



# Work Instruction

## Responding to Abuse of a Child

### 1.0 Purpose

The purpose of this document is to provide instructions for Staff and Management on how to deal with alleged, suspected or actual abuse of Children.

### 2.0 Safety Requirements

- 2.1 Staff should adhere to normal risk management procedures at all times.

### 3.0 Instructions

#### Information for Staff

- 3.1 Where Abuse involves a person over the age of 18, refer to WI-03-01 – Work Instruction for Dealing with Abuse of Adults.
- 3.2 Any staff suspecting the occurrence of abuse is required to notify their supervisor immediately regardless of proof or client consent.
- 3.3 When an abusive situation or the risk of one is identified you should:
- Ensure your own safety.
  - If an Emergency, contact relevant emergency services (Police, Ambulance, Fire).
  - If any clients including victim remain at risk, move them to a safe place if possible.
  - Attend to any first aid or seek medical attention for victim if required.
  - Speak to victim in a quiet and calming tone and provide reassurance regarding their ongoing safety.
  - Inform the client that you are required to notify your supervisor of the allegation/incident.
  - Notify your immediate supervisor and discuss situation. Together identify if the situation constitutes 'significant harm' using the 'Mandatory Reporter Guidance tool' available on line at <http://www.keepthemsafe.nsw.gov.au>.
  - As a Mandatory Reporter you are required to notify the Community Services Helpline (133627) of any occasions of 'significant harm'. Where you are unable to do so due to your responsibility to provide immediate support or supervision to the child or other clients, you should request that your immediate supervisor or an appropriate member of the senior management team make the report. You are responsible to follow up at the end of your shift to ensure that appropriate reports have been completed.
  - Obtain additional information as required by investigators or Police.
  - Document the incidents on Incident Report Form or electronically via RiskMan
  - Provide further statements or documentation as required
- 3.4 Where a client, family member or member of the public makes threats that include abuse or harm to themselves, a person with a disability or another person, it must be treated as a serious emergency/crisis situation and the Police are to be notified immediately.

#### Information for Management

- 3.5 Where Abuse involves a person over the age of 18, refer to WI-03-01 – Work Instruction for Dealing with Abuse of Adults.
- 3.6 Where the potential for future abuse is identified, provide additional interim support to reduce the risk of abuse wherever possible.

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- 3.7 When an abusive situation is reported you should:
- Ensure that clients and staff are now in a safe position.
  - Ensure that the immediate emergency has been appropriately managed and medical or trauma support has been obtained if required.
  - If possible offer support and comfort to the child or young person, let them know they are safe and advise them that anything they say will be taken seriously and will be investigated.
  - Identify if the reported situation constitutes 'significant harm' using the 'Mandatory Reporter Guidance tool' available on line at <http://www.keepthemsafe.nsw.gov.au>. Where any doubt is held as to whether a situation is 'significant' or not, the situation should be treated as being significant.
- 3.8 If the situation constitutes 'significant harm' or if you are unsure
- Check that appropriate first aid or medical attention has been provided
  - Check if the staff member has notified Community Services Helpline (133627) and if not assist them to make the notification. Where staff are unable to do so due to their responsibility to provide immediate support or supervision to the child or other clients, the manager is to make the report.
  - Notify Senior Management. The client's permission for this is preferred although not required.
  - The Manager or a member of the Senior Management Team is to inform the victim of the organisation's responsibility to make a report to Community Services and to indicate what this might entail. If the child objects to the notification, the report must still go ahead, however the objection should be registered with the receiving agency.
  - All reported cases will be assessed as to whether they amount to 'significant risk' using the 'Mandatory Reporter Guidance tool' available on line at <http://www.keepthemsafe.nsw.gov.au>. Cases of 'significant risk' will be reported to Community Services. Other External Reporting requirements are outlined in RD B-04-03 External Notifications.
  - If the alleged perpetrator is a member of staff, remove this person from any contact with the client and from contact with other clients until finalisation of any investigative processes. Any such incident must be reported to Executive Management and Human Resources immediately.
  - Do not attempt to further interview the client or the alleged offender until a decision has been made regarding the pursuit of legal action in recognition of the possibility of contamination of police evidence.
  - Arrange interpreters and/or advocates as required.
- 3.9 If the situation does not constitute 'significant harm'
- Check that appropriate first aid or medical attention has been provided
  - Check if the staff member has notified Community Services Helpline (notification is not required for 'non-significant' incidents)
  - Notify Senior Management
  - The Manager or a member of the Senior Management Team is to inform the victim of the organisation's responsibility to follow up on such reports and to indicate what

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this might entail. If the child objects to the follow up, it must still go ahead, however the objection should be registered with any receiving agencies.

- Support the client and family to minimise the risk of future harm (significant or otherwise). Where situations of abuse or neglect fall below the reporting threshold:
  - Provide additional services where possible
  - Utilise appropriate contacts to refer clients to other agencies for services
  - Utilise other processes established as part of the government response including the Family Referral Service and HSNet 'ServiceLink' at <http://www.keepthemsafe.nsw.gov.au>
  - Provide information to other relevant service providers as appropriate

### 3.10 Child in Statutory Out-Of-Home Care

- The Principal Officer is required to notify the Children's Guardian in writing when an allegation of sexual misconduct or serious physical assault towards a child in out-of-home care is received, committed by a child-related worker (inclusive of employees, authorised carers, adult household members and board members).
- The term sexual misconduct includes sexual offences. These offences include:
  - Indecent assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Sexual intercourse and attempted sexual intercourse.
  - Possession / dissemination / production of child pornography or child abuse material.
  - Using children to produce pornography.
  - Grooming or procuring children under the age of 16 years for unlawful sexual activity.
  - Deemed non-consensual sexual activity on the basis of special care relationships.

There are three categories of sexual misconduct in addition to the sexual offences listed above. These include:

- Crossing professional boundaries.
- Sexually explicit comments and other overtly sexual behaviour.
- Grooming behaviour.

A physical assault is considered serious where:

- It results in the child being injured, beyond a type of injury like a minor scratch, bruise or graze; or
- It had the potential to result in serious injury; or
- The injury suffered may be minor, but the assault is associated with aggravating circumstances.

### 3.11 Investigation of a Complaint

- The Senior Manager is to appoint a Case Operations Manager from amongst senior staff. This person must be someone that has not been implicated in any way in the allegation. It is the responsibility of the Case Operations Manager to

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arrange ongoing assistance for the client including any necessary counseling or alternative support arrangements

- In the event of the victim having only casual contact with the services of the Trust (e.g. recreation support), or where alternative agencies have a more direct role in that person's care refer ongoing case management to the primary service provider, providing the allegation does not implicate the primary service involved in that person's care.
- Work with Community Services or other applicable services, and follow their direction in the investigation of an incident. If required, exchange information under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.
- Document Complaint and keep records in a locked filing cabinet. Where appropriate information may also be documented on RiskMan through incident reporting procedures. All documentation relating to assault or abuse of a child is to be retained indefinitely.
- Advise client/ family of external avenues for complaints resolution. (See Section 2 – B2 Grievance Policy).
- Ensure that staff and/or clients are offered follow-up support and counselling/debriefing as required.
- Conduct Risk Assessment and take appropriate measures to minimise the risk to the victim and others. Particular focus is to be placed on client mix and staffing levels. Where ever possible the stability and continuity of the victim's services is the primary focus.
- Follow up on outcomes/ actions of referral agency.
- All proceedings and investigation are to be clearly documented and signed off by the CEO.

### 3.12 Investigation of Allegations made in relation to the actions of a Staff member of the Trust

- A staff member who is the subject of an allegation of abuse or neglect should be immediately removed from client contact pending an investigation of the complaint. Any such incident must be reported to Executive Management and Human Resources immediately.
- Abuse or suspected abuse by an employee should be reported to the Police
- Where a breach of policy has occurred follow Trust Policy (see Policy F-12 Managing the Disciplinary Process).
- Notify the Commission for Children and Young People of any relevant disciplinary proceedings arising as a result of an employee of The Trust being involved in child abuse, sexual misconduct or acts of violence in employment where these acts:
  - involve children,
  - are directed at children, or
  - take place in the presence of children.
- Relevant employment proceedings are those where an employer (or professional or other body that supervises the professional conduct of the employee) has:
  - found reportable conduct; or



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- found that an act of violence committed by an employee in the course of employment and in the presence of a child has occurred, or there is some evidence it occurred, however the finding is inconclusive.
- concluded proceedings through actions of the employee, i.e. where an employee resigns or leaves before the disciplinary process is finalised.
- Relevant disciplinary proceedings do not include those where there is a finding that the allegations are:
  - false, vexatious or misconceived.
  - reasonable for discipline, management or care;
  - trivial or negligible,
- The employee is to be given the right of reply to all allegations
- All Allegations of abuse by an employee are to be notified to the Ombudsman within 30 days. This includes reports found to be unfounded, malicious or vexatious.

#### 4.0 Definitions

- 4.1 Abuse – any pattern of behaviour or system of service delivery that leads to physical, psychological, sexual or financial harm or neglect. This may include sexual assault, physical, emotional, financial and systemic abuse, domestic violence, constraints, restrictive practice and neglect.
- 4.2 Child – A person who is under the age of 18 at the time of receiving care.
- 4.3 Management - the collective of all management positions including CEO, Executive Managers, Senior Managers and Managers
- 4.4 Mandatory reporter – a person who delivers the following services to children as part of their paid or professional work: health care, welfare, education, children's services (e.g. child care workers), residential services (e.g. community housing providers) or law enforcement. This definition includes disability care workers
- 4.5 Principal Officer - the person with overall responsibility for supervising The Disability Trust's (as a designated agency) arrangements for providing statutory or supported out-of-home care.
- 4.6 Significant harm – that which is sufficiently serious to warrant response by a statutory authority irrespective of a family's consent. The action is likely to result in a substantial and demonstrable adverse effect on the child's welfare or wellbeing.
- 4.7 Young Person – a person between the ages of 16 and 18. Young people may also be referred to as children

#### 5.0 Tools, Gauges & Fixtures

Nil

#### 6.0 Forms & Records

External Form Criminal Record Check  
 External Form Working with Children Check  
 External Form Vulnerable Persons Check (ACT)  
 External Form Notification - Allegation of sexual misconduct or serious physical assault against a child or young person.  
 Form C-01-01 Complaints Notification Form  
 Form C-01-02 Complaints Investigation Form

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Form D-08-01 Client Risk Profile  
Form H-10-01 Incident/ Injury Report Form

### 7.0 Associated Documents

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WI-D-03-01 Work Instruction Dealing with Abuse & Assault of an Adult.  
RD B-04-03 External Notifications.

### 8.0 Related Policies

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D-03 Dealing with Abuse & Assault of an Adult.  
D-04 Dealing with Abuse & Assault of a Child.

### 9.0 Responsibility

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- 9.1 Management is responsible for ensuring staff have adequate training in prevention and recognition of abuse and for following up all instances of suspected, actual or alleged abuse of children.
- 9.2 All staff are responsible for taking appropriate steps to prevent the occurrence of abuse and for reporting and documenting any suspected, actual or alleged abuse to their supervisor.
- 9.3 Mandatory reporters are required to report any suspected, actual or alleged abuse resulting in significant harm of a child to Community Services.
- 9.4 The Principal Officer has overall responsibility for supervising The Disability Trust's (as a designated agency) arrangements for providing statutory or supported out-of-home care. They are responsible for notifying in writing the Office of the Children's Guardian when an allegation of sexual misconduct or serious physical abuse occurs.