

## **Responding to Child Abuse and Allegations' Policy**

### **1 Overview**

The process outlines how Parkerville CYC will respond to and manage disclosures or allegations of abuse. This includes the management of person(s) who are the subject of concern - including members of staff.

The process reflects Parkerville CYC's intention that the safety and wellbeing of children and young people is central to our practice and that Parkerville CYC staff, carers, students and volunteers are treated in a fair and professional manner.

### **2 General Principles**

The main focus of the response to any allegations of abuse should be timely action by the relevant agencies, Parkerville CYC and the Department of Communities – Child Protection and Family Support, to develop a clear and coordinated joint action plan.

The Western Australian Police (WAPOL) may also be involved if the disclosure relates to physical or sexual harm.

### **3 Definitions of Abuse**

Please refer to Appendix A (at the end of this document) for definitions of abuse.

### **4 Forms of Disclosures and Allegations of Abuse**

Disclosures and allegations of abuse can take many different forms. These include:

- Disclosure by the child/young person;
- A report by a person other than the child or young person (e.g. parent, friend, neighbour) alleging he/she witnessed the child or young person being abused or suspects that the child or young person has been abused;
- The observation of Parkerville CYC involved personnel/s which raise suspicions that the child or young person has been abused; or
- By any other means of disclosure or allegation.

### **5 Responding to a Disclosure or Allegation of Abuse**

In taking a report of concern, or of an incident, from a child or young person, Parkerville CYC involved personnel are:

- Not to assess the validity of such allegations or concerns, but to report all allegations or concerns to the nominated person or person within our organisation as described in this process.
- To disregard factors such as the authority or position of the persons involved and any pre-existing views about the good character or otherwise, of any person involved or under investigation.

Even if a disclosure is difficult to believe, Parkerville CYC will not discount what the adult, child or young person is saying.

What to expect of staff if an adult, child or young person discloses abuse:

- Staff will remain calm and listen
- Accept what the adult, child or young person says
- Allow them to express their feelings
- Staff will not clarify words, it is important not to interfere with what they are saying
- Staff will not question the child or young person for detail
- Thank them for talking with you
- Tell them that they are not to blame

- Staff will not make any promises to the child/young person that we will not tell anyone else

## 6 Reporting of Allegations/Disclosures

Parkerville CYC involved personnel are required to report instances, allegations, disclosures or concerns in relation to the safety and wellbeing of children and young people who access our services immediately or as soon as practical. This includes where there are concerns with regards to the behaviour and practices of involved personnel.

### **Reporting of concerns or allegations regarding abuse of a child or young person by an individual external to Parkerville CYC:**

- Staff will immediately report to their line manager all allegations or disclosures of abuse of a child or young person.
- Staff are required to document all observations and/or conversations in relation to the disclosure/allegation within 24 hours.
- Staff will discuss/determine with their line manager the plan of action to be followed and who will take the required actions.
- If the line manager or On-call Manager is unavailable (or the subject of the complaint), staff are required to report the concern or incident to an alternate nominated person i.e. the next staffing authority level (e.g. programme manager or Director).
- Confidentiality may need to be breached if Parkerville CYC assesses that there are risks to the child or young person. Staff may need to report the concern to relevant government agencies e.g. Police and/or Department of Communities – Child Protection and Family Support (Department).
- Mandatory reporting of Child Sexual Abuse legislation requires staff members from specific professional groups to report their concerns of child sexual abuse to the Department (e.g. teachers, doctors, nurses).
- Where the child or young person is in the care of the CEO and is in one of Parkerville CYC's placements (e.g. family group home, residential home, or Therapeutic Foster Care placement), *in addition to the Parkerville CYC process, staff in OHC must adhere to the [Department for Child Protection and Family Support and Non-Government Placement Agencies Protocols December 2013](#).*

### **Allegations/Disclosures of abuse of a child or young person by Parkerville CYC involved personnel**

- Parkerville CYC policy requires staff to report all allegations or suspicions of abuse of children or young people by Parkerville CYC involved personnel to their line manager (or alternative staff member if the allegation relates to the line manager) as soon as practical and to submit a documented report within 24 hours.
- Parkerville CYC may need to report the concern to relevant government agencies e.g. Police and/or Department.
- Parkerville CYC will undertake (unless directed by a government agency not to) an internal investigation to determine the validity of the allegation/disclosure.

Allegations or disclosures that are made against Parkerville CYC involved personnel may constitute a serious breach of Parkerville CYC's employee code of conduct and or expected safeguarding practices and behaviours of staff and may result in disciplinary action.

### **Disclosing information to families**

Parkerville CYC staff, in consultation with senior management and where appropriate the Department and Police will determine what information, if any, can be shared with the parent or caregiver of the child/young person the allegation/disclosure relates to.

## 7 Outcome of the External investigation

1. The Department and/or WAPOL will notify the relevant parties of the outcome of their investigations;
2. Where the allegations of harm by a staff member are substantiated by the Department, the staff member may face internal disciplinary action regardless of whether criminal charges are laid.
3. Where the allegations of harm by a staff member are not substantiated by the Department and no criminal charges are laid, internal disciplinary action may still occur.

### **Foster carers**

Parkerville CYC has the right to commence the process to revoke carer registration if the substantiation of abuse involves an approved foster carer registered on the Foster Care Directory.

In the event that Parkerville CYC determine that a carer is no longer suitable to provide care and this concern is not held by the Department District Manager as harm has not been substantiated then in consultation with the Director OHC the process might be to transfer the carer's registration to the Department.

## 8 Internal Management of Allegations against Involved Personnel

### **When involved personnel are the alleged perpetrator**

In the case where a staff member is the alleged perpetrator, the Parkerville CYC Chief Executive and the relevant Director will be responsible for deciding what action to take in regard to the staff member's employment at Parkerville CYC while the investigation process occurs.

This may include the staff member being stood down immediately or assigned alternative duties whilst an investigation takes place. Depending on the nature of the allegation and to ensure that any investigation is not compromised, the staff member may not be advised immediately the specific details of any allegation. A decision on providing detailed information to the staff member will be taken following assessment by the Director and Chief Executive, including consultation as necessary with the Department and/or the WAPOL.

### **Stand down during investigation**

Any decision to stand down or allocate a staff member to alternative duties must be formalised by written advice.

Unless there are specific provisions in the employee's employment contract, a staff member who is stood down from duty or assigned to alternative duties will continue to be paid their full ordinary salary.

During any period of stand down, it is the responsibility of the relevant Director/Line Manager, in consultation with the investigating agency, to ensure that the staff member is kept informed of the progress of the investigation.

### **Actions following completion of investigation**

Following the completion of an investigation into an allegation of abuse by an employee of Parkerville CYC, it is the responsibility of the relevant Director to undertake an assessment of the possible implications of matters raised in the investigation and the investigation findings for the employment of the Parkerville CYC employee.

Particular issues to be considered are:

- whether the actions of the Parkerville CYC employee may constitute misconduct and require a disciplinary response;
- If the actions of the employee, student or volunteer are in breach of the Safeguarding Practice & Behaviour requirements of staff process.
- whether the actions of the Parkerville CYC employee indicate a need for training, performance management, review of process or other management interventions;

- Whether sufficient information to determine the above matters is provided by the investigation report or whether further specific enquiry is required.

The assessment by the Director should take place whether the allegation of abuse is substantiated or not.

Where it is considered that misconduct or a breach of the Practice and Behaviour Requirements of Staff has occurred, the Director should consult with the Director of Corporate Services and the Chief Executive to determine the appropriate course of action. It should be noted that where it is found that a Parkerville CYC employee has abused a child or young person, this may be found to be serious misconduct and make the employee subject to dismissal from employment.

### **Rights of Involved Personnel**

Involved personnel who have been identified by the Department as being responsible for the harm of a child or young person have the right to request a review of this decision by the Department. To request a review, the District Director responsible for the case management should be formally approached. Involved personnel may seek a review of the decisions of the Director/Chief Executive through the Staff Grievance Resolution process.

### **Confidentiality**

Any allegation will be dealt with as a confidential matter and discussion of the allegation and any related investigation or issues will be restricted to those parties with a direct need to know.

Records will only be released and/or discussed with outside agencies at the discretion of the Chief Executive.

## **9 Internal Documentation**

Type A Incident Reporting

Type B Incident Reporting

Release and Transmission of Confidential Information

PQS 1.3 Human Resource processes:

Employee Assistance Programme

Staff Grievance Resolution

Safeguarding Practice & Behaviour Requirements of Staff

## **10 References**

[Mandatory Reporting of Child Sexual Abuse in Western Australia](#)

Freedom of Information Act (WA) 1992

Children and Community Services Act 2004

Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008

Definitions of Abuse: Department for Child Protection and Family Support and Non- Government Placement Agencies Protocols December 2013 (Standard of Care)

## Appendix A – Definitions of Abuse

### Sexual Abuse

Child sexual abuse is any act with a child performed by an adult or an older child. Child sexual abuse could include a number of acts but is not limited to:

- sexual touching of any part of the body, clothed or unclothed
- kissing or holding in a sexual manner
- encouraging a child to engage in sexual activity, including masturbation
- intentionally engaging in sexual activity in front of a child
- penetration of the vagina, anus or mouth by a finger, penis or any other object
- showing children pornography or using children to create pornography
- encouraging a child to engage in prostitution
- voyeurism including commenting on physical attractiveness
- flashing or inappropriately exposing private parts to a child
- obscene call, remarks or emails to a child

### Physical Abuse

When an adult or older person inflicts pain and injury on a child or young person. This may include discipline that is too harsh, or physical punishment that is inappropriate to a child's age. Physical abuse may involve a single incident or repeated episodes. The severity of injury from physical abuse can range from minor bruising to death. Examples of physical abuse includes:

- hitting
- punching
- slapping
- strangulation
- kicking
- flogging
- belting
- burning

### Emotional/Psychological Abuse

Emotional abuse is sustained and repetitive behaviour by a parent, care giver, sibling, relation or elder which damages a child's emotional well-being. A child's confidence, self-esteem and social competence are continuously attacked. Examples of emotional abuse includes:

- verbal abuse and name calling
- being told you are worthless, useless, no good, over and over
- being isolated for extended periods of time
- being afforded no affection and being rejected
- witness domestic and family violence

### Neglect

Neglect occurs when a parent or care giver does not provide a child with adequate care to meet their basic needs. This includes access to adequate food, shelter, medical treatment, supervision and education. Unlike other forms of abuse neglect is an omission rather than a deliberate act.

### Family and Domestic Violence

This fits within the descriptions of child abuse when it is clear that the child or young person's physical, emotional or psychological development is affected through witnessing violence between parents, or being involved in a violent act between adults in the home.