Service User Protection Policy

1.   Purpose

Inala Community House (ICH) is committed to delivering high quality, safe and supportive services which promote the safety and wellbeing of all service users, this is particularly important when working with vulnerable people. ICH aims to reduce the risk of harm occurring and to take an appropriate and caring approach where harm has occurred. ICH ensures that processes are developed with respect to appropriate risk management, legislative and regulatory requirements, and with the best interest of ICH's service users in mind.

This policy should be read in conjunction with all Inala Community House policies, procedures and any relevant legislation. Services may also have policies and procedures which operate pursuant to this policy.

2.   Scope

This policy applies to all employees, Board members, volunteers, students, trainees and contractors. For the purposes of this policy, these persons shall be referred to as workers.

3.   Definitions

Bullying: Repeated and unreasonable behaviour which may occur verbally, physically, or through social behaviour and is intended to cause distress and/or physical, social, emotional or psychological harm. Bullying can involve one or more persons. It can occur in person or through the use of technology. Bullying can have a significant impact upon persons involved, including witnesses.

Cyberbullying is a type of bullying which frequently occurs on social media and other online forums. This can include:

- Posting photos of other people without their permission
- Sending offensive, derogatory or hurtful messages or posts
- Harassing someone online
- Excluding people from online activity
- Posting from another person's social media profile without consent or creating fake pages/profiles

Cyberbullying has several unique features including:

- It can reach a potentially infinite audience
- It is often anonymous
- It is difficult to remove and content can be duplicated easily
- That content is often searchable
- It is difficult to escape from this form of bullying because of the frequency of technology use

Cyber-abuse: is behaviour which uses technology to threaten, intimidate, harass or humiliate another person.

Sexual Harassment: means any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, which, in the circumstance, a reasonable person would anticipate the possibility that the recipient would feel offended, humiliated or intimidated. A single incident can constitute sexual harassment however, behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

Sexual abuse: Involvement of a person in a non-consensual sexual activity including any assault or abuse of a sexual nature, sexual exploitation, indecent exposure, sexual harassment or intimidation. For children, involvement in any sexual activity constitutes sexual abuse.

Physical abuse: Any non-accidental physical injury resulting from practices such as: hitting, punching, choking/smothering, throwing, kicking, shaking, burning, biting, pulling hair, using physical restraints, poisoning, alcohol and/or inappropriate drug administration.

Emotional abuse: The chronic negative attitude or behaviour of one person which is directed at another person, or the creation of an emotional environment which erodes a person's self-esteem and social confidence over time. Emotional abuse negatively impacts social, emotional and intellectual development. Behaviours may include insulting, name calling, teasing, bullying, yelling, criticism, devaluing, ignoring, rejecting, isolating for extended periods, terrorising or other extreme acts in the person's presence. The exposure of children to domestic violence may also result in emotional harm.

Financial abuse: May include activities by a person who acts in violation of their powers, duties and responsibilities (e.g. under an Enduring Power of Attorney or trust) or who takes advantage of a person by coercing, manipulating, intimidating, threatening or other adverse action in regard to their finances. This can include misappropriation of money, valuables or assets, forcing signatures on cheques, denial of access to personal assets, accessing a person's funds and forced or unauthorised changes to legal documents. This can also occur where a person takes advantage of another person (who has lost or is losing their capacity) by coercing them to enter into an arrangement where the person is unable to understand the nature and effect of the document.

Chemical abuse: Withholding or over-administration of prescribed medication, giving unnecessary medication (such as using a chemical restraint to control behaviour rather than for a medical reason).

Cultural/Spiritual abuse: May include where a person uses culture or religion to inflict suffering, control another person or to excuse violent or controlling behaviour. It can include not letting a person practice aspects of their culture or religion, forcing another person to participate in cultural or spiritual activities, isolating someone who doesn't speak the same language, using shame and insults.

Neglect: The failure of a caretaker to provide adequate supervision, emotional care, appropriate health care, personal hygiene, food, clothing, housing and clean living conditions for a vulnerable person. Care must be taken as this can be contextual (e.g. poverty does not necessarily mean neglect).

Harm: any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing. Harm can include physical, psychological or emotional abuse, neglect, sexual abuse or exploitation. It can also be caused as a result of bullying and harassment.

Children: Includes any child or young person up to the age of 18.

Vulnerable people: Includes any person who may be at risk of harm, who lacks capacity to take care of themselves or is unable to protect themselves against harm or exploitation. This can include: children, seniors, persons with a disability or illness and in some cases, this may also at times include those from culturally and linguistically diverse peoples (CALD) or those who have suffered trauma.

Reasonable suspicion: A reasonable suspicion is a belief that a reasonable person would form in the same position and with the same information. Whether a reasonable suspicion would be formed will always depend upon the circumstances and can be identified through a disclosure of harm and/or indicators of harm. Reasonable suspicion can be formed where it is disclosed by an individual experiencing harm, where it is reported by another person (e.g. a family member or friend), where indicators of harm have been identified or if mistreatment is witnessed.

Disclosure: Where someone tells another person about harm that has happened, is happening or is likely to happen.

4.   Policy

ICH seeks to ensure high quality, safe and supportive environments for all service users. ICH will ensure that appropriate systems are in place to safeguard and promote the safety of all service users.

ICH will at all times seek to comply with relevant laws and reporting obligations relating to service user protection.

Principles which underpin ICH's commitment include:

- Empowering by supporting and encouraging individual choice and to give informed consent
- Prevention of harm is a critical part of service user protection
- Proportionality where the response is appropriate to the level of risk
- Accountability and transparency in safeguarding practices

4.1   Proactive Safeguarding

ICH has strategies in place which seek to proactively ensure the safety and wellbeing of all service users. Proactive safeguarding measures are included within the ICH *Safeguarding Procedure.*

4.2   Identifying and Responding to Harm

ICH has processes in place which seek to identify and respond appropriately to risks to service user safety and wellbeing. This includes processes for responding to all potential, suspected, alleged or actual harm, abuse or neglect.

ICH will respond appropriately in providing support, reporting and safeguarding the service user from further harm. This also includes the reporting of historical child sexual abuse in accordance with the ICH *Child and Youth Risk Management Strategy.*

Harm can be caused by intentionally afflicting or by failing to prevent harm occurring. Harm can be caused by a single act or multiple acts. It can occur within family, institutional or community settings, by people known to the individual or strangers

Where harm is identified (whether through observation or disclosure), workers must respond appropriately to safeguard and support the service user. Workers may also be required to report harm in accordance with Service or Program requirements.

Disclosures or suspicions of harm relating to children and young people must be reported in accordance with the ICH *Child and Youth Risk Management Strategy.* This Strategy outlines mandatory, child sexual offences and internal reporting requirements.

4.2.1   Identification of Harm

Harm can be identified by observation, disclosure or a combination of both. Harm can occur through:

- Abuse (physical, sexual, emotional, financial, chemical, cyber-abuse)
- Neglect
- Bullying (including cyberbullying), discrimination or sexual harassment

Harm can occur both within, and external to the organisation. It can also occur on a single occasion or over a longer period of time.

Identification can include but is not limited to:

- Physical injuries such as bruising, fractures, internal injuries, burns
- Emotional affects (e.g. their ability to express emotions) such as depression, hypervigilance, poor self-esteem, self-harm, fear/anxiety, changes in mood
- Psychological impacts (e.g. their mind and cognitive processes) such as learning and development delays, impaired self-image, etc.
- Signs of neglect such as not receiving medical treatment, being underweight, poor clothing or hygiene
- Financial constraints such as someone else being responsible for/holding the service user's money/assets, pressure or coercion on the service user to make financial decisions for other's benefit, other people spending the service user's money without their knowledge or consent
- Chemical abuse signs can include unusual levels of confusion/disorientation
- Changes in physical wellbeing or behavioural changes such as difficulty sleeping, avoidance of normal activities headaches, nausea or stomach aches

ICH is committed to creating safe spaces where either a person who has or is experiencing harm, or a worker identifying potential harm, feel able to report any such harm.

Where a disclosure of abuse is made, the worker who receives the disclosure will maintain appropriate pastoral care to the one making the disclosure. This will include:

- Creating a trusting environment where the person making a disclosure has a sense of safety and security
- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim. The matter should not be 'swept under the carpet' and no promises should be made about keeping the matter secret.

- Not pushing the person to disclose details of the alleged harm or attempting to investigate the allegation.
- Assuring the person that their disclosure is being taken seriously, that what has happened is not their fault and that they are correct in disclosing the incident.
- In some cases, where appropriate, offering choices and collaborating with the person to explore their preferred options for referral or non-referral
- Avoiding contact with the alleged perpetrator and if appropriate, the place where the alleged incident took place. If the worker is already working with the alleged perpetrator (as a service user), it may be appropriate for another worker to assume this responsibility for the duration of any investigation.

4.2.2   Responding to Harm

ICH will seek to provide a safe and compassionate response to any incident of harm (whether potential, suspected, alleged or actual). All responses should be culturally safe and considerate of individual needs and preferences.

Suspicions or disclosures of harm pertaining to a child or young person should be responded to in accordance with the *Child and Youth Risk Management Strategy.*

Workers must report any reasonable suspicions of harm or abuse for all other persons to a member of the management team.

Where appropriate, ICH may appoint a worker/s with specific duties to deal with any allegations of harm or abuse.

If there is a reasonable suspicion that a service user or other person involved with ICH has been or is subjected to abuse, relevant authorities and agencies will be contacted in accordance with legislative, regulatory, contractual and funding agreements. This may include: the police, the Department responsible for child protection, a funding body, ICH insurers or other agencies or bodies as required. This may also include where there is a disclosure of harm occurring outside of the organisation. Where possible and appropriate, ICH will promote the right of service users experiencing harm to control how information is collected and disclosed.

Where possible and appropriate, ICH will support those involved by:

- Contacting emergency services if there is an immediate threat to the safety of persons involved
- Contacting relevant parents/guardians/carers (where deemed both appropriate and safe to do so). Contacting others should always be done with careful consideration of the health and safety of the service user and any alleged or suspected involvement of who may be causing harm. Contacting support networks in this context should be authorised by a Manager or the CEO. This may be done after receiving external advice.
- Encouraging reporting to appropriate authorities (such as the police or the Queensland Human Rights Commission, Office of the Children's eSafety Commissioner)
- Supporting access to resources produced by the eSafety Commissioner or other relevant organisations (for parents/carers and children/young people)
- Assisting and empowering service users to make a complaint with another organisation
- Referring to external support agencies

In responding to incidences of bullying (including cyberbullying), responses may include encouraging non-engagement with bullying and keeping records relating to bullying. In regard to cyberbullying, responses may include encouraging:

- Deletion of any offensive messages or posts
- Un-tagging from inappropriate posts
- Unfriending or blocking the person posting inappropriate content
- Changing privacy settings and passwords on social media

These actions should take place after documenting the material, date and time (e.g. taking screenshots).

If harm has occurred within the organisation, depending upon the circumstances, an investigation may be required and actions may be taken in accordance with relevant policies and procedures. If an investigation is required, it may be handled by an external investigator. Further responses may be required, if the harm has been perpetrated by another service user or person associated with ICH.

4.3   Children and Young People

In accordance with the Blue Card requirements, ICH has a *Child and Youth Risk Management Strategy* which contains:

- A statement of commitment to the safety and wellbeing of children and the protection of children from harm
- A code of conduct for interacting with children
- Processes for:
    - Recruiting, training and managing persons engaged or proposed to be engaged by ICH
    - Handling disclosures or suspicions of harm
    - Managing breaches of the Strategy
    - Ensuring compliance with the Blue Card system and Child Safety and Personal History Screening checks
- Risk management requirements for high-risk activities and special events
- Information relating to documentation, confidentiality and communication of the Strategy

ICH requires all workers to report disclosures or suspicions of harm for children and young people in accordance with the *Child and Youth Risk Management Strategy*. This includes reporting obligations for mandatory reporters and reporting of child sexual offences (including historical and present).

4.4   Documentation and Confidentiality

All workers should carefully document and report any reasonable suspicions or disclosures of harm. Any actions taken as a result of potential, suspected, alleged or actual abuse must also be documented carefully.

The details of those reporting abuse will be kept private and confidential (except where disclosure is required).

All workers are required to keep information pertaining to harm or suspicions of harm confidential to the extent possible. All documentation which pertains to incidences of harm will be held in a secure location where a breach of privacy cannot occur.

4.5   Support for Workers

For workers involved in identifying, responding or reporting potential, suspected, alleged or actual harm, ICH will seek to provide appropriate support through debriefing, supervision and encouraging the worker to access the Employee Assistance Program.

4.6   Breaches

Breaches of this policy may result in disciplinary action up to and including termination from ICH.

Where a worker is alleged to have breached this policy, it shall be actioned in accordance with the ICH *Child and Youth Risk Management Strategy,* the ICH *Performance Counselling and Discipline Policy* and other associated procedures.

4.7   Responsibilities

All workers are responsible for:

- Acting professionally and respectfully with service users
- Promoting service user rights
- Reporting suspicions of harm
- Responding sensitively and appropriately to disclosures of harm
- Documenting any suspicions or disclosures of harm in a timely manner
- Maintaining the confidentiality of all information relating to incidences of harm

The Management Team are responsible for:

- Promoting service user rights within the team
- Implementing appropriate risk management measures to safeguard the wellbeing of service users
- Ensuring appropriate systems are in place to identify and respond to incidences of harm
- Making reports to external bodies where harm or reasonable suspicions of harm have been identified (where appropriate)
- Ensuring workers who are involved in situations where they have identified harm occurring or have a suspicion of harm are supported
- Maintaining confidentiality where required, which may include the reporter's identity
- Ensuring that workers have access to regular professional supervision and debriefing after critical incidents.

5.   Review

A review of the ICH policies, procedures and actions may be required subsequent to any disclosure or reports of suspected abuse. Otherwise, this policy shall be reviewed annually.

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

6.   Related Documents

Policies

ICH Code of Conduct Policy
ICH Human Rights Policy
ICH Suitability Policy
ICH Recruitment Policy
ICH Induction Policy
ICH Confidentiality Policy
ICH Performance Counselling and Discipline Policy

Procedures

ICH Safeguarding Procedure

Other Documents

ICH Child and Youth Risk Management Strategy
ICH Client Service Charter

References

Australian Human Rights Commission, 'Cyberbullying, Human Rights and Bystanders', https://humanrights.gov.au/our-work/commission-general/cyberbullying-human-rights-and-bystanders
Child Protection Act 1999
Child Protection Regulation 2023