



Risk Management Strategy for Children, Young People and People with Disability

Department of Seniors, Disability Services and Aboriginal and
Torres Strait Islander Partnerships

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1. Purpose

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships' Risk Management Strategy for Children, Young People and People with Disability (the strategy) was developed as a requirement under Chapter 7, Part 3 of the *Working with Children (Risk Management and Screening) Act 2000* and associated regulations (WWC Act).

Subdivision 2 (section 58) of the *Disability Services Act 2006* (DS Act) creates similar risk management obligations for funded service providers delivering state disability work. Although these provisions do not apply to the department (as a government service provider), this strategy acknowledges that section 58 represents a best practice approach to managing risk.¹

Collectively, these provisions require that employers develop and implement approaches to service delivery that are reflective of the vulnerability of clients. In a departmental service delivery context this vulnerability may be due to the age or disability of clients, or both. The practical steps to be adopted can include:

- human resource systems, including policies and procedures, to minimise the risk of harm to vulnerable clients, including approaches to recruitment and selection that are tailored to the risk exposure, criminal history screening of relevant staff and a strong ethical framework that is well promoted to staff and supervisors
- service-level systems include policies and procedures that are designed to minimise risk and keep vulnerable clients safe
- complaints processes are accessible and responsive and well promoted to clients, family and guardians
- An organisational culture, including through governance, planning and monitoring, that emphasises client experience and outcomes.

The strategy applies to all departmental staff delivering any service to children and young people and to all employees and students working on placement within departmental services, eg, respite services. However, as stated above, the concept of managing risk to clients with disability extends beyond children and is subject to separate requirements under the DS Act and associated policies and procedures.

The department's broader Risk Management Framework prescribes the obligations and responsibilities to be fulfilled and the processes to follow in managing all levels of risk across the department. The strategy is best viewed as an element of the Risk Management Framework and is consistent with its principles and requirements.

¹ The DS Act also places other obligations upon service providers, including the department implement approaches to prevent the abuse, neglect and exploitation of people with disability.

2. Child Safe Standards

In February 2019, the National Principles for Child Safe Organisations were endorsed by members of the Council of Australian Governments, including the Prime Minister, state Premiers and territory Chief Ministers. The principles aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing in line with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission Final Report 2017).

The National Principles show that a child safe organisation is one that:

- creates an environment where children’s safety and wellbeing is the centre of thought, values and actions
- places emphasis on genuine engagement with, and valuing of children
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm
- responds to any concerns, disclosures, allegations or suspicions.



Fig 1: Child Safe Standards framework

The Standards are a benchmark against which organisations can assess their child safe capacity and set performance targets for a best practice approach to child safety. The Standards are interrelated and work together to articulate a holistic approach to child safety. There are necessary overlaps between the Standards and they can be implemented alongside other standards.

The risk of child abuse varies from one organisation to another. Therefore, every organisation needs to consider each standard and take time to identify risks that may arise in their context and find ways to mitigate or manage those risks. The Child Safe Standards are a mechanism and guiding principles for achieving compliance with legislative risk management requirements. Resources supporting implementation and ways to manage risk to vulnerable clients in regulated service settings are available online at:

<https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card/organisations/compliance/risk-management-strategies-resources>.

3. Human Rights Statement

The department is committed to maintaining an organisational culture and service delivery model that respects, protects and promotes internationally recognised human rights which are contained in the *Human Rights Act 2019*. The department is committed to the safety and wellbeing of clients, including those who may be particularly vulnerable due to the age or disability, or both.

This commitment is evident in the department's rigorous human resources management policies and procedures and a suite of policies and procedures to keep people with disability, including children and young people in receipt of directly delivered services, safe. However, as stated above, obligations to manage risk to children and young people under the WWC Act extends to all direct service delivery environments.

Section 6 of the strategy provides links to the relevant legislation, policies and procedures, which can be accessed by all departmental staff.

4. Human Resource Management

The Department's human resource management policies and procedures include rigorous recruitment and selection processes, including compliance with statutory requirements such as criminal history screening and employee performance monitoring and management. These policies and procedures ensure the recruitment of suitably credentialed employees and require employees to undertake formal training and development appropriate to their direct service delivery roles.

4.1 Employee Recruitment and Selection

The Department's recruitment and selection policies and procedures support its commitment to the safety of clients with disability, including children and young people. Key elements include:

- Fair, transparent and merit-based selections, including selection documentation that is reviewable with each step providing a clear rationale for decisions
- mandatory referee checking unless the delegate has directly engaged the person, with checks conducted and applicant claims documented and verified by the referee
- Mandatory criminal history screening for all persons engaged by the Department, under one of three systems, depending on the duties performed in the position they are engaged in:
 - i. Blue card screening system for working with children and young people with disability, under the WWC Act .
 - ii. Disability worker screening system for working with children or adults with disability including the provision of state-based disability services or workers in a risk assessed role providing disability supports or services through an **NDIS registered provider**, under the *Disability Services Act 2006*.
 - iii. General criminal history screening for any administrative roles not covered by the above, under the *Public Sector Act 2022*.

4.2 Blue Card System – for working with children and young people

The blue card system contributes to the creation of safe and supportive environments for children and young people receiving directly delivered services. The blue card system determines a person's eligibility to work with children and young people based on their known past criminal history information. Blue card holders are monitored to enable action to be taken if the person's criminal history changes.

The requirement to be screened applies to public servants, contractors and volunteers. *No card-no start* requirements mean that people cannot work with children or young people until their Blue card application has been approved.

The department does not allow a person to continue to work with children or young people if their blue card is cancelled or suspended.

4.3 Disability Worker Screening System

The disability worker screening system contributes to the creation of safe and supportive environments for people with disability receiving services from the department, a provider funded by the department, or from NDIS registered providers, including sole traders, registered health practitioners who are delivering NDIS supports or services to people with disability, and residential aged care providers delivering NDIS supports or service. The disability worker screening system determines whether a person is cleared or excluded from working in certain roles with people with disability based on identification and assessment of assessable information, which may include:

- police information (including domestic and international criminal history)
- domestic violence information
- child protection orders or related information (as an adult)
- disciplinary information
- outcomes of previous screening checks (including interstate checks)
- mental health information
- NDIS misconduct or disciplinary information
- other information authorised to be collected under the *DS Act*.

The requirement to be screened applies to departmental employees, contractors, students and volunteers. Persons screened under the disability worker screening system are subject to no card, no start requirements. This means that people who are required to be screened must have a clearance before they can start work.

The department does not allow a person to continue to work with people with disability if their clearance is cancelled, suspended or an interim bar is enforced.

4.4 Conduct and Ethics

The Code of Conduct for the Queensland Public Service, which describes how employees of the department will conduct themselves in delivering services to the Queensland community requires:

- all employees to adhere to the ethical principles and values contained within the *Public Sector Ethics Act 1994*
- all employees to identify and report conduct that is inconsistent with the Code
- managers to make fair, transparent and consistent decisions regarding any allegations of behaviour that does not uphold the Code.

The department's Employee Induction policy and procedure and Employee Performance and Development policy require that employees complete Code of Conduct training.

As well as the Code of Conduct employees are required to abide by the department's Strengths-based, Open, Loyal, Innovative and Dedicated (SOLID) culture and values and all relevant legislation and standards of the Queensland Public Service.

4.5 Employee Induction and Training

The department's Employee Induction process, guide and induction package provide for consistent and comprehensive induction of all new employees, including mandatory induction training programs and modules appropriate to service delivery roles. These assist staff to be aware of their roles and responsibilities in preventing and responding to client harm.

The department's Performance and Development policy specifies the requirements for staff members to undertake planning, as well as key principles, roles and responsibilities to ensure the ongoing capability development of employees. The objective is to provide for continuous improvement and high-quality performance in service delivery. Under the policy:

Supervisors:

- ensure that the employee is aware of the expectations related to their role
- ensure that the employee undertakes the appropriate training required to fulfil the role
- ensure that the employee undertake mandatory training in the Code of Conduct for the Queensland Public Service, Workplace Health and Safety and Corporate Induction
- monitor and provide regular, clear and constructive feedback on the team member performance
- provide opportunities for team members to broaden their capabilities.

Team members:

- understand the requirements and expectations of their role
- understand the part their role plays in the achievement of departmental/work unit goals
- complete mandatory training and other training required to undertake their role
- maintain an acceptable standard of work and comply with all requirements regarding the standards of behaviour in the workplace in line with departmental values and the Code of Conduct for the Queensland Public Service
- discuss possible, or potential, barriers to achieving expectations of their role
- take responsibility for managing career aspirations and personal development.

5. Risk Management – supporting the safety and wellbeing of clients

The Department has specific policies and procedures in place to protect all clients from harm and to prevent and respond to abuse, neglect or exploitation.

5.1 Preventing and responding to the abuse, neglect and exploitation of people with disability

The Preventing and Responding to the Abuse, Neglect and Exploitation of People with a Disability policy applies to all departmentally provided disability services.

All managers and directors are required to:

- ensure staff are up to date with the Preventing and Responding to the Abuse, Neglect and Exploitation of People with Disability Policy and reporting critical incidents in accordance with the Critical Incident Reporting Policy and Critical Incident Reporting Procedure
- ensure all staff are aware of, and supported to implement, departmental processes when responding to notification of abuse, neglect or exploitation of clients
- ensure child abuse or neglect in any setting is immediately reported by services
- ensure action has been taken to prevent or minimise the risk of occurrence or reoccurrence of abuse, neglect or exploitation of clients
- monitor and address any identified gaps and issues in systems and processes in responding to notification
- ensure staff are trained in early intervention approaches where potential or actual abuse, neglect or exploitation of clients is identified
- ensure staff (and physical environments) promote the wellbeing of people with disability, including children and youth, including cultural/religious needs.

All staff are required to:

- remain up-to-date with the policy and other relevant documents related to the Preventing and Responding to the Abuse, Neglect and Exploitation of People with a Disability policy, as well as regional processes for taking action and managing the notification of abuse, neglect or exploitation of clients
- be vigilant to notifications of risk of abuse, neglect or exploitation of clients and take action in line with policies and procedures to prevent and minimise the abuse, neglect or exploitation of clients and actions being taken
- report suspected abuse, neglect or exploitation of clients to the relevant authority in line with the requirements of the department's Critical Incident Reporting policy and the Critical Incident Reporting procedure

The department's Disability Accommodation, Respite and Forensic Services (DARFS) division provides direct delivery of disability services, including short-term centre-based respite for children with intellectual disability. DARFS has a number of additional procedures to promote the health, safety and wellbeing of these clients, including the Client Risk Management for AS&RS Practice Paper and other risk identification, assessment and management procedures.

These services fall within the broader Preventing and Responding to Abuse, Assault and Neglect of People with Disability policy and procedure.

5.2 Promotion of the wellbeing of people with disability and children and young people

Chapter 7 Part 3 of the *WWC Act* and s 58 (2) (a) of the *DS Act* require relevant employers to promote the wellbeing of children and young people and people with disability. This means the interests, needs and views of people with disability and children and young people engaging with the department's service are valued and are taken into account, including but not limited to health, daily support needs, communication, positive behaviour support, and specific needs including cultural/religious needs.

At a departmental service level, this may include providing:

- local processes to enable possible solutions or alternatives for specific requests for people with disability and a child/young person's needs and interests
- feedback on people with disability and children and young people's wellbeing to the family or decision maker
- opportunities for the family or the decision maker to give feedback to staff to ensure continuous improvement and promotion of each person with disability and child or young person's wellbeing.

All staff are required to:

- promote the wellbeing of people with disability including children and youth, including specific needs such as cultural/religious needs.

5.3 Critical Incident Reporting

The Critical Incident Reporting policy and procedure provide principles, roles, responsibilities and processes to help ensure that incidents of a critical or sensitive nature involving staff, clients or services are progressed to the correct authority level to be dealt with quickly and appropriately.

5.4 Complaints Management

The department recognises effective complaints management is integral to good client service and is committed to managing all complaints in an accountable, transparent, timely and fair manner. Section 264 of the *Public Sector Act 2022* requires the department to maintain and report on the outcomes achieved by a Complaints Management System. The Complaints Management policy and procedure sets out roles and responsibilities to ensure complaints are managed consistently, within agreed timelines, and opportunities for business improvement are identified and implemented.

6. Managing Breaches of Policies under the Strategy

The strategy in its entirety and related policies and procedures are evidence of the fulfilment of the requirements of Chapter 7, Part 3 of the WWC Act. Despite s.58 of the DA Act not applying to the Department, the strategy also discharges those obligations as if it were required under the provision.

Under the strategy, departmental staff are required to comply with related policies and procedures to ensure the safety of clients and the implementation of effective measures to prevent, identify and respond to abuse, neglect and exploitation of vulnerable clients.

Any breach of policy or procedure under the strategy is to be managed in accordance with the Human Resource framework and approaches including, where necessary, in accordance with performance management and/or disciplinary guidelines.

In instances where an employee has not conducted themselves in accordance with the Code of Conduct for the Queensland Public Sector when dealing with clients, the conduct will be assessed in an ethical standards context and, if necessary, referred to the Crime and Corruption Commission, as per the and Corruption Control policy and procedure.

7. Strategy: Links to legislation and DCDSS Policies and Procedures

7.1 Statement of Commitment

Working with Children (Risk Management and Screening) Act 2000

- Working with Children (Risk Management and Screening) Act 2000
<https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-2000-060>

Working with Children (Risk Management and Screening) Regulation 2011

- Working with Children (Risk Management and Screening) Regulation 2011
<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2020-0131>

Code of Conduct for Queensland Public Servants

- Queensland Public Service Code of Conduct
<https://www.forgov.qld.gov.au/code-conduct-queensland-public-service>

Public Sector Ethics Act 1994

- Public Sector Ethics Act 1994
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1994-067>

Public Sector Act 2022

- Public Sector Act 2022
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2022-034>

Human Services Quality Framework

- Human Services Quality Framework
<https://www.dsdsatsip.qld.gov.au/our-work/human-services-quality-framework>

Other relevant legislation, Policy, Procedures

- Child Protection Act 1999
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010>
- DSDSATSIP Preventing and responding to abuse, neglect and exploitation policy
- <https://www.dsdsatsip.qld.gov.au/our-work/disability-services/disability-connect-queensland/preventing-responding-abuse-neglect-exploitation>

7.2 Worker Screening

Criminal History Screening forms including Blue card and Disability worker screening form and screening consent form

- DCDSS Criminal History Screening (Blue Card /Disability worker screening)
<https://workerscreening.dsdsatsip.qld.gov.au/resources>

7.3 Risk Management, Safety and Wellbeing of Clients

National Principles - Child Safe Organisation's

- <https://www.humanrights.gov.au/our-work/childrens-rights/national-principles-child-safe-organisations>

7.4 Preventing and Responding to the Abuse, Neglect and Exploitation of People with a Disability

Preventing and responding to the Abuse, Neglect and Exploitation of People with Disability

Preventing and responding to Abuse, Neglect and Exploitation of People with Disability

- [Preventing and responding to abuse, neglect and exploitation - Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships \(dsdsatsip.qld.gov.au\)](https://www.dcsds.qld.gov.au/resources/dcsyw/about-us/partners/government/child-protection-procedures-manual.pdf)

Allegations of suspected harm, or risk of harm, to a child should be immediately assessed and actioned under the Department of Children , Youth Justice and multicultural affairs online Child Protection Guide and referrals made to CYJMA and/or the Queensland Police Service as appropriate.

- <https://www.dcsds.qld.gov.au/resources/dcsyw/about-us/partners/government/child-protection-procedures-manual.pdf>

7.6 Complaints Management Policy and Procedure

Complaints management policy and procedure

- Complaints Management policy
- [Our complaints management policy - Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships \(dsdsatsip.qld.gov.au\)](https://www.dcsds.qld.gov.au/resources/dcsyw/about-us/partners/government/child-protection-procedures-manual.pdf)

7.7 Managing Breaches of the Strategy

Code of Conduct

- Code of Conduct for the QPS
<https://www.forgov.qld.gov.au/code-conduct-queensland-public-service>

Approval

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Director-General: July 2020

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Disability, Seniors and Carers

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