Safeguarding to Prevent Physical and Sexual Abuse

This risk alert provides **risk management** advice on safeguarding to prevent **physical and sexual abuse.**

If an organisation provides services to children and/or vulnerable people, it must have a formal **safeguarding policy and plan.** These services typically include:

- Child Care and Family Care
- Community Groups
- Aged Care

- Disability Care
- Faith Groups
- Education

The policy and plan must be led by the **Governing Body** and **Create a Culture** that:

- Reduces likelihood of harm;
- Increases likelihood of identifying and reporting harm; and
- Responds appropriately to disclosures, allegations and suspicions of harm.

INSIDE: Safeguarding advice for Brokers and Clients

Part 1: Protecting Children and Vulnerable People
What is *Safeguarding* and what risks to preventing abuse require critical consideration.

Part 2: Good Governance Advice
Setting the right tone for culture and key leadership advice on safeguarding for boards and management from experts.

Part 3: Risk Management Practices
Ensuring your risk framework is assessing and managing the 5 critical safeguarding risks and controls.

Part 4: Resources and Tools
A range of safeguarding supports and templates for organisations.

⚠️ **Ansvar's Physical and Sexual Abuse (PSA)** policy provides cover to select organisations to respond to allegations of these forms of abuse and to manage claims that may arise. **This cover is provided on the basis** that organisations demonstrate effective risk management, have a clear and embedded policy and plan for safeguarding and have strong commitment and leadership from board and management to protect children and vulnerable people.

Part 1: Protecting Children and Vulnerable People

What is Safeguarding?

Safeguarding generally refers to the responsibilities, measures and activities undertaken to safeguard children and vulnerable adults from harm and abuse.

Safeguarding in an organisation does not just happen; it requires an increase of awareness, adoption of strategies, good governance, risk management and practice that together create a culture where the best interests and safety of children and vulnerable adults are the first priority.

What are the Risks?

1   **Further abuse will go undetected** – although organisations are establishing better approaches to safeguarding, incidents of physical and sexual abuse still continue and will continue. In the absence of effectively led approaches, the likelihood of abuse will rise. The impact of these harms is often devastating and with widespread and long lasting effects.

2   **Fail to accept the problem of abuse** – "that sort of thing doesn't happen here" is a view that still permeates sectors at high risk. Leadership must tackle the culture of complacency and blind sightedness and to raise this as a problem that must be addressed.

3   **Environments create opportunities for abuse** – Inadvertently, spaces and online environments (particularly chat rooms) become easy access for offenders. Creating and monitoring safe space is a critical risk strategy; organisations should have auditing approaches in place and eliminate environmental concerns.

4   **Governance failures** – safeguarding is often left to a "person in the organisation" to lead. It must form part of the strategy and governance arrangements of boards and have the appropriate oversight and continuous improvement commitment.

5   **Risk management fails to keep pace** – frameworks often focus on traditional aspects of risk; failing to identify risks to critical safeguarding objectives; organisations should not be comforted that they have a risk framework, but should be asking "how effective is it and how do we know?".

6   **Significant Director and Officer exposures** – criminal penalties may now apply to directors if they do not meet requirements for governance and risk management to prevent abuse. For example, criminal penalties apply in Victoria, New South Wales and Tasmania for failure to report allegations of child sexual abuse.

7   **Insurability** – many insurers have reset their appetites for this type of risk-transfer and cover may become more challenging. Going forward, organisations will need to demonstrate effective governance, risk management and safeguarding plans to receive cover.

8   **Leadership and Culture** – All inquiries, reviews and royal commissions have stated that the two key aspects of success for safeguarding are leadership and culture. All the processes, documents and systems assist to manage the risk; however, nothing is more critical than these two elements. On that basis, safeguarding to prevent abuse is everyone's business and the culture of an organisation must set a zero tolerance tone.

Accountabilities are communicated and managed

+

Awareness of the framework is enabled and encouraged

+

Attitudes towards safeguarding lead to it being "everyone's responsibility"

=

Behaviour

Part 2: Good Governance Advice
Leadership and Culture

Hear from Industry Experts on key elements relating to leadership and culture with Safeguarding, including the evidence of abuse, practitioner strategies and good governance actions.

Critical Points in time: Sexual Abuse in Australia Insights from Inquiries

Estelle Pearson, *Principal*
Finity Consulting

Practitioner Strategies

Barb Power, *Child Safe Practitioner*
John Cox, *Director of the National Safe Church Unit*
The Uniting Church

Governing for Vulnerable People

Anthony Black, *Senior Risk Consultant*
Ansvar Insurance

Credit: 2021 Anglican Virtual Risk Conference presented by Anglican Insurance and Risk Services (AIRS) in partnership with Ansvar Insurance.

Key Governance Actions

Ansvar Risk has developed a range of Safeguarding supports and resources for organisation to improve their governance. *Refer to Part 4: Resources and Tools on page 6.*

1. Develop a Safeguarding Framework

2. Review Adequacy of Governance and Risk

3. Assess Reporting Systems, Processes and Culture

ansvar
risk

Board Questions to explore

☑ Has board reviewed the effectiveness of the organisation's safeguarding policies, procedures and a code of conduct in the last 12 months?

☑ Does board have a full understanding of the Safeguarding risks relating to preventing physical and sexual abuse in the organisation?

☑ Do board members understand their and the organisation's governance and reporting obligations?

☑ Has board communicated its commitment to zero tolerance of physical and sexual abuse in the organisation?

💡 Click **here** to download Board Checklists

Directors and Officers: Complex Regulatory Time

Australia's legislative landscape after several Royal Commissions and Inquiries has changed and will change further. Although awareness of the requirements for governing for vulnerable people is increasing, some organisations still struggle to engage with their Board on safety matters that prevent abuse, such as sexual abuse. Some directors consider safety to be an operational issue; yet, the Royal Commission into Institutional Responses to Child Sexual Abuse identified that poor leadership was a major risk for child abuse and that a safe culture begins with the board. Criminal penalties may now apply to directors if they do not meet requirements for governance and risk management to prevent abuse. For example, criminal penalties apply in Victoria, New South Wales and Tasmania for failure to report allegations of child sexual abuse.

ansvar
risk

Part 3: Risk Management Practices

Safeguarding is not an isolated area of risk for organisations. It should be managed as part of an overall Risk Management Framework.

For more information on risk management frameworks and advice contact info@ansvarrisk.com.au

Effective risk management is critical to prevent abuse, to minimise the damaging consequences of possible rare wrongful accusations and is a major underwriting factor.

Risk management must also be effective in striking the balance between preventative controls with autonomy and choice; to allow for care and services that protect against harm while still respecting human rights and the promotion of well-being.

Ansvar PSA policy holders must demonstrate a commitment to embedding and continuously improving an organisation wide Risk Management Framework.

5 Critical Risk Controls
Incorporate these in your Safeguarding Framework

These risk controls will contribute to reducing the risk of abuse and harms as low as reasonably possible.

Leadership & Governance

Boards and executives must develop a supportive culture to encourage and protect clients, staff and volunteers and to report concerns or incidents of harm. This can be done by identifying and employing applicable external conduct standards, build compliance programs that review safeguarding policies and to add vulnerable persons safety training with the board to help understand their obligations, duties and risks.

Effective Policies and Procedures

Safeguarding plans should include appropriate policies and procedures to protect vulnerable people, incident management policies about what people should do both to prevent and react to suspected abuse, and clearly defined mandatory reporting procedures which can complement ongoing training on abuse prevention and protection policies.

Recruitment and Training

Clients must implement robust recruitment and selection processes for staff and volunteers. This should include job descriptions with a clear vulnerable persons safety message, rigorous selection and screening procedures, and discussion of appropriate behaviours and how to identify and respond to signs of inappropriate conduct.
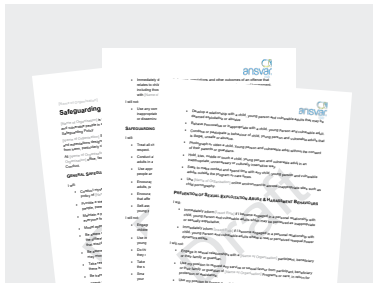
Code of Conduct

Develop clear and specific standards of conduct for working with vulnerable people which implement clear expectations of relationships and provide guidance on how inappropriate conduct should be reported.

Incident Reporting and Response

Clients must ensure staff understand their mandatory and voluntary reporting obligations, they provide guidance for managers and staff in detecting incidents, and provide a clear and transparent system for investigating and responding to concerns.
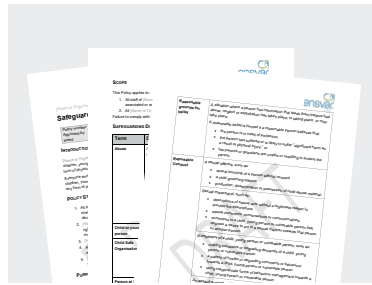
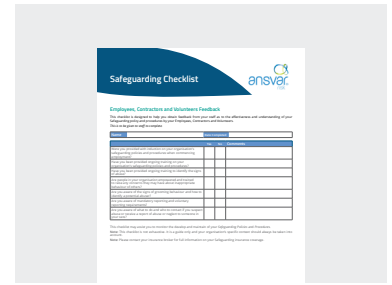ansvar
risk
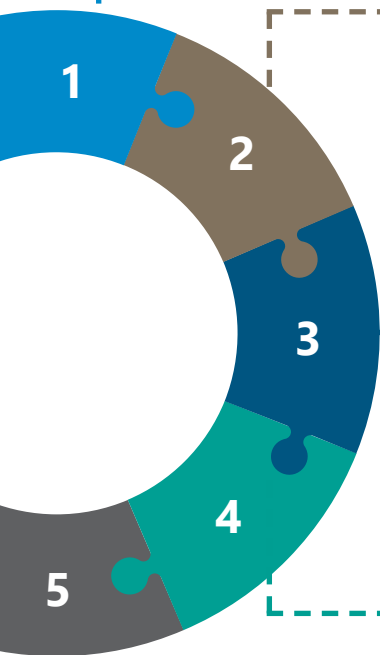
Part 4: Resources and Tools

Safeguarding Code of Conduct
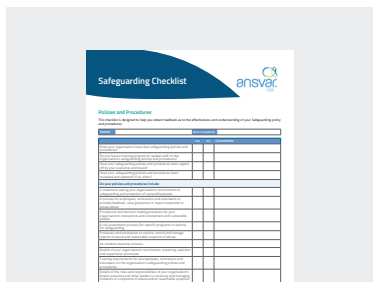
DOWNLOAD

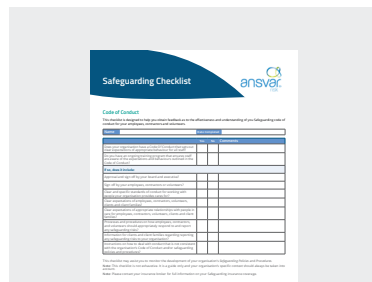### Safeguarding Policy

DOWNLOAD

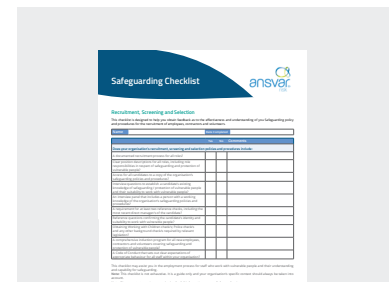### Safeguarding Checklist: Employees, Contractors and Volunteers

DOWNLOAD

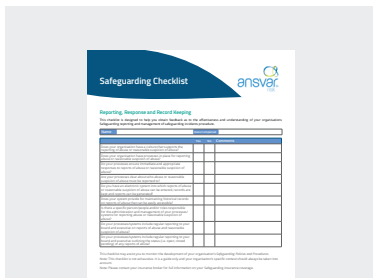### Safeguarding Checklist: Policies and Procedures

DOWNLOAD

Safeguarding Checklist: Code of Conduct

DOWNLOAD

Safeguarding Checklist: Recruitment, Screening and Selection

DOWNLOAD

Safeguarding Checklist: Reporting, Response and Record Keeping

DOWNLOAD

Look out for what's coming:

Safeguarding Forums

Broker Webinars

Client Webinars

Risk Advice Hotline for Brokers

Contact us

If you have any specific Risk Management queries please contact Ansvar Risk, see below for details. Please contact Ansvar Insurance on **1300 650 540** or **insure@ansvar.com.au** regarding insurance coverage, claims support and advice.

Anthony Black

SENIOR RISK CONSULTANT - ERM & NATIONAL CARE PRACTICE LEADER

0402 239 149
ablack@ansvarrisk.com.au

As our National Care Sector Leader, Anthony works with organisations throughout Australia to support governance and risk management capability; supporting boards, senior managers and staff to implement effective approaches to support decision making, improve performance, optimise objectives and prevent harm.

info@ansvarrisk.com.au

www.ansvarrisk.com.au