



Service Delivery

## **E.23 Safeguarding Policy**

REVIEWED: June 2024

## E.23 Safeguarding Policy

The purpose of this policy is to protect people, particularly children, adults at risk, staff 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.

This policy and its procedures apply to all Mercy Services:

- 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.
- both during and outside of normal working hours.

### Record of policy development

Version	Date approved	Policy Changes
1.0	11/05/2018	Policy created
1.1	13/07/2021	Revision of policy in line with changes to Catholic Safeguarding Standards and organisational practice
1.2	01/03/2022	Minor update to whistleblowing contact details
1.3	15/12/2022	Minor update to Board contacts
1.4	06/11/2023	Minor update to Chair of the MCSAL Service Delivery Sub-Committee
2.0	23/07/2024	Transferred policy to new organisational template and revised to align with organisational values and position.
2.1	N/A	Updated references to Whistleblowing policy to reflect policy being renumbered from E.27 to C.20

### Responsibilities and delegations

This policy applies to	Staff and Volunteers
Specific responsibilities	Governance Committees, Head of Risk & Compliance, Quality, Clinical & Safety Advisor
Policy approval	Risk & Continuous Improvement Committee

<b>Policy context</b> – this policy relates to:	
Standards	NDIS Practice Standards Aged Care Quality & Safety Standards National Catholic Safeguarding Standards
Legislation	N/A
Contractual obligations	N/A
Organisation policies	Risk Management, Complaints, Incidents, Health & Safety A.03 Code of Conduct E.08 Complaints & Feedback Policy C.11 Recruitment Policy C.12 Bullying, Harassment & Discrimination C.13 Incident Management C.20 Whistleblowing Policy E.14 Duty of Care E.15 Privacy Policy E.32 Supported Decision Making & Dignity of Risk E.34 Intimacy & Sexuality in Aged Care F.13 Digital Media Policy <i>Other policies as appropriate</i>
Forms, record keeping, other documents	Incident form, Complaints form, Whistleblowing report

## 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.

**Partners:** Board members, consultants, volunteers, contractors, and/or program visitors including journalists, celebrities and politicians.

**Beneficiaries:** in regard to safeguarding, Mercy Services 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 Services 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.

## 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.

## Safeguarding Principles

Mercy Services 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.

## Link to Mercy Services Values

This policy aligns with the following Mercy Values in its implementation and practice through:

**Respect** – promotes the dignity of each individual regardless of position, background, beliefs, ethnicity, diversity or preferences. It promotes the rights of individuals and appreciation of their self-worth when interacting with Mercy Services.

**Care** – in articulating an open and inclusive approach to practice, this policy creates a context of compassion with actions demonstrating a kind-hearted spirit while providing for a person's health and protection as a resident or client including when an adverse event occurs, fostering a spirit of generosity, kindness and support.

## 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 always kept secure.

## 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. Safeguarding goes beyond the focus of physical and sexual abuse to also incorporate psychological and emotional abuse, neglect in terms of breaching duty of care and exploitation involving financial theft or coercion.

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. In addition, these safeguarding requirements extend to staff ensuring they are also protected against any form of harm, abuse or exploitation.

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 interests<sup>1</sup> of children or adults<sup>1</sup> 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 authority<sup>2</sup>. This includes contacting the police immediately where there may be immediate risk of harm to any person, especially a child or adult at risk.

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 and adult safeguarding throughout our work; applying the three pillars of prevention, reporting and response, addressing the following areas of safeguarding:

1. Safeguarding responsibilities (outlining governance & leadership culture)
2. Behavioural protocols
3. Safeguarding incidents, concerns and response protocols
4. Managing safeguarding risks
5. Governance framework
6. Recruitment and screening
7. Training and induction
8. Communications, social media and technology.

## Safeguarding responsibilities

### Relevant People & Partners

Mercy Services 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 Services work. Hereafter, the full range of people for whom all or some of this policy is relevant (either directly or through contractual arrangements) will be referred to as Mercy Services staff, volunteers and partners.

---

<sup>1</sup> 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](http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C-GC_14_ENG.pdf)

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

## Awareness

All Mercy staff, volunteers & broker partners are provided with this policy and commit to its compliance in delivering services to those under Mercy Services' care.

## Training

All Mercy Services staff, volunteers and partners receive mandatory Safeguarding Training upon commencement, and mandatory annual refresher training thereafter. Records of staff attendance at mandatory Safeguarding Training will be kept on file by People & Culture, and training will provide an understanding using examples of how Mercy Services' Safeguarding policy, procedures and responsibilities are applied in practice.

## 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.

## Board and Chief Executive Officer Responsibilities

**Board:** the Mercy Board will uphold its legal obligations with regards to safeguarding. As the owner 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 is 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.

**Chief Executive Officer (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.

## Reporting

All staff, volunteers & the Board must:

- adhere to this Safeguarding Policy.
- Refer to and adhere to E.08 Complaints & Feedback Policy or C.13 Incident Management Policy with respect to reporting any concerns or allegations made regarding abuse or breaches of this policy.

## Behavioural protocols

All Mercy Services clients/residents, including adults at risk and children have the right to be safe from abuse of any kind. Mercy Services staff, volunteers and partners have a

responsibility and duty of care to protect clients from harm and promote their wellbeing. This is further enforced and outlined in the A.01 Code of Conduct.

## Acceptable Behaviour

Mercy staff, volunteers and partners will:

- a) create and maintain an environment which prevents abuse of children and adult at risk and promotes the implementation of these behavioural 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 Services' E.15 Privacy Policy, F.13 Digital Media Policy, and any 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 Services 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.

## Unacceptable Behaviour

Mercy staff, volunteers and 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 Services' 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 Services' care, or the Mercy Services 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 Services management.
- l) steal from or coerce a beneficiary to provide a gift or financial incentive.
- m) breach professional boundaries or duty of care to a beneficiary under care.

### **Disciplinary Action**

Failure to follow Mercy Services Safeguarding Behavioural Protocols, failure to follow any other part of the Mercy Services Safeguarding Policy, other inappropriate behaviour toward children or adult at risk or failing to report a known or suspected safeguarding incident committed by Mercy Services staff, volunteers or partners, is grounds for immediate discipline, up to and including termination of the employment or other association with Mercy Services.

## **Safeguarding incidents, concerns and response protocols**

### **Reporting an Allegation or Concern Regarding Abuse**

In accordance with *E.08 Complaints & Feedback Policy*, *Incident Reporting Framework* and *C.20 Whistleblowing Policy*, staff, volunteers and partners must report any complaint, allegation or concern regarding abuse raised with them to a Senior Manager. Mercy Services 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 Services will ensure the protection of all children and adults at risk. This may include referral to victim support services, psychosocial supports and, if required, reporting the matter to the police.



## Disclosure

Mercy Services is committed to maintaining confidentiality for individuals in Safeguarding Incidents. Mercy Services will only 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.

Under *C.09 Open Disclosure Policy*, Mercy Services adheres to the principles of the Australian Open Disclosure Framework. Mercy Services is committed to remaining transparent, honest, and compassionate within the provision of care and services to our clients and residents. Open disclosure forms part of investigating and responding to all safeguarding incidents. This can include open and honest conversations with the client, resident and/or their authorised representatives.

## Reporting Process:

The following steps outline the process staff, volunteers and 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 a paper-based incident report form.
3. If the concern is about a line manager or director, this is to be reported by email to the CEO, Chair of the MCSAL Board or Chair of the MCSAL Service Delivery Sub-Committee as per below contact information:

CEO – Tony Bidstrup <a href="mailto:Tony.Bidstrup@mercyservices.org.au">Tony.Bidstrup@mercyservices.org.au</a>	Chair of the MCSAL Board – Charles Reis <a href="mailto:charles.reis@optusnet.com.au">charles.reis@optusnet.com.au</a>
Chair of the MCSAL Quality & Safety Sub-Committee – Janet Farrow <a href="mailto:janetfarrow@icloud.com">janetfarrow@icloud.com</a>	

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 whistleblowing service,

The *NSW Ageing & Disability Commission* can provide information on services to report concerns of abuse, neglect or exploitation of an older person or adult with disability. Available on **1800 628 221** (weekdays 9AM-4PM).

## Investigating an Allegation or Concern

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 Services will notify the organisation of the investigation.

The survivor will be supported by Mercy Services 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.

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

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.

## Managing safeguarding risks

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

### 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 and screening
- training and education
- safe environment
- support and advisor bodies.

## Governance framework

Mercy Services Board and CEO commit to open communication and discussion regarding safeguarding issues with Mercy Services 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 via Mercy Services whistleblowing provider Speak Up Integrity:

<b>Telephone:</b>	1800 324 775
<b>Email:</b>	<a href="mailto:speakup@coreintegrity.com.au">speakup@coreintegrity.com.au</a>
<b>Online: (anonymous)</b>	<a href="https://speakup.coreintegrity.com.au/mercyservices">https://speakup.coreintegrity.com.au/mercyservices</a>

## Recruitment and screening

### Recruitment

There is thorough recruitment and screening procedures that must be consistently and comprehensively followed.

### Screening

Mercy Services takes diligent measures to screen out all people who might seek to use Mercy Services 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).

### Identity and Background Checks

Candidates for employment, Board/Advisory Council members, and volunteers – as well as where 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<sup>3</sup> to 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 Services. People with a prior conviction for sexual exploitation or abuse against an adult are not hired or engaged by Mercy Services 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 and 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 Services employment expectations. A copy is also easily accessible on the [Mercy Services website](#).

## Training and induction

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

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

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 i.e. Code of Conduct, Complaints and Feedback Policy.
- training on reporting process, response protocols and escalation procedures.
- safeguarding training – identifying the types of abuse of children & adults at risk.

## **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.

## **Communications, social media and technology**

Mercy Services has policies outlining the appropriate use of IT, communications, and social media platforms (*C.07 Information & Communications Technology policy* and *F.13 Digital Media policy*) in conjunction with employee usage.

## **Digital Awareness**

Mercy Services will ensure that through its activities children and adults at risk will not be exposed through information and communication technology to safeguarding risks. Mercy Services will ensure appropriate and safe use of digital media and technology within its operations to minimise risks and appropriately respond to threats or incidents.