

CLIENT PROTECTION POLICY AND PROCEDURE

Purpose

As an organisation committed to promoting the welfare of individuals with Down Syndrome, it is incumbent upon Down Syndrome NSW (DS NSW) to uphold its legal, moral, and mission-oriented obligation of safeguarding children and vulnerable individuals from any potential harm. Thus, DS NSW recognises the paramount importance of promptly and effectively addressing any suspected or reported cases of abuse with sensitivity and appropriate measures. We firmly believe that any form of proven abuse against minors or vulnerable individuals, whether it be emotional, physical, sexual, or neglectful in nature, is unequivocally unacceptable.

Policy Principles

- The safety of children and vulnerable people is paramount. All of Down Syndrome NSW's Board Directors, CEO, staff and volunteers have a duty of care to ensure that all who access the Association's programs, services and facilities are provided with a safe environment that protects children, vulnerable people, and the staff and volunteers who work with them.
- Any type of abuse is unacceptable, and it is imperative that it is not condoned or ignored under any circumstances (this applies to children and adults).
- Children and vulnerable people need to know and believe that they have the right to be always and feel safe.
- Down Syndrome NSW is entrusted to ensure that the people who work with children and vulnerable people act in their best interests and take all reasonable steps to ensure their safety.
- Down Syndrome NSW's staff and volunteers are required to be aware of, always understand and adhere to this Client Protection Policy. This awareness is to give them the ability to be proactive in identifying new opportunities to improve relevant workplace and service practices, and to minimise the risk of abuse to children and vulnerable people in their care.
- Staff and volunteers are accountable to their supervisors and the CEO for ensuring all Client Protection Policy practices are effectively implemented and monitored.
- The Board of Down Syndrome NSW is responsible for ensuring that appropriate policies and practices are in place to minimise, if not eliminate, the risk of abuse.

NDIS Service Principles

- As a service provider funded under the National Disability Insurance Scheme (NDIS), the NDIS Code of Conduct applies to our work, and therefore Down Syndrome NSW will:
 - Act with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with relevant laws and conventions.
 - Respect the privacy of people with disability.
 - Provide supports and services in a safe and competent manner with care and skill.
 - Act with integrity, honesty, and transparency.
 - Promptly take steps to raise and act on concerns about matters that might have an impact on the quality and safety of supports provided to people with disability.

- Take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect, and abuse.
- Take all reasonable steps to prevent sexual misconduct.

Obligations

Legal - Down Syndrome NSW is committed to adhering to all relevant Federal and State legislation which is our legal responsibility.

- Disability Inclusion Act 2014 (NSW)
- Disability Inclusion (Restrictive Practices – Regulation) 2018 (NSW)
- NSW Disability Services Standards

Ethical - Some actions may not be regarded as abuse, however, are still unacceptable behaviour for Down Syndrome NSW. These include:

- 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 (e.g. MA, R or X rated material used with a child or vulnerable person).
- Recording or filming without prior consent.
- Acts of violence committed by a staff member or volunteer in the course of an activity.

Applicability

All DS NSW workers, Board members and participants.

Roles and Responsibilities

Board	Promote best practice, continuous improvement and a service delivery culture that promotes and supports participant safety and protection.
CEO	Oversee the implementation of this policy and procedure. Ensure compliance of this policy and procedure. Manage non-compliance of this policy and procedure.
Management	Ensure compliance of this policy and procedure. Report non-compliance to the CEO.
Workers	Comply with this policy and procedure.
Participants	Comply with this policy and procedure.

Procedures

Employment Recruitment and Screening for Staff and Volunteers

Down Syndrome NSW aims to minimise the risk to our clients/members and others seeking our support, or them being subject to abuse and neglect by ensuring our recruitment procedures are of a high standard and attract the most appropriate staff and volunteers. Down Syndrome NSW's recruitment and screening procedures will include:

- All staff members and volunteers must complete a Job Application Form providing details of relevant past experience, positions held, details of at least two referees and permission to contact them.
- All short-listed candidates must undertake a formal interview which includes an analysis of past experience working with children or vulnerable people.
- All staff members, Board members and Volunteers require a NDIS Worker Screening Check and Working With Children Check prior to commencing their roles.
- A register of Board, staff and volunteer criminal history checks and status (due date for renewal) will be maintained to ensure that checks remain current.
- Professional staff shall provide documentation of professional qualifications including membership of professional associations.
- Both referees will be checked and spoken to, using an agreed set of questions relevant to the role. Questions to referees will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file.
- All new staff will be on a minimum probationary period of three months.
- An induction and orientation process will be provided for all new staff and volunteers to ensure they have a sound understanding of the values, mission, Code of Conduct and policies of Down Syndrome NSW.
- Regular appraisal of the performance of all staff members and regular review of volunteers will be undertaken.
- **Where it is identified that an applicant has previously committed a violent or sexually related offence, they cannot, under any circumstances, be considered for employment or volunteering with Down Syndrome NSW.** The only exception to the above will be volunteers who are engaged purely for administrative tasks and will not have direct unsupervised contact with clients. For these volunteers must:
 - Complete a Volunteer Application Form, and sign the Code of Conduct
 - Provide evidence of identity (e.g. Drivers Licence or passport)
 - Have an induction and orientation of the area in which they will be working (e.g. office) including relevant Work, Health and Safety requirements.

Training

All new staff members and volunteers who have direct unsupervised contact with clients will be issued with a copy of this policy and receive formal training in:

- The content and application of this Policy
- Reporting procedures and the associated legal requirements.
- Refresher training courses based on current "best practice" and changes to legislation will be provided on an annual basis to all staff and regular volunteers, via online training modules available through the NDIS Quality and Safeguards Commission - <https://training.ndiscommission.gov.au>.

Client Protection Code of Conduct

Down Syndrome NSW is committed to the safety and well-being of all children and vulnerable people accessing its programs and services. Down Syndrome NSW supports the rights of the child and

vulnerable people and will strive to deliver a safe environment at all times. Down Syndrome NSW also supports the rights and wellbeing of our staff and volunteers and encourages their active participation in building and maintaining a safe environment for children and vulnerable people.

Staff and volunteers must maintain the highest standards of professional conduct in their attitude and behaviour toward clients, colleagues and members of the community. In particular, staff recognise the power imbalance inherent in a staff /client relationship and will never act in a manner which exploits or could be seen to exploit that power imbalance.

(i) **Staff and Volunteers MUST:**

- Obtain and maintain a valid Working With Children Check and National Disability Insurance Scheme Workers Screening Check.
- Remain alert to the risk indicators of abuse and promptly report suspected incidents or suspicious behaviour to their manager, and where clearly required by law, to the relevant authorities.
- If engaged in the direct delivery of programs and services, staff will be required to access training annually in child and vulnerable person protection and related matters and will be supported by Down Syndrome NSW to do so. This includes the online training available through NDIS Quality and Safeguards Commission - <https://training.ndiscommission.gov.au>.
- Avoid placing themselves in potentially compromising situations with children or vulnerable people.
- Ensure that, in all circumstances, prescribed staff/client ratios are adhered to (e.g. UP!Club activities).
- Ensure they are never alone with a child or vulnerable person where they cannot be observed by another staff member, volunteer or other adults.
- Conduct themselves in a manner consistent with being a positive role model, and as a representative of Down Syndrome NSW.
- Within the first five (5) working days, read, understand and formally agree to abide with Down Syndrome NSW's policies and guidelines around the safety of children and vulnerable people, a copy of which is provided to staff to read during their induction process.
- Raise all concerns, issues, and problems with their supervisor as soon as possible.
- Ensure an appropriate mix of male and female staff/volunteers is to be achieved wherever possible when preparing for programs.
- Ensure that written permission is obtained in relation to any photos or videos being taken.
- Advise their manager of any conflict of interest, including if a friendship has developed with families and/or children or vulnerable persons who participate in Down Syndrome NSW programs prior to or during employment by Down Syndrome NSW.
- Declare in writing to their manager or supervisor any outside-of-work activity with clients from Down Syndrome NSW programs.
- Report to their manager any knowledge of staff/volunteers who engage in non-Down Syndrome NSW activities with clients in Down Syndrome NSW programs.

(ii) **Staff and Volunteers MUST NOT:**

- Discipline children or vulnerable people through the use of emotional abuse, physical punishment or the withdrawal of the necessities of care (incl. food, shelter and emotional

warmth), favouritism, physical abuse, verbal abuse, reference to cultural/ethnic differences, or swearing.

- Under any circumstances, release a child from a Down Syndrome NSW program or service to anyone other than the authorised parent(s), or to an individual authorised by parent(s)/ in writing, including relatives of children.
- Staff and volunteers must not be involved in after-hours activities with a client unless the client is directly related. Staff and volunteers must declare any involvement with the client by obtaining parental / carer and CEO approval.
- Work for another organisation/company (second job) whilst working for Down Syndrome NSW if the total hours worked per day is excessive (more than ten hours per day) and if the additional external hours will have a negative impact on Down Syndrome NSW duties.
- Report to work under the influence of or in the possession of alcoholic beverages or controlled or illegal substances.
- Have a child or vulnerable person sit in their lap, cuddle, kiss, hug or touch in an inappropriate and/or culturally insensitive manner.
- Make negative, violent or sexually suggestive comments.
- Take a child or vulnerable person to their own home, or encourage meetings outside the program activity (unless as approved by the CEO and parent/carer).
- Take unauthorised photos or videos of children or vulnerable people without a signed consent form. Staff are required to not store or retain photos or videos of children on personal mobile phones or other personal devices.
- Transport an individual child/vulnerable person or a group of children/vulnerable people to or from programs in private vehicles, without the consent of the CEO or parent. A risk management plan for travelling in vehicles needs to be adhered to at all times.
- Share accommodation with a child or vulnerable person without other staff members or adults present.
- Text or email information directly to a child or vulnerable person's mobile or email address, unless for the express purpose of conducting Down Syndrome NSW business.
- Give personal gifts to children or vulnerable people unless under the banner of a gift from Down Syndrome NSW.
- Use personal social media platforms such as Facebook or twitter etc., to contact or converse with children or vulnerable people enrolled in Down Syndrome NSW programs unless for the express purpose of conducting Down Syndrome NSW business.

Conduct that is considered unacceptable is subject to disciplinary procedures and possible dismissal.

Exceptional Circumstances - There may be exceptional situations where these guidelines do not apply, for example, in an emergency situation. However, it is crucial that, where possible, staff members or volunteers seek management authorisation prior to taking action that contravenes these guidelines or advise management as soon possible after any incident in which these guidelines are breached.

Reporting Procedures

Down Syndrome NSW will foster a safe, supportive environment which encourages clients, families, staff, volunteers and others seeking our support to raise concerns about possible abuse or neglect without fear of retribution.

Refer to our [Incident Management Policy and Procedure](#).

Reportable Incidents

As an NDIS provider, Down Syndrome NSW must report to the NDIS Quality and Safeguards Commission serious incidents (including allegations) arising in the context of NDIS supports or services. Reportable incidents are for situations that can threaten the health, safety or wellbeing of people with disability, and include the following:

- the death of an NDIS participant
- serious injury of an NDIS participant
- abuse or neglect of an NDIS participant
- unlawful sexual or physical contact with, or assault of, an NDIS participant
- sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
- the unauthorised use of a restrictive practice in relation to an NDIS participant.

Reporting to the NDIS does not replace existing obligations to report suspected crimes to the police and other relevant authorities. Down Syndrome NSW is responsible for preventing, responding to, and managing incidents. Most reportable incidents must be notified to the NDIS Quality and Safeguards Commission within 24 hours of a provider's key personnel being made aware of it, with a more detailed report about the incident and actions taken in response to it to be provided within five business days.

In the reporting of incidents, Down Syndrome NSW must assess:

- the impact on the client
- whether the incident could have been prevented
- how the incident was managed
- what, if any, changes are required to prevent further similar events occurring.

See DS NSW's Incident Report Form.

Sources of concerns of abuse

Staff or volunteers may become aware of abuse through either disclosure, observation or suspicion:

(i) Disclosure

In the event a child or vulnerable person reports or discloses an incident of 'harm' to themselves or to another person, the person receiving the concern/allegation should listen attentively and calmly, and record the actual words if possible. It is important to not use leading questions, and to put your own feelings aside.

- **Listen** to the child/vulnerable person.
- **Reassure** the child/vulnerable person that they have done nothing wrong by talking to you; that their disclosure is being taken seriously; that what has happened is not their fault, and that they are correct in disclosing the incident.
- **Promise to do something**, but **DO NOT** promise to keep the information a secret.
- **Explain** that you need to speak to someone else in order to get advice that can help them.

- **Never** ask leading questions – eg ‘did x touch you?’; ‘tell me what happened?’; ‘what happened then?’; ‘tell me about that?’. Don’t pressure them to respond. Questions that are leading or unnecessary can distress the child/vulnerable person and could compromise any investigation.
- **Let them tell you** in their own words. Don’t correct their words.
- **Document** the conversation objectively – eg just write what was said, not your opinions, and report to your supervisor.

If the alleged assault has taken place recently, clothing worn by the client should be, if reasonably practical, retained and handed to the police for forensic examination.

(ii) Observations and Suspicion

- **All concerns should be acted upon immediately.** It is not up to Down Syndrome NSW to decide definitively whether abuse has taken place or not. Authorities must be notified when there are reasonable grounds for suspecting/reporting abuse. Reasonable suspicion means fair and practical reason to believe an incident involving abuse has occurred based on either verbal communication, hearsay, rumour or observation of behaviour.
- **The law protects a person who raises legitimate concerns** through appropriate procedures under the banner of “Qualified Privilege”.
- **Confidentiality is of the utmost importance** and crucial to a fair and effective reporting process. Care needs to be taken to ensure the suspected abuse or suspicions are not discussed with other staff, other clients, parents, or the general community.

Reporting Process

Staff members or volunteers in regular contact with children or vulnerable people and their families are well placed to observe when they appear to be at risk of harm, and can play an important role in protecting the safety and wellbeing of those children and vulnerable people. The reporting processes outlined below apply regardless of whether the incident of abuse has occurred within Down Syndrome NSW’s provision of services and support or not.

Down Syndrome NSW staff and volunteers will be required to work with their direct supervisor/ manager during the consultation process to determine that all necessary information has been collated in order to form a belief on reasonable grounds to make a formal report on the allegation of abuse. If necessary, an independent person may be appointed by Down Syndrome NSW with the specific duty of dealing with any allegations of harm or abuse that may arise.

Down Syndrome NSW staff and volunteers may be required to make a report to the relevant authorities. All documentation used during this reporting process will be filed and stored in a confidential manner. This documentation is not to be given to any other party unless clearly falling under relevant State or Federal legislation.

The reporting process for Down Syndrome NSW is outlined as follows:

STEP 1

- Observation, suspicion or disclosure of abuse occurs.

- The CEO or appointed person is to immediately assess the report and gather written, signed and dated statements from staff members or volunteers (where appropriate).
- If a staff member feels uncomfortable to raise suspicions of abuse with their immediate supervisor, they should contact the CEO or Chairman of the Board.
- The CEO is to obtain written details of all people involved, including any witnesses and meet with the person who has made the allegation to clarify the details.

STEP 2

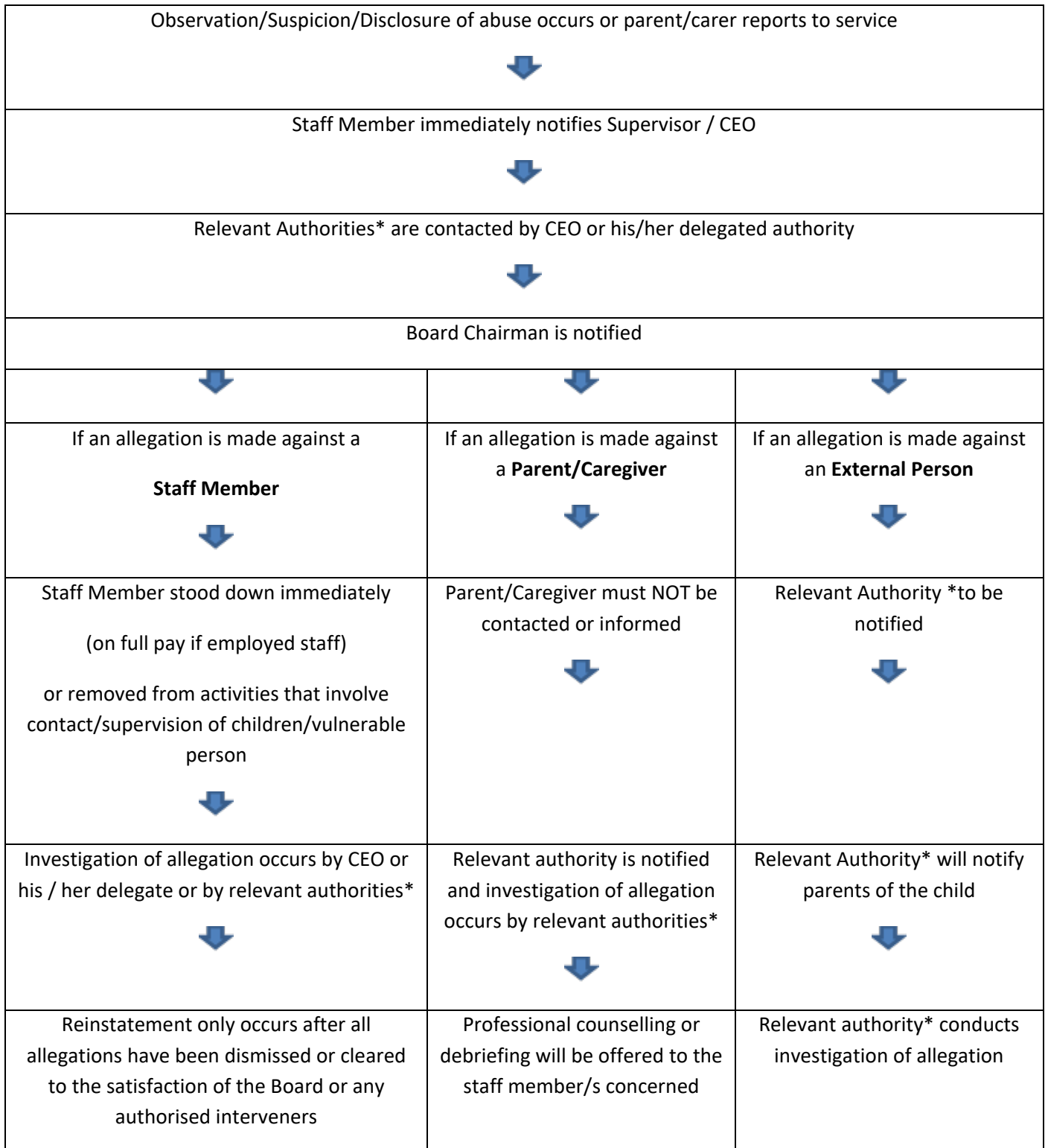
- CEO to make a decision to report, based on reasonable grounds. The CEO will advise the Chairman of the Board.
- The CEO or their delegated authority will provide the report to the appropriate authority, which may include the NDIA Quality and Safeguards Commission, police and/or family.
- Once the report is made to the relevant authority, the matter is handled by that authority and all information requested by them is to be provided by the CEO or his/her delegated authority.
- The relevant authority will determine how best to respond to the situation.
- If a staff member/volunteer believes that a child or vulnerable person is in immediate danger, then the staff member/volunteer should directly contact the Police on 000.

STEP 3

- Staff will be supported through the reporting process and professional counselling and debriefing arranged if required. One-on-one or group counselling may be arranged.
- In the event that allegations are made against a Down Syndrome NSW staff member or volunteer, the CEO is required to immediately suspend that person (on full pay if employed staff) or remove from activities involving the direct supervision of, and/or direct contact with, children or vulnerable persons.
- Reinstatement of a staff person or volunteer may only occur after any and all allegations against that person have been dismissed or cleared to the satisfaction of the Board of Down Syndrome NSW and any authorised consultants involved in investigations.
- Automatic termination of employment, or involvement with Down Syndrome NSW will occur if found guilty of committing abuse, either by internal investigation or by a court.
- Fair process will be followed for the staff member or volunteer who has had the allegation made against them.
- In the event that allegations are made against another person with Down syndrome, it is important to ensure that the allegation is taken as seriously as any other allegation. Any serious and reportable incidents still need to be referred to the relevant authorities. However, it may be that Down Syndrome NSW will have a duty of care for both the victim and alleged perpetrator.

Reporting Flowchart

At all times during the investigation of any allegation of abuse, confidentiality is paramount. Staff/ volunteers must not discuss the matter with anyone except their manager and/or relevant authorities.



*Relevant Authority:

- NSW Police **000**
- NDIS Quality and Safeguards Commission 1800 035 544

If you believe a child or vulnerable person is in immediate danger or is in a life-threatening situation, contact the NSW Police Service immediately by dialling 000.

If you suspect a child is experiencing harm or is at risk of experiencing harm, contact the Child Protection Helpline of FACS on 132 111 or visit their website

<https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk>

Sources of Information

Other agencies that may be able to assist with reportable and serious incidents of abuse are set out below.

NDIS Quality and Safeguards Commission

Phone: 1800 035 544

Website: [ndiscommission.gov.au](https://www.ndiscommission.gov.au)

National Disability, Abuse & Neglect Hotline

Phone: 1800 880 052

Email: hotline@workfocus.com

Intellectual Disability Rights Service

Phone: 02 9318 0144 or 1300 665 908

Email: info@idrs.org.au

Website: www.idrs.org.au

NSW Fair Trading

Phone: 13 32 20

Website: www.fairtrading.nsw.gov.au

NSW Family and Community Services

Phone: 02 9377 6000

Email: servicembx@facs.nsw.gov.au

Website: <https://www.facs.nsw.gov.au/inclusion/disability>

Associated Documents

- Code of Conduct
- Discrimination, Bullying and Harassment Policy and Procedure
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- Crimes Act 1958
- Family Law Act 1975 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)

- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)
- Privacy Act 1988 (Cth)
- Children and Young Persons (care and Protection) Act 1998
- DS NSW Form: Incident Report Participant
- DS NSW Incident Management Policy and Procedure
- DS NSW Incident Register
- DS NSW Human Resources Policies and Procedures
- DS NSW Managing External Feedback and Complaints Policy and Procedure
- DS NSW Privacy, Dignity and Confidentiality Policy and Procedure
- NDIS Commission Reportable Incident – Immediate Notification Form – NDIS Portal
- NDIS Commission Reportable Incident – 5 Day Notification Form - NDIS Portal

Definitions

Term	Definition
Abuse	<p>Abuse can consist of one or more of, but is not restricted to, the following:</p> <p>Physical Abuse, any non-accidental physical injury resulting from practices such as: hitting, punching, kicking, shaking, burning (irons, cigarettes), biting, pulling out hair, alcohol and/or other drug administration.</p> <p>Sexual Abuse, any assault or abuse of a sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation.</p> <p>Emotional or Psychological Abuse, 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.</p> <p>Financial Abuse may include:</p> <ul style="list-style-type: none"> • Activities by an attorney in violation of their powers, duties and responsibilities under an Enduring Power of Attorney, • Misappropriation of money, valuables or assets, • Forging signatures on cheques, • Denial of access to personal assets, • Accessing a person’s funds electronically, and/or • Forced or unauthorised changes to legal documents. <p>Financial Abuse may also occur where a person takes advantage of a person who has already lost (or is losing) capacity, by coercing or arranging for the person to sign an Enduring Power of Attorney in circumstances where the person is unable to understand the nature and effect of the document.</p>
Child	Any person under the age of 18.

Client	Any person, including children and vulnerable people, who attends or participates in Down Syndrome NSW's activities, or receives support or other services from Down Syndrome NSW.
Neglect	The failure to provide a person with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that their health and development is, or is likely to be, significantly harmed.
Reportable Incidents in the NDIS	For an incident to be reportable, a certain act or event needs to have happened (or be alleged to have happened) in connection with the provision of supports or services . This includes: <ul style="list-style-type: none"> • 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 • use of a restrictive practice in relation to a person with disability where the use is not in accordance with an authorisation (however described) of a state or territory in relation to the person, or if it is used according to that authorisation but not in accordance with a behaviour support plan for the person with disability
Vulnerable Person	Any person who is or may be in need of community care services by reason of mental or other disability, age or illness.

Document Control

Policy review every: 3 years

Version	Date Commenced	Policy Owner	Change Description	Review Date	Policy Approver
V1.0	July 2019	CSO	New Policy	July 2022	CEO
V2.0	April 2023	Specialist PCC	Policy Review	April 2026	CEO