

1. Introduction

1.1 Policy Statement

MindSprout is committed to providing a safe and secure environment for all employees, clients, volunteers and particularly for children and vulnerable people.

The MindSprout 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.

1.2 Scope

This Client Protection Policy applies to:

- All service organisations or subsidiary bodies authorised by or under the control of MindSprout.
- All employees, clients, volunteers, and contractors engaged or employed by MindSprout.

1.3 Authority

This Client Protection Policy was adopted for use by MindSprout on 27 September 2017 and most recently updated on 10 August 2022. MindSprout is committed to implementing the Client Protection Policy and to training employees, clients, contractors and volunteers in its content and application.

1.4 Definitions

Abuse, can consist of one or more of but is not restricted to the following:

- **Physical Abuse**, 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**, any assault or abuse of a sexual nature, sexual molestation, indecent exposure, sexual harassment, or intimidation.
- **Emotional Abuse**, the chronic attitude or behavior 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.
- **Neglect**, characterised by the failure to provide for basic needs.
- **Any serious omission** or commission which jeopardises or impairs a person's health or development.

Client, any person, including children, who participates in services or activities provided by MindSprout.

Organisation, MindSprout Pty Ltd.

Child, any person under the age of 18.

Employee, any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of clients placed in their care whilst holding a formal position within MindSprout. A leader could include but is not limited to:

- Directors, Tutors, Disability Support Workers, Teachers, Volunteers, Sports Coaches and Activity Organisers

2. Policy Review

This Client Protection Policy will be reviewed annually by MindSprout directors. MindSprout will inform all interested parties of any changes made to the policy and provide a copy of the updated policy.

3. Obligations

3.1 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 need of nurture and protection.

3.2 Legal

All relevant organisations within Australia are bound by Federal and State legislation and principles established through common law. MindSprout is committed to adhering to all relevant legislation.

3.3 Ethical

MindSprout endeavor to ensure that high standards of conduct are maintained at all times. Some actions may not be regarded as abuse but are unacceptable behavior for MindSprout. These include:

- Inappropriate conversation or jokes of a sexual nature.
- Coarse language, especially that of a sexual nature.
- Suggestive gestures, remarks and inappropriate touching.
- Inappropriate music, literature, or content (e.g. PG, M, MA, R or X rated material used with children).
- Recording or filming without prior consent.
- Initiations and secret ceremonies
- Any act of violence committed by a worker, or volunteer in the course of an activity.

Each client of MindSprout has the right:

- To full and effective use of his or her personal, civil, legal and consumer rights.
- To quality care which is appropriate to his or her needs.
- To be treated with dignity and respect and to receive services without exploitation, abuse, or neglect.
- To receive services without discrimination or victimisation, and without being obliged to feel grateful to those providing his or her care.
- To personal privacy.
- To be treated and accepted as an individual, and to have his or her individual preferences considered and treated with respect.
- To continue his or her cultural religious practices and to retain the language of his or her choice, without discrimination.
- To select and maintain social and personal relationships with any other person without fear, criticism, or restriction.
- To freedom of speech.
- To complain and to take action to resolve disputes.

4. Selection & Screening

Employees, Contractors & Volunteers

Employees, contractors, and volunteers involved in activities or programs with children and/or vulnerable people must be carefully selected and screened. Prior to commencing employment or volunteer services, the following precautions are taken:

- All employees and volunteers must complete an application form which requests details of relevant past experience, positions held, details of two referees and permission to contact them.
- Both referees will be checked, using an agreed set of questions which have been drafted by MindSprout.
- The questions will seek to establish the applicant's suitability for the role or position and the conversation or exchange will be documented and retained on file.
- All short-listed candidates must undertake a formal interview which includes an analysis of past experience working with children or vulnerable people.
- A Working with Children Check or Police Check which complies with the legislative requirements of NSW will be requested and verified prior to the Employee or Volunteer commencing their proposed role. The check must show that the individual is not precluded from working with children or vulnerable people.
- Where MindSprout has identified that an applicant has previously committed a violent or sexually related offence, they cannot, under any circumstances, be considered for employment or engagement with MindSprout.

5. Training

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

- The content and application of the MindSprout Client Protection Policy and the MindSprout Employee Handbook (including policies and procedures).
- Reporting procedures and the associated legal requirements.
- Refresher training based on current "best practice" and changes to legislation will be provided on an annual basis or as is practical and necessary.
- NDIS Worker Orientation Module 'Quality, Safety and You'.

6. Disciplining Children

It is not the responsibility of MindSprout or its employees and/or volunteers to discipline a child. If a child does not abide by instructions or becomes an obstruction to the care of other children or clients, and may cause harm to themselves or anyone else, the child may be removed and referred back to their parent or guardian.

7. A Safe Environment

Incidents of abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations.

7. A Safe Environment (continued)

7.1 One-to-one care

While it is preferable to have two or more employees and/or volunteers present whenever an individual or child is being supervised or cared for this is generally not possible for the majority of MindSprout's services. Importantly, where it is not possible to have two or more employees and/or volunteers present:

- services should take place in a space which can be observed easily by others.
- wherever possible staff will avoid being alone with clients of the opposite sex.
- in circumstances where one-on-one care is provided, there must be measures in place to identify if abuse is occurring such as the use of a client feedback framework.

7.2 Transport/Driving with clients

- when transporting children, they should always be seated in the back seat of a car unless it is not practical or safe to do so.
- wherever possible staff will try to avoid being alone with a client in a car.
- where staff are alone with clients in a car, they should specifically confirm that they will take clients directly to and from arranged venues and not to spontaneously detour or make additional arrangements.

7.3 Privacy

- Employees 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 will set an example by protecting their own privacy in similar situations.
- No employee will be alone in a room with a client or child while any/either is changing except where absolutely necessary.
- Employees 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.

8. Reporting Procedures

8.1 Reporting abuse of a client

MindSprout actively encourages the reporting of all abuse including sexual abuse and is committed to building an environment where either a victim or employee/volunteer feels able to report such abuse.

- Employees and/or volunteers must report reasonable suspicions of abuse to the Directors of MindSprout.
- 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 behavior.

When a disclosure is made to a staff member, **MindSprout staff will:**

- React calmly to a child or individual making a disclosure;
- Listen attentively and later write down the individuals' exact words;
- Provide comfort and care;

8. Reporting Procedures (continued)

8.1 Reporting abuse of a client (continued)

- Reassure the child or client that:
 - It is not their fault;
 - It was right to tell;
 - Explain what will happen now - that it is part of their job to tell people who can help them.

MindSprout staff will not prompt for further details or ask leading questions which would make them feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise as a result of any investigation.

If there is reasonable suspicion that a client has been or is suffering abuse, the Police and MindSprout's insurer will be contacted immediately.

8.2 Allegations of Abuse Against MindSprout Staff or Volunteer

A documented reporting process with escalating procedures has been established by MindSprout for handling allegations of abuse as follows:

- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation;
- Assess whether or not a client is 'at risk of significant harm' and, if so, make a report to the Child Protection Helpline or The National Disability Abuse and Neglect hotline;
- Consider whether or not the police need to be informed of the allegation and if so, make a report;
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality;
- Undertake a risk management approach following an allegation to ensure the protection and safety of clients. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified;
- Treat the staff member with fairness at all times and uphold their employee rights including counselling or support subject to the allegation made;
- Arrange for the person against whom an allegation has been made, to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting;
- Make accurate documentation of all conversations, and ensure all records are kept confidentially;
- The automatic suspension from all work or other duties within MindSprout of any person while under investigation by MindSprout or by the police, for committing abuse;
- The automatic termination of employment, or involvement with MindSprout if found guilty of committing abuse, either by internal investigation or by a court.

9. Further Information to Assist with Client Protection

Report suspected child abuse or neglect to the Child Protection Helpline on 132 111 or Free call to 1800 212 936 (24 hours/7 days).

Report suspected abuse of adults to National Disability Abuse and Neglect Hotline on 1800 880 052.