill knowledge, efforts and expertise to Mercy's work.

VERSION CONTROL AND CHANGE HISTORY

Version	Date Reviewed	Amendments
1.0	11/05/2018	Initial Policy
1.1	30/06/2021	Revision to policy in line with changes to Catholic Safeguarding Standards and organisational practice
	13/07/2021	Approved by RCI Committee

CONFIRMATION OF READING:

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

I confirm that I have read and understand the contents of the Mercy Services Safeguarding Policy and my responsibilities as an employee.

Employee name: _____

Employee signature: _____

Date: _____