

PEACE OF MIND FOUNDATION

CLIENT PROTECTION POLICY

- **Introduction**

The Peace of Mind Foundation is committed to providing a safe and secure environment for all of its employees, clients, visitors, volunteers and contractors, particularly vulnerable persons such as children, those with a disability, the aged and the ill.

- **Purpose**

The Peace of Mind Foundation's Client Protection Policy aims to reduce the risk of abuse occurring and to ensure that a caring and appropriate response is taken should abuse occur.

- **Scope**

This Client Protection Policy applies to:

- All service organisation or subsidiary bodies authorised by or under the control of the Peace of Mind Foundation; and
- All employees, clients, visitors, volunteers and contractors within or engaged by the Peace of Mind Foundation.

- **Authority**

This Client Protection Policy was adopted for use by the Peace of Mind Foundation on the 26th of June 2019.

The Peace of Mind Foundation is committed to implementing this Client Protection Policy and to training our employees, clients, visitors, volunteers and contractors in its content and application.

- **Objectives**

The key objectives of this Client Protection Policy are to ensure that:

- Those covered by the scope of this policy are aware of their responsibilities in promoting the safety, welfare and wellbeing of employees, clients, visitors, volunteers and contractors of the Peace of Mind Foundation;
- Appropriate policies and procedures are in place to ensure the safety, welfare and wellbeing of employees, clients, visitors, volunteers and contractors of the Peace of Mind Foundation; and
- Systems are in place to address concerns about the conduct of those covered by the scope of this policy.

- **Definitions**

“Abuse” includes but is not limited to:

- Physical abuse (that is, any non-accidental physical injury resulting from practices such as hitting, punching, kicking, shaking, burning, biting, pulling out hair, alcohol and/or other drug administration);
- Sexual abuse (that is, any assault or abuse of a sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation);
- Emotional abuse (that is, the chronic 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. Behaviours may include insulting, bullying, devaluing, ignoring, rejecting, corrupting, isolating, terrorising or other extreme acts in the vulnerable person’s presence, and removing aids such as a wheelchair or communication device);
- Financial abuse (that is, the illegal or improper exploitation or use of funds or resources of another person. Behaviours may include forging a person’s signature, spending a person’s money on items that do not benefit the person; using a person’s property without permission, taking a person’s possessions without payment or keeping the funds after their sale and getting a person to sign a deed, will or power of attorney through deception, coercion or emotional blackmail);
- Systemic abuse (that is, the practice of taking away a person’s independence and dignity. Behaviours may over or under medicating, overuse and misuse of restrictive practices, lack of staff to provide necessary support and the provision of care by a person with whom the person receiving the care feels uncomfortable);

- Constraints and restrictive practices (that is, intervention that is used to restrict the rights or freedom of movement of a person. Behaviours may include the prolonged use of any part of a person's body to restrict their free movement, the inappropriate use of medication to control a person's behaviour, the inappropriate use of a device to restrict the free movement of a person, the use of verbal communications and/or threats of social or material punishment which elicit fear and restrain a person's behaviours and confinement in a room or area in which an exit is prevented by another person or where the person believes they cannot or should not leave the room without permission); and
- Neglect (that is, the failure to provide for a person's basic needs or any serious omission or commission which jeopardises or impairs a person's health or development. Behaviours may include failure to provide adequate supervision when the risk of foreseeable harm or injury to the person requiring care would be high, adequate nutrition, clean clothing or personal hygiene, health care or medical treatment, a safe environment and social interaction and engagement).

"Child" refers to any person under the age of 18.

"Client" refers to any person (adult or child) who attends or participates in the Peace of Mind Foundation's activities, objectives or strategic plan.

"Employee" refers to any paid person over the age of 18 who is responsible for the control and safety of members and clients placed in their care whilst holding a formal position with the Peace of Mind Foundation.

"Organisation" refers to the Peace of Mind Foundation located at 17 Baines Crescent, Torquay in the State of Victoria.

"Reasonable suspicion" refers to a fair and practical reason to believe an incident involving abuse has occurred based on either verbal communication, hearsay, rumour or observed behaviour.

"Sexually related offence" refers to a sexual activity that a person has not consented to. Sexually related offences include rape, incest, indecent assault, child sexual assault and sexual molestation.

"Volunteer" refers to any unpaid person of the age of 16 who is invited to assist with the Peace of Mind Foundation's activities, objectives, strategic plan or client services.

"Violent offence" refers to an offence that causes another person an injury which interferes with that person's health or comfort or that places them in fear of being injured. Violent offences include assault, sexual assault, unlawful assault, common assault, affray, causing

injury or serious injury, homicide including manslaughter and murder, aggravated burglary, robbery, threats to kill and threats to inflict serious injury.

“Vulnerable person” refers to someone who is, or may be, in the need of community care services by reason of mental or other disability, age or illness or may be unable to take care of him or herself or unable to protect him or herself against harm or exploitation by another person.

- **Policy Review**

This Client Protection Policy will be reviewed annually at the June Board of Directors’ meeting.

Any changes recommended by any interested party should be submitted in writing to the Chief Executive Officer for consideration no less than one month prior to the June annual review date.

Any proposed changes will be submitted to the Board of Directors’ meeting for approval before being implemented.

- **Obligations**

- *Responsibility*

The core expectations of any responsible Organisation require us to treat all people with fairness and dignity and to care for those who are less powerful and in the need of nurture and protection.

- *Legal*

All relevant Organisations within Australia are bound by Federal and State legislation and to principles established through common law. The Peace of Mind Foundation is committed to adhering to all relevant legislation.

- *Ethical*

The Peace of Mind Foundation will ensure that high standards of conduct are maintained at all times.

Each client of the Peace of Mind Foundation has the right to:

- Full and effective use of his or her personal, civil, legal and consumer rights;
- Quality care which is appropriate to his or her needs;
- Be treated with dignity and respect and to receive services without exploitation, abuse or neglect;
- Receive services without discrimination or victimisation and without being obliged to feel grateful to those providing said services;
- Personal privacy;
- Be treated and accepted as an individual and to have his or her individual preferences taken into account and treated with respect;
- Continue his or her cultural religious practices and to retain the language of his or her choice, without discrimination;
- Select and maintain social and personal relationships with any other person without fear, criticism or restriction;
- Freedom of speech;
- Maintain his or her personal independence, which includes a recognition of personal responsibility for his or her own actions and choices, even though some actions may involve an element of risk which the client has the right to accept and that should then not be used to prevent or restrict those actions;
- Maintain control over, and continue to make decisions about, the personal aspects of his or her daily life, financial affairs and possessions;
- Have access to information about his or her rights, care and any other information which relates to him or her personally;
- Complain and take action to resolve disputes;
- Have access to advocates and to other avenues of redress; and
- Be free from reprisals, or a well-founded fear of reprisal, in any form for taking action to enforce his or her rights.

Some actions may not be regarded as abuse but are unacceptable behaviour for the Peace of Mind Foundation. These include but are not limited to:

- Inappropriate conversation of a sexual nature;
- Coarse language, especially that of a sexual nature;
- Suggestive gestures or remarks;
- Jokes of a sexual nature;
- Inappropriate touching;
- Inappropriate literature, media or internet content;
- Recording or filming without prior consent; and
- Acts of violence committed by an employee, client, visitor, volunteer or contractor in the course of an activity.

- **Selection and Screening**

Employees, contractors and volunteers involved in activities or programs with children, aged and/or vulnerable people must be carefully selected and screened in line with the Peace of Mind Foundation's policies.

Where the Peace of Mind Foundation has identified, or it has been identified to us that an applicant employee, contractor or volunteer has previously committed a violent or sexually related offence, they will not, under any circumstances, be considered for employment or engaged with by the Peace of Mind Foundation.

Prior to commencing employment, contract or volunteer services, the following precautions will be taken:

- All employees and volunteers must provide a resume or complete a volunteer application form, including details of two referees and previous employers together with permission to contact them;
- Relevant referees will be checked and spoken to, using an agreed set of questions which have been drafted by the Peace of Mind Foundation. In addition, the Peace of Mind Foundation will also call two of the applicant's prior employers to also be checked and spoken to. The questions asked of any referees and/or previous employers will seek to establish the applicant's suitability for the role or position;

- All short-listed candidates must undertake a formal interview which includes an analysis of past experience working with children and vulnerable persons;
 - All employees and volunteers are required to have a current Working with Children Check (“WWCC”). The Peace of Mind Foundation will verify the WWCC online and require it to remain current whilst engaged with the Peace of Mind Foundation noting that there can only be two results for a new WWCC – a clearance or a bar. People with a bar may not work or volunteer in any child-related roles;
 - All potential employees and volunteers are required to undertake a National Police Record Check and provide the Peace of Mind Foundation with a National Police Certificate that was issued within three months of their application being made to engage with the Peace of Mind Foundation. The Peace of Mind Foundation will then undertake an assessment of any recorded convictions prior to confirming the applicant’s engagement with the Peace of Mind Foundation; and
 - All employees and volunteers are required to maintain a National Police Certificate and this must be updated every three years.
- **Training**

All new employees, contractors and volunteers will be issued with a copy of this policy and receive formal training in:

- The content and application of the organisation’s Client Protection Policy; and
- Reporting procedures and the associated legal requirements.

Refresher training courses based on current “best practice” and changes to legislation will be provided on a biannual basis.

- **A Safe Environment**

Incidents of abuse are often unlikely to take place in front of another person however the presence of a witness can assist in clarifying questionable allegations. For these reasons, working while someone else is present is the preferred method and entry doors to spaces being utilised by workers and volunteers of the Peace of Mind Foundation should never be locked. If there is no other way of seeing into the space (e.g. there are no glass panels, glass doors etc.) then the door must remain open.

Wherever possible, employees and volunteers will not visit children, aged or vulnerable persons in their homes unless a friend or relative is present.

When transporting people under their care, employees and/or volunteers will take them directly to and from arranged venues and will not spontaneously detour or make additional arrangements.

Employees and volunteers will respect a client's feelings and privacy when engaging in physical contact of any kind;

Adults and children are expected to respect each other's privacy during times that require undressing, dressing or changing clothes. Employees and volunteers will set an example by protecting their own privacy in similar situations. No employee, client, visitor, volunteer or contractor will be alone in a room with a child, elderly or vulnerable person while any/either is changing.

Initiations and secret ceremonies are prohibited. All aspects of every program related to children, aged and vulnerable people will be open to observation by family, friends and/or guardians.

Employees and volunteers have the right to ask people who do not have a valid reason to be present at such activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

- **Disciplining Children**

It is not the responsibility of the Peace of Mind Foundation or its employees, clients, visitors, volunteers or contractors to discipline a child. If a child does not abide by the rules set down by the Peace of Mind Foundation, or becomes an obstruction and may cause harm, the child will be removed and referred back to their parent or guardian.

At no time will an employee or volunteer administer any form of physical or emotional discipline.

- **Reporting Procedures**

The Peace of Mind Foundation actively encourages the reporting of all abuse, including sexual abuse.

The Peace of Mind Foundation is committed to building an environment where both the victim or employee, client, visitor, volunteer or contractor feels able to report such abuse.

Employees, volunteers and contractors must report reasonable suspicions of abuse to the senior management of the Peace of Mind Foundation immediately.

An independent person will be appointed by the Peace of Mind Foundation with the specific duty of dealing with any allegations of harm or abuse that may arise. The Peace of Mind Foundation designates that this independent person is the Victorian Police Force.

A documented reporting process with escalating procedures has been established by the Peace of Mind Foundation for handling allegations of abuse. The process is as follows:

Disclosures by employees/volunteers/visitors/contractors

- For all reasonable suspicions, the employee/volunteer/visitor/contractor must immediately contact the Peace of Mind Foundation head office and speak to a member of the Board of Directors;
- The employee/volunteer/visitor/contractor should verbally provide details of the alleged suspicion, including the location, the alleged victim's name, a description/details of the allegation and details of the alleged perpetrator; and
- The Peace of Mind head office will document the details and provide the details (including the details of the person whom is reporting the alleged abuse) to the Police. This will be provided confidentially to the Police.

Disclosures by clients

- For all reasonable suspicions, the client must contact the Peace of Mind Foundation head office and speak to a member of the Board of Directors; and
- Clients should provide details of the suspicion, which will be handled with the highest level of confidentiality. The Peace of Mind Foundation Director will document the conversation, which will be provided confidentially to the police.

Escalating procedures

- The automatic suspension from all work or other duties within the Peace of Mind Foundation of any person while under investigation by the Peace of Mind Foundation, or by the police, for committing abuse; and

- The automatic termination of their employment, contract or involvement with the Peace of Mind Foundation if found guilty of committing abuse, either by internal investigation or by a court. If there is reasonable suspicion that a client has been or is suffering abuse, the Police and the organisation's insurer will be contacted immediately.

The Police will also be notified if an employees, client, visitor, volunteer or contractor discloses an incident of abuse that has occurred somewhere other than the Peace of Mind Foundation premises (e.g. on an outing).

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

- 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;
- Not pushing the person whom is making the disclosure to disclose details of the alleged assault or attempting to investigate the allegation;
- Assuring the person whom is making the disclosure 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;
- Reporting the abuse to the police and the Peace of Mind Foundation insurer;
- Not making contact with the alleged perpetrator;
- If the alleged assault has taken place recently, clothing worn by the alleged victim should be, if reasonably practicable, retained and handed to the Police for forensic examination; and
- Maintaining confidentiality.

Any disclosures by an employee, client, visitor, volunteer or contractor, reports of suspected abuse and all details of the subsequent investigation will be documented promptly and the documents will be held in a secure location where a breach of privacy cannot occur for a period of no less than 50 years.