

**SOUTH WESTERN SYDNEY
AREA HEALTH SERVICE**

**CHILD PROTECTION
POLICY AND PROCEDURE:
Allegations of Child Abuse Against A
Health Service Employee**

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1. POLICY STATEMENT

South Western Sydney Area Health Service is committed to the safety and well being of the children and young people who live in the SWS area.

The purpose of this policy is to ensure that children are safe with the people we employ and that SWSAHS responds appropriately to ensure that employees are fit and proper people to be working with children. Where the safety of children and young people is concerned, it is important that SWSAHS employs people who act appropriately towards all children. Therefore this policy relates to allegations regarding abuse of a child or young person in the care of a SWSAHS employee, both within the work place and outside of the workplace.

Where the allegation relates to an incident in the workplace, SWSAHS will conduct an internal investigation into the incident, including an assessment of the employee's fitness to remain in employment with SWSAHS. Where the allegation relates to an incident outside of the workplace an external investigation will be conducted by the Department of Community Services, and SWSAHS will conduct an assessment of the employee's fitness to remain in employment with SWSAHS. If the incident involves the breach of a criminal law SWSAHS is required to notify the NSW Police Service.

It is the policy of SWSAHS that:

- any health service employee who suspects that another health service employee or contracted worker has abused a child or young person, will report this matter through the channels outlined in section 5 of this policy;
- the Area Health Service will take appropriate action, in accordance with NSW Health Circulars 97/80 and 99/65.

SWSAHS is subject to the legislative authority of the NSW Ombudsman, who is charged with the responsibility to oversee and monitor the handling of child abuse allegations and convictions against employees of government departments and certain non-government agencies. SWSAHS is a 'designated agency' as defined under the Ombudsman Amendment (Child Protection and Community Services) Act, 1999.

The following principles underpin the SWSAHS response to allegations of child abuse made against a health service employee:

- All children and young people who come into contact with health services will be safe from abuse by health service employees and contracted workers;
- The rights of the child, or young person, and those of the health employee will be respected during the assessment and investigation of complaints;
- The child or young person and health service employee have a right to natural justice;
- Confidentiality concerning any allegation will be strictly maintained to protect the privacy of both the alleged victim and alleged offender and to avoid any subsequent investigation being compromised;

- SWSAHS employees will cooperate fully with all investigative bodies with responsibilities in relation to allegations of child abuse against health service employees;
- The child or young person, and the health service employee, will be kept informed about the process of investigating and responding to the allegations, and will be provided with support as needed;
- Assessments and investigations will be conducted in a timely manner.

2. BACKGROUND

The Wood Royal Commission into the NSW Police Service (1994-1997) identified systemic failure as one of the reasons for the poor state of child protection services in NSW. The State Government is committed to ensuring a 'whole of government' approach to the protection of children and young people (ie a coordinated and comprehensive government response), through the implementation of the Interagency Guidelines for Child Protection Intervention (2000).

Government departments are now required to introduce screening measures into their recruitment processes and to develop clear policies and procedures for dealing with allegations (and convictions) of child abuse against their employees. NSW Health Circular 97/80 - "Procedures for Recruitment and Employment of Staff and other persons: Vetting and Management of Allegations and Improper Conduct" defines how Area Health Services must deal with these issues.

As a direct result of the Wood Royal Commission legislation has been enacted which gives the Ombudsman the responsibility for overseeing and monitoring investigations into allegations of child abuse against employees of most government departments and certain non-government agencies. NSW Health Circular 99/65 outlines Area Health Service responsibilities in relation to the Ombudsman Amendment (Child Protection and Community Services) Act 1998, and is to be read in conjunction with Circular 97/80.

3. TO WHOM DOES THIS POLICY APPLY?

This policy applies to:

- any person employed by SWSAHS, whether or not they are employed to work directly with children, and
- any person engaged by SWSAHS, such as agency staff, contractors or volunteers.

In this policy "children and young people" refers to persons under the age of 18 years.

4. RESPONSIBILITIES

4.1 Responsibilities of the Chief Executive Officer

NSW Health Circulars 97/80 and 99/65 outline the responsibilities of the CEO in the management of allegations of child abuse against a health employee.

The CEO will initiate an investigation, and will cooperate appropriately with all relevant departments and agencies.

4.2 Responsibilities of all staff

Any SWSAHS employee who suspects that another SWSAHS employee has abused a child or young person, is responsible for reporting the matter through the channels outlined in Section 5.

4.3 Additional responsibilities of Supervisors/Managers

- Managers will encourage all staff to report any suspicion they hold concerning the abuse of a child or young person by another health service employee or contracted worker;
- If a manager becomes aware that a staff member has information concerning an allegation against a health service employee, then the manager has a responsibility to report this matter through appropriate channels (as detailed in Section 5);
- Managers will ensure that their staff are aware of the appropriate reporting procedures and will support their staff in using these;
- Under no circumstance is a manager or supervisor to discourage a health service employee from reporting.

Non-compliance with NSW Health policy to report risk of harm to a child and/or young person (NSW Health Circular 2003/16) may result in disciplinary action.

5. WHAT TO DO IF YOU ‘SUSPECT’ THAT A HEALTH SERVICE EMPLOYEE HAS ABUSED A CHILD OR YOUNG PERSON

To whom should I report my concerns?

5.1 If you suspect that a health service employee has abused a child or young person, you must report this matter to one of the following personnel:

- Sector General Manager;
- Sector Employee Services Manager;
- Area Manager Human Resources;
- Chief Executive Officer.

Because of the sensitive nature of this issue and the need for confidentiality, reporting is limited to the identified personnel, who have responsibility for ensuring that the CEO is advised.

As the person primarily responsible for the handling of these matters, the Chief Executive Officer is available for staff to report their concerns directly to him.

5.2 In addition you must make a report to the Department of Community Services of your concerns regarding the child or young person, in the same way you would make a report to the Department of Community Services in relation to any child where you suspect risk of harm.

6. WHAT HAPPENS ONCE I HAVE REPORTED MY SUSPICIONS TO THE SECTOR GENERAL MANAGER, THE SECTOR EMPLOYEE SERVICES MANAGER, THE AREA MANAGER HUMAN RESOURCES OR THE CEO?

- 6.1 The Chief Executive Officer will ensure that all policy and statutory requirements are met. This will include appropriate advise to the Department of Community Services and the Ombudsman.
- 6.2 In the case of incidents in the work place, the General Manager of the health service where the alleged abuse took place will ensure that appropriate counselling and medical services are made available to the alleged victim and family.
- 6.3 In the case of incidents in the work place, the Area Human Resources Manager will arrange the investigation of the allegation, conduct appropriate interviews and report to the Chief Executive Officer the findings arising from the investigation.
- 6.4 In all cases, the Area Health Service will take an appropriate course of action in relation to the worker's employment with the Health Service.
- 6.5 A record of the allegations and associated investigation activities will be kept separately from the employee's personnel file in the office of the Area Manager Human Resources. A notation will be made on the employee's personnel file concerning the existence of this file and its general nature.

Non-compliance with NSW Health policy to notify child abuse and neglect of children and young people (NSW Health Circular 2003/16) may result in disciplinary action.

7. WHERE TO GO FOR MORE INFORMATION

This policy should be read in conjunction with:

- NSW Health Circular 97/80,
- NSW Health Circular 99/65, and
- NSW Health Circular 2003/16

(Available on SWSAHS Child Protection intranet site)

Further information can be obtained from:

- **SWSAHS Child Protection Policy and Protocols**, *January, 2004*.
- **NSW Health Frontline Procedures for the Protection of Children and Young People**, NSW Health, 2000.
- **Interagency Guidelines for Child Protection Intervention**, NSW Commission for Children and Young People, 2000.
- **Child Protection: Your New Responsibilities**, *Procedures for Notifying the NSW Ombudsman of Child Abuse Allegations and Convictions against Employees*, NSW Ombudsman, 1999.

(Available on SWSAHS Child Protection intranet site).

The following personnel can help with advice and information:

Chief Executive Officer 9828 5701	Area Human Resources Manager 9828 5930
General Manager Bankstown Health Service 9722 8000	General Manager Fairfield Health Service 9616 8111
General Manager Macarthur Health Service 4625 9222	General Manager Wingecarribee Health Service 4861 0200
General Manager, Liverpool Health Service 9828 6304	Area Coordinator of Child Protection Services 9828 6116
Employee Services Manager Liverpool Health Service 9828 6336	Employee Services Manager Fairfield Health Service 9609 8120
Employee Services Manager Bankstown Health Service 9722 8825	Employee Services Manager Macarthur Health Service 02 4629 1336
Employee Services Manager Wingecarribee Health Service 02 4861 0208	

8. POLICY IMPLEMENTATION

8.1 Distribution

This policy will be distributed directly to all unit/service/department managers across SWSAHS. It is also available on the SWSAHS Child Protection intranet site.

8.2 Implementation

This policy should be incorporated into Sector and Area orientation programs and strategies to ensure compliance included in Sector Performance Agreements.