



## 14.0 MEMBER PROTECTION POLICY

Policy number:	14.0	Version:	1 - 2016
Author:	Drafted from ANVAR Insurance Copy of Client Protection Policy	Approved by Board on:	26 May 2016
		Scheduled Review Date:	May 2017

### 1. INTRODUCTION

#### 1.1. POLICY STATEMENT

Muscular Dystrophy WA (MDWA) is committed to providing a safe and secure environment for all its Employees, Members, Visitors, and Volunteers and particularly to Children, Aged and Vulnerable People.

MDWA's Member Protection Policy aims to reduce the risk of Abuse occurring, and to ensure that a caring and appropriate response is taken should Abuse occur.

The Member Protection Policy should be read in line with all other relevant member, volunteer and staff policies implemented within MDWA. In serving the Muscular Dystrophy Community, MDWA Employees and/or Volunteers are bound by The National Standards for Disability Services which focuses on the rights and outcomes for people with disability.

#### 1.2. SCOPE

This Member Protection Policy applies to:

- All service organisations or subsidiary bodies authorised by or under the control of Muscular Dystrophy WA.
- All Employees, Members, Volunteers, Contractors and Visitors within Muscular Dystrophy WA or engaged by Muscular Dystrophy WA.

#### 1.3. AUTHORITY

This Member Protection Policy was adopted for use by Muscular Dystrophy WA on 26<sup>th</sup> May 2016. Muscular Dystrophy WA are committed to implementing the Member Protection Policy and to training our Employees, Members, 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:

- **Elder Abuse**, a single or repeated act, occurring in any relationship where there is an expectation



of trust, which causes harm or distress to an older person.

- **Physical Abuse**, any non-accidental physical injury resulting from practices such as:
  - Hitting, punching, kicking (marks from belt buckles, fingers), shaking, burning (irons, cigarettes), 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. Behaviors may include:
  - Insulting, bullying, devaluing, ignoring, rejecting, corrupting, isolating, terrorising or other extreme acts in the aged or vulnerable person's presence.
- **Financial Abuse** may include:
  - Activities by an attorney in violation of their powers, duties and responsibilities under an Enduring Power of Attorney (EPA),
  - 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.

Financial abuse may also occur where a person takes advantage of an older person who has already lost (or is losing) capacity, by coercing or arranging for the older person to sign an EPA in circumstances where the older person is unable to understand the nature and effect of the document.

This raises questions about the actions of witnesses to EPA's.

- **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.
- **Child**, any person under the age of 18.
- **Leader**, any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of members placed in their care whilst holding a formal position in Muscular Dystrophy WA. A leader could include but is not limited to:
  - Activity Coordinators, Religious, Small group Leaders, Music, drama or other Leaders, Counselors, Youth Leaders, Teachers, Volunteers, Club Leaders, Sports Coaches and Organisers.
- **Member**, any person, including children, who attends or participates in Muscular Dystrophy WA's activities, objectives or strategic plan.



- **Organisation**, the Muscular Dystrophy Association of Western Australia, also referred to as MDWA or the Association, located at The Niche, 11 Aberdare Road, Nedlands
- **Volunteer**, any unpaid person over the age of 16 who is invited to assist in the care of the members of the Association.
- **Vulnerable Personal**, any person who is or may be in need of community care services by reason of mental or other disability, age or illness.
- **Worker**, any person employed or contracted by Muscular Dystrophy WA to provide services to the members of the muscular dystrophy community. Also referred to as Employees, Agency Staff, and Contractors.

## 2. POLICY REVIEW

This Member Protection Policy will be reviewed annually as part of the MDWA Board Policy Review Framework on an annual or biannual basis. MDWA will inform all interested parties when the date of review will occur, and any changes recommended by the interested parties should be submitted in writing to the governing body for consideration one month before the review date.

Any proposed changes will be submitted to the MDWA Board by the Finance Audit and Risk Committee for approval before being implemented.

## 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. Muscular Dystrophy WA is committed to adhering to all relevant legislation.

### 3.3. ETHICAL

Some actions may not be regarded as Abuse, but are unacceptable behavior for Muscular Dystrophy WA. 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
- Recording or filming with or without prior consent.



- Acts of violence committed by a Worker, Leader or Volunteer in the course of an activity.

Muscular Dystrophy WA will ensure that high standards of conduct are maintained at all times.

*Note: The term 'residential care service' below means the same as 'aged care home'.*

Each Member of MDWA 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 full information about his or her own state of health and about available treatments;
- To be treated with dignity and respect and to receive services without exploitation, abuse or neglect;
- To receive services without discrimination or victimization, and without being obliged to feel grateful to those providing his or her care and accommodation;
- To personal privacy;
- To live in a safe, secure and home like environment, and to move freely both within and outside any residential care service without undue restriction;
- To be treated and accepted as an individual, and to have his or her individual preferences taken into account 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 maintain his or her personal independence, which includes a recognition of personal responsibility for his or her own actions and choices, even though some actions may involve an element of risk which the client has the right to accept, and that should then not be used to prevent or restrict those actions;
- To maintain control over, and to continue making decisions about, the personal aspects of his or her daily life, financial affairs and possessions;
- To be involved in the activities, associations and friendships of his or her choice, both within and outside any residential care service;
- To have access to services and activities which are available generally in the community;
- To be consulted on, and to choose to have input into, decisions about the living arrangements of any residential care service;
- To have access to information about his or her rights, care, accommodation and any other information which relates to him or her personally;
- To complain and to take action to resolve disputes;
- To have access to advocates and to other avenues of redress; and
- To be free from reprisals, or a well-founded fear of reprisal, in any form for taking action to enforce his or her rights.



## 4. SELECTION & SCREENING

### 4.1. EMPLOYEES, AGENCY STAFF, CONTRACTORS & VOLUNTEERS

Employees, Agency Staff, Contractors and Volunteers involved in activities or programs with children, aged and/or vulnerable people must be carefully selected and screened. Prior to commencing employment or volunteer services, the following precautions will be taken:

- All employees and/or Volunteers must complete the Code of Conduct and sign all relevant Policies.
- All employees and/or Volunteers must complete an Employee Starter Form or Volunteer Application Form which requests details of relevant past experience, positions held, details of 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, the elderly or vulnerable people.
- A Police and/or Community Services check which complies with the legislative requirements of Western Australia will be requested and received prior to the Employee or Volunteer commencing their proposed role. The check must show that the individual is not precluded from working in childcare or aged care.

**Where MDWA 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 MDWA.**

## 5. TRAINING

All new Workers/Employees, including Agency Staff, Contractors and Volunteers will be issued with a copy of this policy and receive formal training as applicable and required;

- The content and application of the Member Protection Policy,
- Reporting procedures and the associated legal requirements
- Training courses as required, based on current “best practice” and changes to legislation will be provided

## 6. 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. For these reasons, working in pairs is the preferred method.

Wherever possible, workers will not visit Vulnerable Persons in their homes unless a friend or relative is present or another Worker accompanies them.

When transporting people under their care, Workers will take them directly to and from arranged venues and will not spontaneously detour or make additional arrangements.

All personal counseling is to be carried out within sight of another Worker.

Workers will respect a Member’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. Workers will set an example by protecting their own privacy in similar situations. No Worker will be alone in a room with a Child or an Elderly or Vulnerable person while any/either is changing.

Initiations and secret ceremonies are prohibited. All aspects of every program related to children, aged and vulnerable people will be open to observation by family, friends or guardians.

Workers 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.

## **7. DISCIPLINING CHILDREN**

Is not the responsibility of Muscular Dystrophy WA or its Workers, Volunteers or Leaders to discipline a Child. If a Child does not abide by the rules set down by MDWA, or becomes an obstruction to the care of other Children or Members, and may cause harm, the Child will be removed and referred back to their parent or guardian.

At no time will a Leader administer any form of physical, emotional, financial or mental discipline.

## **8. REPORTING PROCEDURES**

Muscular Dystrophy WA actively encourages the reporting of all abuse including Sexual Abuse.

Muscular Dystrophy WA 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 CEO of Muscular Dystrophy WA.

Reasonable Suspicion means fair and practical reason to believe an incident involving abuse has occurred based on either verbal communication, hearsay, rumor or observation of behavior.

An independent person will be appointed by Muscular Dystrophy WA with the specific duty of dealing with any allegations of harm or abuse that may arise. The details of those reporting abuse will be kept private and confidential.

A documented reporting process with escalating procedures has been established by Muscular Dystrophy WA for handling allegations of abuse.

The escalating procedures will be as follows:

- The automatic suspension from all work or other duties within Muscular Dystrophy WA of any person while under investigation by Muscular Dystrophy WA, or by the police, for committing abuse;



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- The automatic termination of their employment, or involvement with Muscular Dystrophy WA if found guilty of committing abuse, either by internal investigation or by a court.

If there is reasonable suspicion that a Member has been or is suffering abuse, the Police and the Muscular Dystrophy WA's Insurer will be contacted immediately.

The phone number for the Perth Police is: 08 9422 7111

The phone number for Muscular Dystrophy WA is: 08 9380 3400

The Police will also be notified if a Member discloses an incident of Abuse that has occurred somewhere other than Muscular Dystrophy WA premises, (e.g. an outing).

If a disclosure of abuse is made, the person who receives the disclosure will maintain appropriate pastoral care to the one making the disclosure.

This will include:

- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim. The matter should not be swept under the carpet.
- Not pushing the Member to disclose details of the alleged assault or attempting to investigate the allegation.
- Assuring the Member that they are understood: that their disclosure is being taken seriously; that what has happened is not their fault, and that they are correct in disclosing the incident.
- Reporting the abuse to the police and Muscular Dystrophy WA's insurer.
- Not making contact with the alleged perpetrator. If the Worker or Volunteer is already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.
- If the alleged assault has taken place recently, clothing worn by the Member should be, if reasonably practical, retained and handed to the police for forensic examination.
- Maintaining confidentiality.

Any disclosures by a Member, reports of suspected abuse and all details of the subsequent investigation will be documented promptly and the documents will be held in a secure location where a breach of privacy cannot occur.

## **9. ALCOHOL, DRUGS & SMOKING**

The consumption of illegal drugs on Muscular Dystrophy WA grounds or during an activity is not to be allowed or condoned by any Worker. Any Member found to be under the influence of alcohol or illegal drugs is to be counseled and family contacted.

Any Member required to take prescription medication administered by a Worker, Volunteer or Leader, will provide a letter from their physician to Muscular Dystrophy WA.

The consumption of alcohol during work functions and activities must strictly adhere to the Volunteer



Code of Conduct and in line with the Staff Employment Conditions. Muscular Dystrophy WA will ensure that when alcohol is provided at activities or events under the control of Muscular Dystrophy WA, this will be provided in accordance with the Liquor Control Act 1988 and its regulations within Western Australia. In particular:

- Alcohol will not be served to anyone under the age of 18 years
- Alcohol will not be supplied to intoxicated persons
- Alcohol will not be supplied to any persons behaving offensively or aggressively
- All persons will be advised to consume alcohol responsibly and Muscular Dystrophy WA will recommend that patrons should not to drink if they are planning to drive.

Muscular Dystrophy WA is committed to providing a safe and healthy environment for all events and social activities that we host or endorse. In general it is our policy that:

- No smoking shall occur at or near activities or events involving children and young people under the age of 18. This policy shall apply to Employees, Contractors and Volunteers;
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- Employees, Contractors and volunteers will refrain from smoking while they are involved in an official capacity in our Association.

## **10. CHILD PROTECTION**

Muscular Dystrophy WA is committed to the safety and well-being of all children and young people who participate in our activities or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

As part of this, we will recruit staff and volunteers who do not pose a risk to children. Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

MDWA abides by the legislative requirements with respect to Child Abuse that apply in Western Australia and this include the Working with children check.

A working with children check is a national criminal record check that is compulsory for people who carry out child-related work in Western Australia.

Working with children checks are very different from a National Police Check conducted by the WA Police, which many employers may currently require of their employees or volunteers.

The working with children check considers convictions for all offences, and charges for a limited range of serious offences, to see if an applicant has a criminal history that may place children at risk of harm. However, it is important to understand that a criminal history in itself will not necessarily prevent a



person from working with children. When assessing an applicant's criminal history, the circumstances of any convictions or certain charges, and their relevance to working with children, will be considered. Any person undertaking child-related work in WA must have a working with children check by the date required under the phasing-in arrangements.

## **11. COMPLAINTS AND COMPLAINT HANDLING PROCEDURES**

Muscular Dystrophy WA will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously and dealt with in line with the MDWA Complaints Procedure.

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in our Privacy Policy, Complaints Procedure, and Policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

## **12. RELATED DOCUMENTS**

This Policy is to be read in conjunction with the following other Policies and Procedures:

- MDWA Staff Employment Contracts
- 3.0 MDWA Staff & Volunteer Code Of Conduct
- 4.0 MDWA Information Technology Systems Policy
- 5.0 MDWA Equal Opportunity Policy
- 6.0 MDWA Sexual Harassment Policy
- MDWA Complaints Procedure
- The National Disability Standards
- Disability Services Act 1993
- The Aged Care Act 1997