

Policy name & ID Code	<i>Abuse and Neglect Policy – SD 2.0</i>
Version	<i>V3</i>
e.motion21 and Impact21	<i>All references to e.motion21 is inclusive to all e.motion21 programs including but not limited to Impact21 unless otherwise specifically stated</i>
Responsibility	<i>Board</i>
Date of Currency	<i>August 2020</i>
Date of next review	<i>April 2022 or following a change in related regulation or guidelines or a reportable incident</i>
Relevant standards	<i>Child Safe Standards Victoria August 2016 NDIS Quality and Safeguards Commission – July 2019 NDIS Practice Standards and Quality Indicators – Jan 2020 Version 3</i>

Our Vision

We believe in an inclusive future where people with Down syndrome and intellectual disability are flourishing and active contributors to society economically, socially and creatively. We do this through Moving Bodies, Moving Boundaries and Moving Minds. This is what we stand for, and how we are making Australia a better place.

Through dance, fitness, education and employment programs we are enhancing lives and changing perceptions of Down syndrome and intellectual disability within society.

Our Commitment

e.motion21 is committed to ensuring that all people have the right to live their lives free from abuse, neglect and exploitation. We take very seriously our duty of care to ensure that our participants are not exposed to any form of abuse or other forms of harm when accessing our services. Our duty of care also extends to all stakeholders of e.motion21 including support people, family members, contractors, and community members. We are committed to human rights principles.

The following statement acknowledges e.motion21's commitment to child safety. All children who come to e.motion21 have a right to feel and be safe. e.motion21 is committed to the safety and well-being of all children whether they are a participant or indirectly linked to our services such as siblings of a participant or children of carers. The welfare of children and young people will always be our first priority. We aim to create a child safe and child friendly environment where all children are valued and heard, are safe and protected.

Purpose

- To outline and form part of the Incident Management system
- To promote child safety for children enrolled in e.motion21 programs
- To facilitate the prevention of abuse and injury occurring within e.motion21
- To ensure all parties are aware of their responsibilities to identify, respond and report potential abuse and/or potential to cause harm
- To provide guidance to staff, volunteers and contractors as to action that should be taken where they suspect abuse or injury
- To comply with the Reportable Incident requirements of the NDIS Quality and Safeguards Commission
- To comply with the Victorian Government's introduction of the Child Safe Standards 2016
- To comply with the Reportable Conduct Scheme as administered by the Commission for Children and Young People (Vic).

Related Policy	Forms
Incident Reporting Procedure	Incident Report
Code of Conduct	Incident Register
Privacy and Confidentiality Policy	Human Resource Procedures
Pre employment and volunteer screening Policy and Procedures	

Policy

e.motion21:

- is committed to promoting and protecting the best interests and safety of participants involved in its programs
- is committed to providing a safe environment with zero tolerance of abuse and will identify risks early, to actively remove or minimise these risks to the fullest extent possible
- work with the NDIS Commission and Commission for Children and Young People, to report, investigate, provide information and remove risk
- supports and respects all participants and our team
- is committed to the cultural safety of Aboriginal children and those from culturally and/or linguistically diverse backgrounds

Responsibilities

Every person working or volunteering at e.motion21 is responsible for the care, protection and reporting any suspicion of, or information about, child abuse, abuse or incidents that has or could have caused harm.

The Board of e.motion21 has ultimate responsibility for the detection and prevention of abuse and providing a harm free environment and is responsible for ensuring that:

- appropriate and effective internal control systems are in place
- appropriate policies and procedures and a Code of Conduct that provides a safe environment for vulnerable people, including children are in place
- e.motion21 has a Finance and Risk Management Committee (FARM) which is committed to identifying and managing risks at e.motion21. Committee members will receive a briefing on participant safety and reportable incidents and e.motion21 accountabilities related to protecting and reporting alleged incidents

The Chief Executive Officer of e.motion21 is responsible for:

- investigating reports of abuse and reportable incidents and files reports with the relevant regulatory bodies in accord with regulations
- ensuring that all staff, contractors and volunteers are aware of relevant laws and the and their obligations under these regulations
 - organisational policies and procedures,
 - the NDIS Quality and Safeguards Commission Code of Conduct
 - the Victorian child Safe Standards
 - the Commission for children & Young People Reportable Conduct Scheme
- ensuring that all adults within the e.motion21 community are aware of their obligation to report suspected abuse of a participant or child in connection with e.motion21 services in accordance with these policies and procedures
- ensuring that all adults within the e.motion21 community are aware of their obligation to report incidents that have or may have caused harm
- providing support for staff, contractors and volunteers in undertaking their child safety and reporting responsibilities

The Chief Executive Officer and Program Managers must ensure that they:

- always promote safety of our vulnerable participants, children and adults
- fully assess the risk of incidents that may have caused or potentially caused harm within their area of control and remove or minimise the risk possible
- document incidents and near misses for assessment, reporting and process and practice improvement
- educate employees and volunteers about the prevention and detection of child abuse

All staff, volunteers and contractors share in the responsibility for the prevention and detection of abuse and must:

- familiarise themselves with the relevant laws, Child Safety Standards, NDIS Commission Code of Conduct and NDIS Practice Standards and any other policies in relation to safety action
- comply with all requirements of the relevant laws, the NDIS Commission Code of Conduct, NDIS Practice Standards and Child Safety standards and any other policies in relation to child or a vulnerable person protection
- report any suspicion that a participant's safety may be at risk to their line manager, Chief Executive Officer (or, if the Chief Executive Officer is involved in the suspicion, to the Chair of the Board)
- protect, document and provide evidence to support allegations of abuse or harm to support investigation and the mandatory reporting of incidents to the relevant authorities and fulfil their obligations as mandator
- provide an environment that is supportive of all participants emotional, psychological and physical safety.

Recruitment

e.motion21 undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- promote and protect the safety of all participants in our programs
- identify capable and competent people who share e.motion21's values and commitment to protect participants
- take all reasonable steps to prevent a person from working at e.motion21 if they pose any risk to participants or our team.

e.motion21 undertakes pre-employment mandatory screening and requires all staff, volunteers and contractors return evidence of a clear record before being offered a position and at specified intervals during their time with e.motion21.

Once engaged, workers and volunteers are provided with this Policy and must review and acknowledge their understanding of and integration of this policy into their work practice. Program managers will reinforce this policy and reporting practice through staff meetings and training sessions.

Legal obligations

National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018

Incident Management System must cover:

- Acts, omissions, events or circumstances that occur in connection with providing NDIS supports or services to a person with disability and have, or could have, caused harm to the person with disability
- Acts by a person with disability that occur in connection with providing NDIS supports or services to the person with disability and which have caused serious harm, or a risk of serious harm, to another person
- Reportable incidents that have or are alleged to have occurred in connection with providing NDIS supports or services to a person with disability.

Reportable Incident - a certain act or event needs to have happened (or alleged to have happened) **in connection with the provision of supports or services by the registered NDIS provider**. This includes:

- The death of a person with disability
- Serious injury of a person with disability
- Abuse or neglect of a person with disability
- Unlawful sexual or physical contact with, or assault of, a person with disability
- Sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity
- Unauthorised use of restrictive practices in relation to a person with disability.

Additional reporting requirement for children

Reportable conduct Scheme – Commission for Children and Young People

Requires e.motion21 to report allegations of:

- Sexual offences committed against, with or in the presence of a child
- Sexual misconduct committed against, with or in the presence of a child
- Physical violence against, with or in the presence of a child
- Any behaviour that causes significant emotional or psychological harm to a child
- Significant neglect of a child

In addition, at e.motion21 we acknowledge and take our legal responsibilities seriously, including:

- **Failure to disclose** – reporting sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence (including grooming) against a child under 16 and vulnerable people has an obligation to report that information to the police.
- **Failure to protect** – people of authority within e.motion21 will commit an offence if they know of a substantial risk of child sexual abuse (including grooming) by a person associated with e.motion21 and have the power or responsibility to reduce or remove the risk but negligently fail to do so.

Definitions

Allegation: An assertion, complaint, suspicion or incident involving any of the following conduct by an employee, facility, or agency against an individual or individuals: mental abuse, physical abuse, sexual abuse, financial exploitation or neglect.

Bodily harm: Any injury, damage, or impairment to an individual's physical condition, or making physical contact of an insulting or provoking nature with an individual.

Child Abuse – Commission for Children and Young People

Child abuse includes any action that results in actual or potential harm to a child and includes—

- (a) any act committed against a child involving:
 - (i) a sexual offence
 - (ii) an offence of grooming
- (b) the infliction, on a child, of—
 - (i) physical violence
 - (ii) serious emotional or psychological harm
- (c) the serious neglect of a child.

Mental abuse: The use of demeaning, intimidating, or threatening words, signs, gestures, or other actions by an employee about an individual and in the presence of an individual or individuals that results in emotional distress or maladaptive behaviour, or could have resulted in emotional distress or maladaptive behaviour, for any individual present.

Neglect: An employee, contractor, volunteer's failure to provide adequate medical care, personal care, or maintenance, and that, as a consequence, causes an individual pain, injury, or emotional distress, results in either an individual's maladaptive behaviour or the deterioration of an individual's physical condition or mental condition, or places an individual's health or safety at substantial risk of possible injury, harm or death.

Physical abuse: An employee's non-accidental and inappropriate contact with an individual that causes bodily harm. "Physical abuse" includes actions that cause bodily harm as a result of an employee directing an individual or person to physically abuse another individual.

Reasonable grounds for belief or **reasonable belief** is a belief based on reasonable grounds that abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. A 'reasonable belief' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a reasonable belief may be formed if:

- (a) a participant states that they have been physically or sexually abused;
- (b) a participant states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- (c) someone who knows a participant states that the participant has been physically or sexually abused; or
- (d) signs of abuse lead to a belief that the participant has been physically or sexually abused.

Required reporter: Any employee, contractor or volunteer who suspects, witnesses, or is informed of an allegation of any one or more of the following: mental abuse, physical abuse, sexual abuse, financial exploitation or neglect must report their suspicion or observation directly to their Program Director or CEO.

Key websites:

- Commission for Children and Young People <https://ccyp.vic.gov.au/>
- NDIS Commission <https://www.ndiscommission.gov.au/providers>