

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.

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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
- SHFPACT Feedback Policy and procedures

Noting also:

- Information provided as Easy English, plain English versions of these documents, and/or information about these processes for participant accessibility

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*