

## Procedure – Responding to Safe Community Concerns about an Adult

The Safe Community Framework Procedure for responding to safe community concerns about an adult relates to the implementation of the following policy statement:

We commit to the welfare of all people through the implementation and ongoing improvement of our Safe Community Framework which includes appropriate and expedient responses to all incidents, accidents, child protection and/or safe community (misconduct and abuse) concerns.

Safe Community concerns about adults include, but are not limited to:

- Bullying behaviours
- Elder abuse
- Sexual harassment
- Physical violence
- Historical child abuse (sexual, physical, emotional, neglect
- Emotional harm
- Domestic violence
- Sexual misconduct
- Stalking
- Concerns about the harmful behaviours of any person at an organisation's program
- Harassment
- Criminal behaviours
- Sexual assault
- Self-harming / suicide risk
- Concerns about misconduct by a worker against another adult

### 1. How to respond to concerns about adults

#### a. During a disclosure

Follow the principles of the disclosure Do's and Don'ts from *Procedure for Responding to Child Protection Concerns*.

b. Report to supervisor

- i. Report to your supervisor all disclosures and reasonable concerns about an adult. Discuss reasonable appropriate, legal and organisational actions (unless the concern is about your supervisor, then go to point 'd').
- ii. It may be that this is a process of negotiation with the adult, as their right to privacy should be considered. However, remember confidentiality does not mean keeping secrets but rather telling only those who need to know.
- iii. As a worker of the organisation you are required to follow all organisation procedures, including this one, and as such will need to inform the person disclosing of your organisation requirement to report, at least the some of the information, i.e. that there has been a disclosure, the nature and the person's first name.
- iv. In the case of immediate danger to an adult it may be necessary to call the emergency services, e.g. threat of violence against another person, suicide attempts. In such cases the most senior leader on site should make this phone call.

c. Response plan

Supervisor will contact the Safe Community Officer to arrange a response plan.

d. Assist

Actively assist the Safe Community Officer to take the appropriate legal, organisational and risk management actions, dependent upon the nature of the concern (see below).

## 2. Types of responses

These may include:

- a. Contacting an external Safe Community Consultant
- b. Helping the adult to report criminal activity to police
- c. Making a report to police or crime-stoppers where a crime is disclosed.

- d. Referral to appropriate care/counselling services
- e. Ongoing care and support for all parties
- f. Commencing relevant disciplinary procedures where misconduct by a worker is alleged
- g. Organisational risk management steps such as restricting a person's attendance at organisational events to protect other vulnerable adults.

### **3. Considerations for appropriate responses**

- a. Legal responses: Sometimes it will be clear what to do legally, e.g. serious crimes in NSW (see Attachment 1), other times it may be more difficult, seeking advice is important.
- b. Procedures: For example, all allegations of misconduct or abuse by an organisation's worker against vulnerable adults need to be responded to with fairness and due process.
- c. Risk management: For the safety of people at events under our common law duty of care.
- d. Organisation care responses: Our organisation is committed to caring for its members as appropriate, and will respond with care and respect in all situations. There are times when this will mean utilizing the local health services and working with the person and their family to provide comfort, support and access to resources and services.
- e. Adults are self-determining: Adults have the right to make decisions about their own lives, so long as the actions are not endangering themselves or others. This means we will need to work with the adult when considering a response, providing them with information and support. For concerns about the conduct of people with capacity issues such as persons with special needs (e.g. intellectual or physical disability or mental health concern) seek advice from relevant health services or case workers, as capacity issues do need to be considered.

## **Attachment 1: Responding to disclosures of criminal matters**

Each state has laws about reporting crime. Some states have specific and relevant concealment legislation, e.g. New South Wales, Section 316 of the Crimes Act 1990 (see below). It is important to note that this matter is not always related to child protection mandatory reporting legislation but is rather a matter of the Crimes Act in several states.

### **Offering to help the person report serious crime to the police**

In some cases, a past crime may be confessed to you. You may wish to offer the opportunity for the person confessing their crime, to report their past to the police. You might say for example, *“If you have committed a crime, we will help you report your crime to the appropriate authorities.”*

### **Making a report yourself**

Where the person is not willing go with you to the police, or where you feel that it is not appropriate for them to go with you, you may wish to inform the person that you will be reporting to the police.

### **Keep written records of all meetings and of your report to police**

To protect yourself from allegations of concealment or aiding and abetting a crime, ensure you keep written records. Provide a written statement to the police of all the facts you have, and ask them to provide you with an acknowledgement of your report in writing. If the police are unable to do this, note down the date and time of the report, and the name of the officer, as well as retaining a copy of the report you gave them. Alternatively, you can report through Crime stoppers 1800 333 000.

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Safe Community Resources can also provide customisation services to your organisation in the area of implementation of the **Safe Community Framework** for your organisation.

**Disclaimer:** This publication is not legal advice. The ideas and procedures herein are based on nationally recognised good practice advice and have been written with due regard to Australian legislation March 2020.

Legal advice may need to be sought when responding to individual incidents.