

**Sexual Health & Family Planning ACT**



# **Client Safeguarding Policy**

**Sexual Health & Family Planning ACT**

Level 1, 28 University Avenue  
Canberra ACT 2601

# CLIENT SAFEGUARDING POLICY

The purpose of this policy is to describe SHFPACT’s responsibilities and approach to safeguarding people who use its services or otherwise engage with the organisation.

This Client Safeguarding Policy consists of the following sections:

## **Introduction and Context**

Establishes the context and purpose of the Policy.

## **Policy Statement**

Outlines the organisation’s commitments and articulates the responsibilities and obligations of parties.

## **Procedures**

Outlines at a high level the processes and steps to be followed in safeguarding clients/service users, and relevant staff reporting obligations to other external stakeholders.

Unit Managers and Program staff may shape additional procedure and guidance materials specific to the program, client/service user cohort needs, or specific contexts as required.

Requirements of conduct are outlined in the SHFPACT *Code of Conduct*, which should be read in conjunction with this document, and include the expectation that all SHFPACT employees, volunteers and Council members maintain a high standard of personal & professional conduct at all times. Employees are expected to always act in a way that is safe, fair and respectful of employees, volunteers, clients and other people associated with the organisation. Council members are expected to discharge their governance responsibilities with due diligence, impartially, fairly and in the best interests of the organisation, and to ensure a safe, fair and respectful environment is maintained in the organisation.

### **Version Control and Review Details**

<b>Document Name:</b>	SHFPACT Client Safeguarding Policy
<b>File Location:</b>	N:\Executive Director\POLICIES AND PROCEDURES\Procedures\HR & Employment
<b>Version:</b>	v2021-1
<b>Approved:</b>	Executive Director
<b>Review Date:</b>	June 2022
<b>Attachments:</b>	
<b>Previous versions:</b>	

## TABLE OF CONTENTS

Overview & Context.....	4
Purpose .....	4
Definitions.....	4
Other relevant SHFPACT Policy.....	6
Policy Statement .....	7
Who is a 'service user'?.....	<b>Error! Bookmark not defined.</b>
Rights and Responsibilities of Service Users.....	<b>Error! Bookmark not defined.</b>
Procedures for Resolution of Grievances and Disputes .....	<b>Error! Bookmark not defined.</b>
Step 1: Approach Directly and Seek Early Resolution.....	<b>Error! Bookmark not defined.</b>
Step 2: Approaching SHFPACT .....	<b>Error! Bookmark not defined.</b>
Step 3: Referral to Executive Director or delegate .....	<b>Error! Bookmark not defined.</b>
Step 4: External party review and/or mediation .....	<b>Error! Bookmark not defined.</b>

## Overview & Context

### Purpose

The purpose of this policy is to:

- a. Help protect people that interact with, or are affected by, Sexual Health and Family Planning ACT Inc (SHFPACT).
- b. Define the key terms we use when talking about protecting people or safeguarding.
- c. Set out and develop the way SHFPACT manages safeguarding risks.
- d. Set out the specific roles and responsibilities of persons working in and with SHFPACT.
- e. Facilitate the safe management of incidents.
- f. To support a positive and effective internal culture towards safeguarding.

In the context of SHFPACT's work in the Canberra community, longstanding research evidence demonstrates that some client cohorts and priority populations are particularly affected by and vulnerable to physical, sexual and emotional abuse, exploitation and neglect. SHFPACT is committed to the health, safety and welfare of all people, and SHFPACT employees exercise their professional and ethical responsibilities to clients and service users to support their safety and wellbeing, including reducing vulnerability to and addressing harms caused by abuse, neglect and exploitation, and especially for:

- a. Children and young people
- b. People with disabilities

### Definitions

For the purposes of this policy and associated procedures

1. **'Safeguarding'** means protecting the welfare and human rights of people that interact with, or are affected by, SHFPACT, particularly those that might be at risk of abuse, neglect or exploitation. This refers to any responsibility or measure undertaken to protect a person from harm.
2. **'Abuse, neglect or exploitation'** means all forms of physical and mental abuse, exploitation, coercion or ill-treatment. This might include, for example:
  - a. Sexual harassment, bullying or abuse;
  - b. Sexual criminal offences and serious sexual criminal offences;
  - c. Threats of, or actual violence, verbal, emotional or social abuse;
  - d. Cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
  - e. Coercion and exploitation;
  - f. Abuse of power.

3. **‘Reasonable grounds to suspect’** is a situation where a person has some information that leads them believe that abuse, neglect or exploitation has taken place, is taking place, or may take place. It comes with a low burden of proof (in fact, no proof is needed at all), but is based on some information. Questions that may help a person to determine whether they have ‘reasonable grounds to suspect’ might include:
  - a. Could you explain to another person why you suspect something? This helps to make sure that your suspicion is based on information, even if you have no proof.
  - b. Would an objective other person, with the same information as you, come to the same conclusion? This helps to make sure that your suspicion is as objective as possible.
4. A **‘survivor-centric approach’** means considering and lawfully prioritising the needs, right and wishes of survivors.

### Relevant external agencies and frameworks

SHFPACT’s provides a broad range of services and is subject to a range of reporting responsibilities and obligations to external authorities and agencies, including where relevant:

- for registration and provision of services to people with disabilities under the National Disability Insurance Scheme (NDIS), the NDIS Safety & Quality Commission and National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018;
- for statutory mandatory and voluntary reporting arrangements for children and young people relating to abuse and neglect, ACT Child & Youth Protection Service;
- for other criminal offences, the Australian Federal Police (ACT Policing) or other relevant police services in other jurisdictions;
- for critical incidents involving vulnerable people in the ACT, the ACT Government represented by the ACT Human Services Registrar or Director-General of the ACT Government Community Services Directorate
- for reportable breaches of professional codes of conduct or registration requirements:
  - (e.g. critical incidents affecting vulnerable people, Working with Vulnerable People registration)
  - professional registration bodies and authorities (e.g. the Australian Healthcare Practitioners Registration Authority, AHPRA or ACT Teacher Quality Institute, TQI)
  - other professional membership associations.
- for the authorisation of behaviour support plans and the notification of unauthorised use of restrictive practices, the ACT Senior Practitioner;
- consistent with terms of cover, providers of insurance to SHFPACT, including professional indemnity/medical malpractice, public and product liability, volunteer accident/injury, workers compensation.

- Consistent with the requirements of service funding agreements, contracts and deeds of grant, contract and relationship managers for government and other funding bodies.

#### Other relevant SHFPACT Policy

This Client Safeguarding Policy interacts with the following SHFPACT Policy documents:

- SHFPACT Code of Conduct for Employees and Volunteers
- SHFPACT Critical Incident Management and Reporting Policy
- SHFPACT Privacy Policy
- SHFPACT Work Health & Safety Policy
- SHFPACT Risk Management Framework & Policy
- SHFPACT Human Resources policies and procedures

## Policy Statement

1. All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background, have equal rights to protection from abuse, neglect or exploitation.
2. SHFPACT commits to promoting and protecting the welfare and human rights of people that interact with, or are affected by, our work - particularly those that may be at risk of abuse, neglect or exploitation. We have no tolerance for abuse, neglect or exploitation. We will take a survivor-centric approach in all that we do.
3. All employees, volunteers, and contractors of SHFPACT share responsibility for protecting everyone from abuse, neglect or exploitation. Beyond this, particular people have specific responsibilities, and they must carry out their duties without exception.
4. SHFPACT complies with current ACT mandatory reporting legislation and is committed to reporting abuse, neglect and risk of harm to children and young people through the processes established by legislation and SHFPACT procedures.
5. SHFPACT has a process for managing incidents and reporting that must be followed when one arises.

## Policy responsibility

1. While the responsibility to protect people is shared by all who work at or with **SHFPACT**, some individuals have specific obligations with which they must comply.
2. The members of the Council (governing board) of **SHFPACT** are responsible for:
  - a. Protecting all people that interact with, or are affected by, **SHFPACT**;
  - b. Ensuring that there are appropriate and effective ways for **SHFPACT** to do this;
  - c. Ensuring that **SHFPACT** observes all relevant laws relating to safeguarding;
  - d. Ensuring that **SHFPACT** takes a survivor-centric approach.
3. The Executive Director (CEO) of **SHFPACT** is responsible for:
  - a. Ensuring **SHFPACT** has effective and appropriate ways to manage safeguarding and legal compliance;
  - b. (If necessary) Ensuring the appointment of a Safeguarding Manager with appropriate skills and competency;
  - c. Ensuring that, within the charity's approach, reasonable steps are taken to protect people;
  - d. Ensuring that reports to external parties are made where required.
4. Unit Managers have responsibilities as Safeguarding Managers at **SHFPACT** and have responsibility to:
  - a. Manage reports of abuse, neglect or exploitation in accordance with this policy, procedures, relevant codes of professional ethics and the SHFPACT Code of Conduct for Employees and Volunteers;

- b. Ensure that all employees, contractors, and volunteers under their supervision are aware of relevant laws, policies and procedures, and **SHFPACT's** Code of Conduct for Employees and Volunteers;
  - c. Ensure that all employees, contractors and volunteers are aware of their obligations to report suspected incidents of abuse, neglect or exploitation;
  - d. Manage reports of abuse, neglect or exploitation;
  - e. Provide support for employees, contractors and volunteers in undertaking their responsibilities.
5. All Managers, Program Coordinators and Senior Employees of **SHFPACT** must:
- a. Promote a positive culture towards safeguarding;
  - b. Implement this policy in their area of responsibility;
  - c. Ensure that the risks of incidents have been considered in their area of responsibility;
  - d. Ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
  - e. Facilitate the reporting of any suspected abuse, neglect or exploitation;
  - f. Take a survivor-centric approach to potential incidents and ensure that any incident is dealt with transparently and accountably.
6. All Employees and Volunteers of **SHFPACT** must:
- a. Familiarise themselves with the relevant laws, the Code of Conduct, policies and procedures for safeguarding;
  - b. Comply with all requirements;
  - c. Report any incident to the appropriate authority when it is reasonable to suspect that a person's safety or welfare is at risk
  - d. Report any suspicion that a person's safety or welfare may be at risk to the appropriate authority; and
  - e. Provide an environment that is supportive of everyone's emotional and physical safety.
7. All contractors of **SHFPACT** must:
- a. Implement the provisions of this policy and **SHFPACT's** procedures in their dealings with **SHFPACT**;
  - b. Report any suspicion that an incident may have taken place, is taking place, or could take place.

## Policy Implementation

### Managing safeguarding risk

1. The way **SHFPACT** manages the risks of safeguarding will be:
  - a. Holistic. **SHFPACT** and its stakeholders will work to prevent, detect and take action on incidents.
  - b. Risk-based and proportionate. **SHFPACT** will regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.
  - c. Survivor-centric. **SHFPACT** will put those people who are most vulnerable and/or directly affected by abuse, neglect and exploitation at the heart of its approach to safeguarding.
  - d. Lawful. **SHFPACT** will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.
  
2. **SHFPACT** will manage the risk of safeguarding by:
  - a. Implementing and maintaining up-to-date and documented risk assessments;
  - b. Identifying **SHFPACT's** legal obligations for safeguarding and workplace health and safety in all the jurisdictions in which it operates;
  - c. Undertaking a review of child safe practices and vulnerable client safeguarding, and implementing an continuous quality improvement action plan that improves how it understands and manages its safeguarding responsibilities;
  - d. Adhering to this Safeguarding Policy and its Code of Conduct for Employees and Volunteers;
  - e. Doing due diligence checks of staff, volunteers and contractors;
  - f. Implementing policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents;
  - g. Conducting awareness-raising for stakeholders on risks, expectations, and individual responsibilities;
  - h. Having an incident response plan;
  - i. Monitoring and reviewing the effectiveness and proportionality of its safeguarding approach.

### Managing incidents

3. Harassment, abuse, neglect and exploitation are all serious misconduct and **SHFPACT** reserves the right to:
  - a. Take disciplinary action against those it believes are responsible, which may include termination of employment;
  - b. Take civil legal action;

- c. Report the matter to law enforcement.

#### *Reporting suspected incidents*

4. All staff, volunteers and third parties must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place.
5. They may do this through direct reporting to:
  - a. Any member of the board;
  - b. The Chief Executive Officer;
  - c. Their Manager or Supervisor;
  - d. Another senior staff member.
6. If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.

#### *Responding to suspected incidents*

7. All suspected, perceived, potential or actual incidents will be managed through the incident response plan.

#### *External reporting*

8. **SHFPACT** will:
  - a. Report any suspicion of a criminal offence to the police or the relevant criminal judicial body;
  - b. Meet all funder or donor requirements regarding the reporting of incidents;
  - c. Report any qualifying matter consistent with the Critical Incident Management and Reporting Policy.

### Privacy and data protection

9. All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. SHFPACT will protect personal information.
10. **SHFPACT's** Privacy Policy applies. Information about a person that is collected, used or disclosed in accordance with this Safeguarding Policy is considered **personal health information** and **sensitive information** under the SHFPACT Privacy Policy and the Care and Protection Reporting procedure.

### Procedures created by or relevant to implementation of this policy

- A. *Critical Incident Management and Reporting Policy*
- B. *Response Protocol: Suspicion of Abuse, Neglect or Exploitation*
- C. *Care and Protection Reporting Procedures for Children & Young People*

# RESPONSE PROTOCOL

## Suspicion of abuse, neglect or exploitation

The purpose of this Protocol is to guide SHFPACT employees, volunteers and contractors in a consistent response to suspicion that a client/service user (or other vulnerable person) has been or is being subjected to abuse, neglect or exploitation as defined in the SHFPACT Client Safeguarding Policy.

There are five phases to the Protocol:

- 1 Forming a suspicion**
- 2 Reporting a suspicion**
- 3 Managing SHFPACT response**
- 4 Taking action following investigation**
- 5 Concluding SHFPACT response**

### Process and guidelines

#### **Phase One: Forming a suspicion that an incident of abuse, neglect or exploitation has occurred**

The safeguarding policy defines 'reasonable grounds to suspect' an incident and creates a requirement for managers, staff, volunteers and third parties to report that suspicion.

Failure to report instances, allegations, disclosures or concerns about safeguarding will be viewed as a serious matter that may, depending on the circumstances, result in disciplinary action or termination of employment or contract.

#### **Phase Two: Reporting a suspicion**

Under the safeguarding policy a person may report a suspicion by:

- directly reporting to the Executive Director (Chief Executive Officer, 'CEO'), their Unit Manager or Program Supervisor.
- Or, if the incident or issue relates to a suspicion about one of these people, directly to any member of the Board.

The person receiving the report of a suspicion must notify the Executive Director and/or Unit Manager, who will be responsible for managing the response to the suspected incident.

When receiving a report:

- Use active listening, be calm, supportive and reassuring with any potential victim or witness. Concentrate on making the person providing information feel that they are doing the right thing and that you are there to help them.
- Explain what you will do with the information.
- Explain that you are required to pass the information to other people within SHFPACT who have responsibilities to follow up the report, and that SHFPACT will take the matter seriously.
- Get as much information as possible from the source of the concern, if appropriate in the circumstances.

When receiving a report:

- Do not make promises to any person, except to say that SHFPACT will take the matter seriously.
- Do not attempt to investigate the matter yourself.
- Do not disclose the information to people other than those you are required to tell.
- Do not approach, confront or challenge, inform or share information with any person alleged to be involved in the suspected abuse, neglect or exploitation about the reported incident.
- Do not make judgements about the validity, credibility or veracity of the information reported.

### **Phase Three: Managing SHFPACT response to suspected abuse, neglect or exploitation**

Upon being notified of the incident, the Executive Director and/or Unit Manager (Safeguarding Manager) will:

1. Ensure that all people, especially any person directly affected by the reported abuse, neglect or exploitation, are safe from immediate harm;

**If there is suspicion of imminent physical harm, including sexual abuse, notify the police immediately.**

2. Seek further information to help make decisions about appropriate next steps (including from relevant authorities and external agencies listed in the SHFPACT Client Safeguarding Policy);
3. Ensure that the information about the reported incident and next steps will only be made available to people who need to know.

The Executive Director and relevant Unit Manager will form the Incident Response Committee to respond to the reported/suspected incident. A third member of the team may be appointed from either the SHFPACT Council (Board) or another senior staff member (Unit Manager, Program Coordinator or senior professional) as available and appropriate.

*NOTE: In the absence of the Executive Director for any reason, including that Executive Director is alleged to have been involved in the reported incident against the client/service user, a member of the SHFPACT Council and one other senior staff member will form the Incident Response Committee with the relevant Unit Manager.*

The purpose of the Incident Response Committee is to provide accountability and guidance for appropriately responding in accordance with relevant SHFPACT policy, as well as knowledge and experience from across different areas of the organisation to help successfully manage an incident.

**All reported and suspected incidents require a response investigation and documented response.**

*If a matter has not been referred to the police or other competent investigative authority then, depending on the nature of the matter, the Incident Response Committee will be guided by the principles of independence and competence, considering:*

- *What is the best way to carry out an internal investigation independently and objectively?*
- *What resources are available, internally or externally, to carry out an investigation to the correct level of competence and fairness?*

The Incident Response Committee may recommend that an independent investigation into the reported or suspected incident be conducted by an external person competent to do so.

In the first instance, advice on this decision will be sought from a legal advisor familiar with SHFPACT and its operations.

Current legal retainer: Griffin Legal

During the course of the investigation and response:

1. the person directly affected by the reported/suspected abuse, neglect or exploitation must receive support from SHFPACT. This support is intended to assist this person or group of people to feel safe, and to give them confidence that their experience and needs are being prioritised. The support may involve referral to external support agencies and advocates.
2. Any person under suspicion or allegation must be treated lawfully and with due regard for their own safety, security and needs. This person is entitled to natural justice, and to be kept appropriate informed about progress of any investigation and response in way that does not compromise or prejudice either.
3. In both cases this includes providing each person with timely information and updates, that respect the privacy and confidentiality of the person or people directly affected. It may be appropriate for different people from the Incident Response Team to take responsibility for communication with each party.
4. All parties have the right to and benefit from as timely and comprehensive a response as is reasonably possible.

#### **Phase Four: Taking action following a reported suspicion of abuse, neglect or exploitation**

The Incident Response Committee will consider the recommended actions following an investigation of the reported/suspected incident. Possible outcomes may include:

- Internal disciplinary action against the person alleged to have committed the incident, which may include termination of employment or contract.
- Notifiable conduct reporting to competent authority, professional or industry body
- Referral of the information obtained during the investigation to police for criminal prosecution, or to another competent authority for further investigation or action.
- No further action is recommended

The Executive Director or SHFPACT Council members will be responsible for meeting any obligations to report to an external body, as appropriate.

#### **Phase Five: Concluding the response to a suspicion of abuse, neglect or exploitation**

To close an incident, the Incident Response Committee, Executive Director and SHFPACT Council must be satisfied that:

- There are records of the incident that show:
  - How the incident arose and how it was handled
  - The details of the original concern and other relevant information;
  - The details of the decisions that were made
  - The evidence collected
  - The details of the actions taken

- External reporting of the incident (if required).
- The Executive Director, or other senior Manager, will organise ongoing response/follow up (including staff debriefing, counselling, review and reporting).
  - Debriefing by trained staff or external professionals should be conducted within three to seven days of the critical incident.
  - The designated officer will organise counselling and critical incident stress management on a one-off or continuing basis as necessary for affected staff members.

The Incident Response Committee will also summarise in its report recommendations for future preventive action with the aim of improving the way it manages client safeguarding and prevents preventable incidents. This will take a holistic approach, framed by the following questions:

- How will SHFPACT better deter persons from behaving in this way again?
- How could SHFPACT better detect an incident like this again?
- How could SHFPACT better manage an incident like this again?

# Care and Protection Reporting Procedures

These procedures should be read in conjunction with 'Keeping Children and Young People Safe' guidance by Office for Children, Youth and Family Services, ACT Government Community Service Directorate (the statutory body with responsibility for child protection and reporting in the ACT), available here <https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe>

## Definitions

The *Children and Young People Act 2008* (ACT) (referred to in this procedure as 'the Act') defines a child as a person who is under 12 years old. A young person for the purposes of mandatory reporting is a person who is 12 years old or older, but not yet an adult (18 years).

A child or young person is in need of care and protection if:

- The child or young person:
    - Has been been abused or neglected; or
    - Is being abused or neglected; or
    - Is at risk of abuse or neglect,
- and
- No-one with parental responsibility for the child or young person is willing and able to protect the child or young person from suffering the abuse or neglect.

**From 1 September 2019, new child sexual abuse reporting laws come into effect which make it an offence for anyone in Canberra over 18 years old who reasonably believes a sexual offence has been committed against a child to fail to make a report to Police.**

## Mandatory Reporting

Certain professions and groups in the community are required by legislation, or mandated, to report when they have formed a reasonable suspicion that a child or young person has suffered or is suffering sexual abuse or non-accidental physical injury. Failure by a mandated person to report sexual abuse or non-accidental physical injury may result in legal penalties (fines and/or imprisonment).

**From 1 September 2019, new child sexual abuse reporting laws come into effect which make it an offence for anyone in Canberra over 18 years old who reasonably believes a sexual offence has been committed against a child to fail to make a report to Police.**

**Mandatory Reporting applies to a professional who is:**

- a) A doctor
- b) A registered dentist
- c) An enrolled or registered nurse
- d) A teacher at a school (including a teacher's assistant or teacher's aide)
- e) A person authorised to inspect education programs, materials or other records used for home education of a child or young person under the Education Act 2004
- f) A police officer
- g) A person employed to counsel children or young people at a school
- h) A person caring for a child at a childcare centre (where that person is in paid employment to do so)
- i) A family day care coordinator or monitor
- j) A public servant, who in the course of employment as a public servant, works with or provides services personally to, children and young people or families
- k) The public advocate
- l) The official visitor
- m) a person who, in the course of their employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

The Act states the circumstances when these professional groups must report to Care and Protection Services. They are if:

- an adult to whom this section applies reasonably suspects that a child or young

*Am I mandated to report abuse and neglect?*

### Clinical Staff

**All doctors and nurses** employed at SHFPACT are **mandated** in the course of their professional activities.

### Reception & Administrative Staff

In the course of your employment at SHFPACT, you are a mandated reporter.

### Educators and other professionals

In the course of your employment at SHFPACT, you are a mandated reporter.

All adults over the age of 18 are required to report knowledge of abuse, exploitation or neglect.

person has suffered or is suffering sexual abuse or non-accidental physical injury;

**and**

- those grounds arise during the course of or from the person's work (whether for remuneration or otherwise).

Once knowledge or suspicion of non-accidental physical injury or sexual abuse occurs a mandated person must, as soon as practicable, report to Care and Protection Services the name, or a description, of the child or young person and the grounds for the person's suspicion.

An exception to this is when the mandated professional/person reasonably believes that someone else has made a report:

- about the same child or young person; **and**
- the same abuse or injury; **and**
- the other person's grounds for their suspicion are the same grounds for your suspicion.

As reasonable belief may be formed if:

- the person tells you they have made a report, or
- you sight a file note stating a report has been made about the same incident or injury, or
- you sight reporting documentation about the same incident or injury (reporting form).

A mandated person may have reasonable suspicion to report to Care and Protection Services when:

- a child or young person discloses that he or she has experienced or is experiencing non-accidental physical injury or sexual abuse;
- someone else advises you that a child or young person has been sexually abused or non-accidentally injured;
- your own personal observations of the child or young person's behaviour or physical condition lead you to reasonably suspect that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.

A mandated reporter is not required to prove that abuse has occurred.

If employees, in their dealings with a pregnant woman, suspect or believe that the child who may be born as a result of the pregnancy may be in need of care and protection, a prenatal report may be made to Care and Protection Services.

## Procedures for making a report to Care and Protection Services

1. **If there is an immediate or imminent threat to child or young person, call the Police on 000**
2. If a mandated reporter has reason to suspect abuse they must report this to Care and Protection Services **as soon as practicable**. **Individuals are responsible for reporting, not organisations.**
3. Neither a mandated person nor a voluntary reporter may delegate the responsibility to another person. *For example, informing a supervisor or a colleague does not remove the responsibility of reporting from the person who has formed the suspicion or belief that a child or young person has been or is being abused or neglected.*
4. To make a report, contact Care and Protection Services Centralised Intake Services:

**1300 556 729**                      General Public Line (voluntary reports)

**1300 556 728**                      Mandated Persons Line

(02) 6205 0641 Mandated Persons Fax Number

Email:                                [childprotection@act.gov.au](mailto:childprotection@act.gov.au)

## Information relevant in making a report to Care and Protection Services

As much of the following information as the reporter knows should be provided when making a report. Providing this information is not a breach of privacy, confidentiality or ethics. If some of this information is unknown, it does not preclude a staff member from making a report.

- Name and date of birth of child/ren or young person/s
- Home address of child/ren or young person/s
- Current whereabouts of child/ren or young person/s
- Name of parents/guardians/carers, any aliases, and contact details
- Name of known siblings
- Nature of the abuse or neglect
- When and where the alleged abuse/neglect is said to have occurred
- Details about when and how you became aware of the information
- Names of others who may have witnessed the abuse or neglect
- Details of any disclosure made to you or others
- Description of any injuries seen
- Description of behaviour of child/ren or young person/s
- Attitude of the parents/guardians/carers of the child/ren or young person/s to the injury/incident
- Known supports to the child, young person and/or family

## **Additional procedures for SHFPACT staff making a report to Care and Protection Services**

SHFPACT also requires staff making a report to do the following:

1. Make a formal record of any consultations with and reports made to Care and Protection Services.
2. Notify their manager or supervisor that they have made a report, and provide the formal record to them. Include any correspondence and acknowledgement information provided by Care and Protection Services.
  - 2.1. Organisational records of reports made to Care and Protection Services will be kept in a secure file, separate from other client files or information in order to preserve the anonymity of the reporter, located in the Executive Director's office.
  - 2.2. This record should also include a summary of any communication between the reporter and a) Care and Protection Services, or b) any other person or organisation, that is related to the report, including conversations, faxes and emails, and telephone discussions.
3. In clarifying their responsibilities and determining the appropriate course of action related to making a report, SHFPACT staff may also do the following:
  - 3.1. Consult with their manager or a colleague about their concern, suspicion or belief that a child or young person has been or is being abused or neglected. Information sharing of this kind should be strictly on a 'need to know' basis, and this information must not be shared with other staff or colleagues within or outside the organisation.
  - 3.2. Consult with Care and Protection Services about their responsibilities, and/or their concern, suspicion or belief that a child or young person has been or is being abused or neglected.

### *Notes on keeping appropriate records:*

- Information that a report has been made to Care and Protection Services may be included in a client file or other client information record.
- Information that a report has been made to Care and Protection Services **should not** be made if this information, released to the client or under a subpoena to a court, the police or other legal/public authority, or other provided in accordance with SHFPACT policy and procedures, would cause harm or distress to the client, or in the view of the SHFPACT employee may increase risk to health and safety of staff.
- Information about evidence or observations that led to the forming of a suspicion **should** be documented in a client file (e.g. clinical progress notes, or observation record).
- Care should be taken by all SHFPACT staff to avoid making any subjective statements, judgments or conclusions in any record or documentation. Record only what was heard and/or seen, and only relevant clinical observations or diagnoses.
- Use the direct statements of the client quoted verbatim wherever possible.
- Ensure that all records are legible, signed and dated.

## *Other issues relevant to SHFPACT staff*

### *Reporting of sexual activity under the age of consent*

There is no presumption that sexual activity reported by a young person under the age of consent, or suspected by a SHFPACT employee, should automatically be reported as a care and protection issue. Factors to consider are:

- Whether the sexual activity is consensual;
- Whether the young person indicates some reluctance to discuss consent in the relationship, or displays a lack of understanding of what constitutes mutuality and genuine consent;
- Age of the child or young person;
- Age (if known) of their sexual partner/s, and the age difference;
- Relationship to the partner if age difference is greater than two years (testing whether a position of authority or trust is being exploited);
- Whether a parent or other adult with parental responsibility knows that the young person is sexually active, and can take steps to support and care for them, including supporting their access to sexual and reproductive health care;
- Other factors that increase vulnerability to sexual exploitation, such as homelessness, prior sexual abuse, patterns of drug and alcohol use, financial disadvantage, or an intellectual disability or communication challenge;

In most cases, a SHFPACT employee may make a voluntary report if concerned about the vulnerability of the client, and clinical staff employed at SHFPACT will make a mandatory report when a young person makes a disclosure about or the employee forms a reasonable suspicion that sexual abuse is occurring.