

Protecting Vulnerabilities Policy

Policy statement

Therapy Connect recognises that vulnerable people have a right to be protected from physical and mental harm and neglect and upholds the United Nations Convention on the Rights of the Child (CROC) and United Nations Universal Declaration of Human Rights Disability Services Act 1991. Therapy Connect is committed to:

- the safety and wellbeing of all people;
- zero tolerance for child abuse and discrimination;
- providing an environment where vulnerable people are safe, feel safe and their voices are heard about decisions that affect their lives; and
- the particular attention needed to ensure the cultural safety of vulnerable people who identify as Aboriginal and/or Torres Strait Islander or as being from culturally and/or linguistically diverse backgrounds, as well as the safety of vulnerable people with a disability or who have diverse gender identities or sexualities.
- Adherence to National, State and NDIS requirements and practice guides.

Scope

This policy applies to all Therapy Connect representatives, both paid and unpaid, including employees, founders, managers, contractors and board members to protect those with vulnerabilities.

Responsibilities

It is the responsibility of the Management team to:

- promote a culture that protects children and young people from abuse and neglect;
- ensure that employees, contractors and board members are supported to understand Therapy Connect's commitment to the safety of vulnerable people and their role, responsibilities and the behaviours expected in protecting vulnerable people from abuse and neglect;
- ensure all employees and contractors in child-related work undergo and maintain a valid Working with Children Check (or equivalent) for the state or territory in which they usually reside;
- encourage employees, contractors and board members to raise, discuss and scrutinise concerns making it more difficult for abuse to occur and remain hidden; and

- respond quickly and appropriately to allegations of child abuse or neglect, including making necessary reports and minimising risk where an allegation of child abuse or neglect has been made about an employee or contractor.
- Continuously monitor and improve governance systems and practices to ensure early detection, escalation and reporting of abuse or neglect.

It is the responsibility of employees and contractors to:

- hold and maintain a valid Working with Children Check and notify a director immediately if they are barred from working with children or any allegation is made against them of child abuse or neglect;
- hold and maintain a NDIS Worker Screening Clearance, where they are in a Risk Assessed Role as per the Risk Assessed Role Policy and are needing an NDIS worker check;
- ensure they understand and uphold their role, responsibilities and the behaviours expected in protecting children and young people from abuse and neglect;
- maintain a professional relationship at all times when working with families, children and young people;
- raise, discuss and scrutinise concerns about child safety; and
- respond quickly and appropriately to allegations of child abuse or neglect, including making necessary reports.
- Adhere to NDIS Commission requirements including the Surveillance Technology Practice Guide

Definitions

Child abuse - Any act committed against a child involving: a sexual offence or an offence under section 49M(1) of the *Crimes Act 1958* (grooming); or the infliction, on a child, of physical violence, serious emotional or psychological harm or serious neglect of a child.

Child safety - Matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

Child-related work - Work performed by an adult in an environment while children are present or reasonably expected to be present.

Elder abuse- a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.

Mandatory reporting - A term used to describe the legislative requirement for selected groups of people to report suspected cases of child abuse and neglect to government authorities. Parliaments in all Australian states and territories have enacted mandatory reporting laws of some description.

Vulnerable person- people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation.

Safeguards - Safeguards are rules in place to help protect NDIS participants from harm, abuse, neglect or exploitation.

NDIS worker screening check - The NDIS Worker Screening Check is one way to reduce risk of harm to people with disability. This clears a person to work in certain roles.

NDIS Quality and Safeguards Commission - The NDIS Quality and Safeguards Commission (NDIS Commission) handles complaints about the quality and safety of NDIS supports and services. The NDIS Commission is an independent agency.

Recruitment of a suitable workforce

Therapy Connect applies best practice standards in the recruitment and screening of employees and contractors and takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with vulnerable people. All prospective employees and contractors are required to undergo a NDIS worker screening check. Employees and contractors in child-related work are required to hold a valid Working with Children's Check for the state or territory in which they reside

Appropriate behaviours

Appropriate behaviours are outlined in the [Therapy Connect Code of Conduct](#) and should be maintained at all times when working with vulnerable people and families.

NDIS Safeguards

Safeguards are important to protect NDIS participants' rights to be safe and receive quality services from NDIS providers and workers. Safeguards as derived from Australian Consumer Law and state consumers have the rights when buying goods and services from a provider. These rights include the right to:

- be treated fairly
- be given accurate information before buying
- cancel a faulty service
- a refund if something goes wrong

Therapy Connect participants have the right to speak up if they feel unsafe or are not happy with the quality of the services. Therapy Connect welcomes feedback and ensures people are clearly informed and supported when submitting a complaint. Refer to the [complaint policy](#) for more information. Participants can also contact the NDIS Quality and Safeguards Commission:

- NDIS Quality and Safeguards Commission [website](#)
- phone 1800 035 544.

More information about consumer rights and where to go for help is also available on the [Australian Competition and Consumer Commission](#) website.

NDIS Provider Obligations

Registered NDIS providers are required to:

- take **all reasonable steps to prevent all forms of harm**. This includes injury, sexual misconduct, violence against, and exploitation, neglect and abuse of, people with disability
- **record, respond to, and manage incidents in accordance with their incident management system and procedures**. This includes all incidents that occur in connection with providing supports or services to a person with disability that have, or could have, caused them harm. It also includes incidents involving an act by the person with disability that could have caused harm to another person
- **notify the NDIS Commission** of reportable incidents.

Source:

<https://www.ndiscommission.gov.au/sites/default/files/2022-02/factsheet-incident-reporting-management-and-prevention.docx>

Mandatory and Legislative reporting

The Incident/Hazard Management Policy provides guidance on mandatory and legislative reporting including:

- NDIS reportable incidents
- Regulated restrictive practice
- Police and emergency services
- Information Commissioner
- SafeWork Australia
- External non-mandatory reporting including, National Disability Abuse and Neglect Hotline and Elder Help Hotline.

The National Disability Abuse and Neglect Hotline

Anyone can contact the National Disability Abuse and Neglect Hotline. It is a free, independent

and confidential service for reporting abuse and neglect of people with disability.

To make a report:

- Call 1800 880 052 (toll free) and speak with an experienced Hotline staff member
- Callers who are deaf or have a hearing or speech impairment can contact the [National Relay Service \(NRS\)](#) by calling 133 677 then asking for 1800 880 052
- Callers from a non-English speaking background can use the [Translating and Interpreting Service \(TIS\)](#) by calling 13 14 50
- Send an email to: hotline@workfocus.com

Child safety and reporting

Mandatory reporting of child abuse

Therapy Connect employees and contractors in child-related work are considered to be mandatory reporters. The parameters of what needs to be reported differs across states and territories but can generally be summarised as reasonable grounds to suspect that a child is at risk of significant harm and the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid). For the purposes of mandatory reporting, in all states and territories a child is defined as a person under the age of 18 years, except for NSW where it is a person under the age of 16 years.

Reports should be made to the responsible authority in the state or territory where the child or young person resides (please refer to [Child Safety Procedure](#)).

Allegations against an employee or contractor

Where an allegation of child abuse has been made about a Therapy Connect employee or contractor and management will ensure that: risk is assessed, actions are taken to safeguard the child or children, the allegations are investigated fairly and in line with procedural fairness, the employee or contractor is supported through the process, actions are implemented and necessary reporting completed (see below). For more information, please refer to [Therapy Connect Child Safety Procedure](#).

Reportable conduct

NSW, Victoria and the ACT have reportable conduct schemes governed by the NSW Ombudsman, the Victoria Commissioner for Children and Young People and the ACT Ombudsman for the reporting of substantiated allegations of child abuse by employees and service providers.

Therapy Connect will notify the agency relevant to the state or territory where the employee or contractor resides as soon as possible and no later than 30 days (three business days for Victoria) after being made aware of the reportable conduct by submitting a Part A Notification

(NSW), the relevant Commission for Children and Young People webform (VIC) or a 17G Notification (ACT).

In all circumstances, allegations of criminal conduct must be reported to the relevant Police agency as the first priority.

Relevant legislation

Australian Capital Territory

- Children and Young People Act 2008 (ACT)
- Working with Vulnerable People (Background Checking) Act 2011 (ACT)
- Reportable Conduct and Information Sharing Legislation Amendment Act 2016 (ACT)

New South Wales

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Part 3A Ombudsman Act 1974 (NSW)

Northern Territory

- Care and Protection of Children Act 2007 (NT)
- Children's Commissioner Act 2013 (NT)

Queensland

- Child Protection Act 1999 (Qld)
- Child Protection and Education Legislation (Reporting of Abuse) Amendment Bill 2017
- Commission for Children and Young People and Child Guardian Act 2000 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)

South Australia

- Children's Protection Act 1993 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- Children and Young People (Safety) Bill 2017 (SA)

Tasmania

- Children, Young Persons and their Families Act 1997 (TAS)
- Registration to Work with Vulnerable People Act 2013 (TAS)

Victoria

- Children, Youth and Families Act 2005 (VIC)
- Child Wellbeing and Safety Act 2005 (VIC)
- Working with Children Act 2005 (VIC)
- Children Legislation Amendment (Reportable Conduct) Act 2017 (VIC)

Western Australia

- Children and Community Services Act 2004 (WA)
- Working with Children (Criminal Record Checking) Act 2004 (WA)

Document control

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