

## **2. Service Standards**

### **2.3 Care and Protection Policy**

#### **2.3.1 Policy Connections**

NDIS Quality and Safeguards Commission Practice Standards v4 2021 - 1 Rights and Responsibilities; Aged Care Quality and Safety Commission Aged Care Quality Standards 2019 – 8 Organisational Governance; Disability Services Act 1986 (Commonwealth), Disability Discrimination Act 1992 (Commonwealth), Guardianship and Administration Act 1990 (WA), Children and Community Services Act 2004 (WA); Children, Young Persons and Their Families Act 1997 (Tas.); National Principles for Child Safe Organisations, Australian Human Rights Commission 2018; United Nations Convention on the Rights of Persons with Disabilities.

#### **2.3.2 Policy Statement**

EverAbility's client services has a strong commitment to provide a safe environment for individuals by implementing practices aimed at preventing any form of harm, maltreatment, neglect or abuse.

#### **2.3.3 Prevention of Harm, Maltreatment, Neglect and Abuse**

EverAbility actively implements Policies, Procedures and Practices aimed to prevent potential harm, maltreatment, neglect and abuse by:

- identifying and monitoring short and long term issues that may lead to harm, maltreatment, neglect or abuse;
- informing people who are at risk of harm, maltreatment, neglect or abuse about all available supports;
- encouraging the people that we support to raise concerns relating to potential and actual harm, maltreatment, neglect or abuse and to access support or complaint mechanisms;
- as per Human Resources policy, maintaining recruitment procedures to a high standard and ensuring that the right workers, who will be working with children or vulnerable people, are appointed through:

- formal interviewing which covers the applicants past working experience with children or vulnerable people;
- pre-appointment screening of new workers including National Police checks, Working With Children Checks, Working With Vulnerable People Checks and NDIS Worker Screening where applicable;
- the hiring manager contacting a minimum of two referees supplied by the candidate for a verbal reference. These two referees must be from the two most recent previous employers (or if only one, has reached 2 years of service) for candidate's suitability for the position.;
- prohibiting the employment or engagement of any person who has prior convictions relating to violent or sexually related offences;
- placing new workers on a minimum probationary period of three months;
- ensuring all new workers undergo induction and training, as appropriate, including the NDIS Worker Orientation Module and that performance is regularly monitored during the probation period; and
- regular appraisal of the performance of all workers.

## 2.3.4 Child Risk of Harm

In conjunction with provisions for all clients at 2.3.3 and 2.3.5, as per Child Safe Policy and Child Safe Code of Conduct, EverAbility is committed to the safety and well-being of all children and young people accessing our services.

EverAbility supports the rights of children and young people to:

- be safe from harm and grow up free of abuse, neglect, violence and exploitation.
- develop physically, intellectually, emotionally and socially with freedom and dignity.

We prioritise the needs and rights of the child over the rights of the parents in child protection matters by:

- supporting a prevention and early intervention approach to child abuse and neglect;
- supporting children and young people to raise any problem or concern knowing that we will listen;
- ensuring workers in our child and youth services:

- receive child-specific protection training as relevant and appropriate; and
- are positive role models for our clients.

### **2.3.5 Response to Concerns of and Reporting Harm, Maltreatment, Neglect and Abuse**

EverAbility is committed to promoting a culture in which the reporting of sexual and any other abuse is encouraged and where either a victim or worker feels able to do so. If anyone at EverAbility becomes aware of or receives a raised concern from a client, a client's family member, a worker or through personal observation that actual or suspected harm or maltreatment of a client has occurred, the following actions are taken as per Incident Management Process

- The Chief Operating Officer and CEO are immediately notified of any concern;
- any immediate risks will be determined and action taken, as necessary to ensure the safety of the client;
- an incident form is completed within 24 hours of notifying the CEO of a concern;
- the CEO will determine with workers how to communicate concerns of harm, maltreatment, neglect or abuse to the client or the client's family where these concerns arise from observation or information from another person;
- the client will be informed about how EverAbility handles concerns of harm, maltreatment, neglect or abuse;
- individuals will be supported to exercise their choice wherever possible in a way that meets their communication needs;
- information will be withheld from the client or the client's family where there is significant risk to a person's safety and this action is recommended by Police or any applicable government authority;
- in accordance with EverAbility's policy and process for incident reporting;
  - an independent person will be appointed to undertake any investigation;
  - external reports will be made to the relevant authorities (such as Police and insurers) as contractually and legally required; and

- details of the person who reported or raised concerns will be kept private and confidential;
- a worker will be:
  - automatically suspended from work or other duties if under investigation (internally or by the police) for committing sexual or any other abuse; and
  - automatically terminated from employment or engagement if found guilty of committing sexual or any other abuse (either by an internal investigation or by a court).
  - reported by the CEO or delegate to the Independent Regulator (Reportable Conduct Scheme) in WA and Tasmania.

### **2.3.6 Zero Tolerance to Harm, Maltreatment, Neglect and Abuse**

The following principles underpin EverAbility's approach towards the care and protection of its clients:

- Every person has the right to feel safe and receive services in an environment free from harm, maltreatment, neglect or abuse.
- Every client and worker feels supported to report concerns related to harm, maltreatment, neglect or abuse.
- The well-being and protection of our clients is crucial when dealing with concerns of harm, maltreatment, neglect or abuse.
- Our clients are entitled to and receive the same legal and human rights as the rest of the community.

### **2.3.7 Risk of Harm - Management and Reporting responsibilities**

EverAbility provides its client services in accordance with the risk of harm management and reporting obligations, as applicable and prescribed by:

- **Australian Government**
  - National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018  
<https://www.legislation.gov.au/Details/F2018L00633>

- Aged Care Quality and Safety Commission Compulsory Reporting  
<https://www.agedcarequality.gov.au/consumers/serious-incident-response-scheme#:~:text=The%20scheme%20requires%20aged%20care,a%20residential%20aged%20care%20service.>
- **Western Australian Government**, Department of Communities, Disability Services Serious Incident Reporting  
<http://www.disability.wa.gov.au/disability-service-providers-/for-disability-service-providers/contracts2/serious-incident-reporting-/>
- **Tasmanian Government**, Department of Health, Consumer Related Reportable Incident Procedure  
[https://doh.health.tas.gov.au/data/assets/pdf\\_file/0006/267972/Consumer\\_Related\\_Reportable\\_Incident\\_Procedure.pdf](https://doh.health.tas.gov.au/data/assets/pdf_file/0006/267972/Consumer_Related_Reportable_Incident_Procedure.pdf)
- Mandatory Reporting and Child Protection requirements, refer to Incident Management Process  
(<https://au.promapp.com/visibility/Process/Minimode/Permalink/P3fucN07pmt8dJjCIQoBX>)

## 2.4 Related Documents

This Care and Protection Policy should be read in conjunction with all related policies and protocols, including the:

- *2.1 Service Delivery Policy*
- *2.9 Child Safe Policy*
- *Child Safe Code of Conduct*
- *3.1 Human Resources Policy*
- *Incident Management Policy*
- *Incident Management Process*

## Policy Management and Review History

<b>Owner</b>	CEO
<b>Approver</b>	Board
<b>Frequency</b>	2 yearly
<b>Version</b>	v4.0
<b>Date Ratified</b>	September 2024
<b>Next Review</b>	September 2026

### Review History

- v3.0 2022;v2.0 2020; v1.0 2016
- This policy supersedes – Care and Protection Policy, Child Abuse Mandatory and Non-Mandatory Reporting Policy