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Risk Management Guide  
**Preventing Abuse**

# Preventing Abuse

In recent years organisations have suffered significant reputation damage through the regular media reporting of alleged cases of abuse. While many of these cases refer to incidents in the past, abuse continues to occur today. One of the key reasons abuse is so often allowed to occur unchecked is because management policies are inadequate, ineffective or non-existent.

## Your legal obligations

There are many good reasons why your organisation should take preventative measures, not least are the legal obligations you must comply with.

Protection legislation varies from state to state. It is important that you understand the laws relevant to your location. In addition to the laws drafted by governments you also have Common Law obligations. In particular you have a “duty of care” which requires you to take all reasonable steps to provide a safe environment for people involved with your organisation.

If a person is injured while making use of your property and/or activities and; the circumstances which caused the injury were foreseeable and; you had not taken reasonable steps to reduce the risk of injury; then you may be found to have acted negligently by a court and ordered to pay compensation.

An act of abuse committed against a person placed in your care is likely to be considered a foreseeable event.

While there is a tendency to concentrate on the abuse of children, it should be remembered that where a position of trust exists, there is the potential for any vulnerable person to be abused. In this document we will refer to children and other vulnerable persons in your care as clients.

## 1. Develop a Client Protection Policy

A Client Protection Policy will demonstrate the seriousness with which you view prevention of abuse and allows you to draft a framework to guide your actions in the future. It will provide you with a document you can present to all staff and clients. It will also ensure the issue is always on the agenda.

Your Client Protection Policy should address all the issues that are raised in these guidance notes.

## 2. Document the way in which staff are selected

In this document the terms ‘staff and employee’, encompass: paid employees, unpaid employees, volunteers, students, people on work experience, management, board members, contractors, and others who may act on behalf of your organisation.

The way in which positions are appointed may leave your organisation exposed to infiltration by those with predatory motives. Many organisations have already adopted “best-practice” procedures but without appropriate screening protocols your organisation may be seen as an easy target. Furthermore many volunteer and community organisations are pressured to fill positions from a small number of willing applicants which adds to the risk of being targeted by predators.

The following procedures are recommended when appointing staff (paid & unpaid) to work with clients:

- a. Ask all candidates to complete an application and a consent form.
- b. Where possible candidates should be interviewed by people with experience in recruiting.
- c. Request the names and details of two referees, preferably from a candidate’s previous employer or volunteer organisation. Contact the referees and check them out.
- d. Request or apply for a criminal record check. Each state has their own procedures for this process and it is important that you comply with the laws in your state.
- e. All paid positions should be subject to a probationary period. This will provide you with the opportunity to terminate the employee should there be any concerns about their behaviour.
- f. Don’t allow a person who has been convicted of violent or sexually related offences to work with clients. For the protection of the employee and those in your care, it is best if such a person is encouraged into other areas of service where clients are not involved.

### 3. Reduce the risk through sound practices and training

Screening applicants is not a total solution and it can never be assumed that your processes are 100% effective. There will always be a risk that an act of abuse will be committed, even a risk of a first offence being committed.

The next step in your prevention strategy is to ensure you have sound supervision practices during all your activities and events. It is essential to create an environment where the opportunity for incidents of abuse is reduced. The following points should be implemented:

- a. As part of your Client Protection Policy include a section that describes the qualities and behaviour that are expected of people who work with clients as well as behaviour that is considered inappropriate. This “Code of Practice” should be detailed in its expectations as it will make them easier to monitor and enforce.
- b. Create a reporting-friendly environment.
  - Advise clients who they can talk to if they have a problem or are worried.
  - Explain to your clients what types of behaviour are acceptable and what is unacceptable (in terms of their behaviour and staff behaviour towards them).
  - Encourage staff members to raise concerns about other staff members.
- c. Train staff to recognise the signs of abuse and to be on the look out for signs of exploitation within a group. An individual being highly favoured, or being treated harshly, may be a signal that the relationship between the employee and the client is one in which abuse may be occurring.
- d. Implement safe supervision practices including:
  - Two employees and/or volunteers will be present whenever an individual child or vulnerable person is being supervised or cared for. Where this is not possible, it should be done in a room which can be observed easily by others. In circumstances where one-on-one care is provided, there must be measures in place to identify if abuse is occurring such as regular rotation of staff, client feedback framework and independent case managers.
  - Avoid inexperienced staff working together – try to always have a more experienced staff member on shifts with inexperienced staff.
  - When transporting vulnerable clients, staff should avoid being alone with a client in a car. Where this is not practical, they should specifically confirm that they will take clients directly to and from arranged venues and not to spontaneously detour or make additional arrangements.

### 4. Have an appropriate response plan

Whilst it is hoped that you will never have to deal with an allegation of abuse, it is important that you have a response plan in place so that from the moment the allegation first arises, you will know what to do.

Establish and use a standard reporting procedure for any allegations of abuse. An appropriate response plan will ensure the following steps are taken:

- a. Stipulate a nominated senior person to deal with abuse allegations. Ensure this person is not involved in any allegation. The name, address and contact telephone number should be freely available to all leaders within the organisation.
- b. Treat each allegation seriously, do not attempt to deny the allegation or minimise its impact on the alleged victim. Do not sweep it under the carpet.
- c. Assure the survivor that they are understood: that their disclosure is being taken seriously; that what has happened is not their fault, and that they are correct in disclosing the incident.
- d. Do not push the survivor to disclose details of the alleged assault or attempt to formally investigate the allegation. (Leave this to the experts).
- e. Establish if you are required to report to police. If police must be informed, take advice from police on next steps.
- f. Remove the alleged perpetrator from their duties if they are still engaged with your organisation whilst the investigation is taking place.
- g. Gather as much information as possible including chronology of events, location, person(s) involved.
- h. Advise your insurer. Be aware you may not have insurance cover.
- i. If the alleged assault has taken place recently, clothing worn by victim should be, if reasonably practical, retained and handed to the police for forensic examination.

- j. Document disclosures or reports of suspected abuse and all details of the subsequent investigations. Hold all documentation in a secure location where a breach of privacy cannot occur.

## 5. Insurance options

Whilst risk management will help reduce the likelihood of abuse incidents, perpetrators of abuse are good at manipulating systems. Ansvar can offer insurance protection to clients who have demonstrated they have quality risk management in place.

Please contact our office for further information or complete our Sexual Abuse questionnaire for underwriting assessment.



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