

Aboriginal Legal Service of Western Australia Ltd

Working with Vulnerable People Policy

Introduction

ALSWA recognises that it is the shared responsibility of all adults to protect Vulnerable People from foreseeable harm and expects its personnel to maintain the highest behavioural standards when working with Vulnerable People (**WWVP**).

This is an organisation wide WWVP Policy that applies to all workers engaged by and/or performing work for ALSWA under programs funded by the National Indigenous Australians Agency (NIAA). This includes, without limitation, any employee, officer, volunteer or contractor engaged by ALSWA.

For the purposes of this Policy, the term 'Vulnerable Person' has the definition given in the IAS Head Agreement between the National Indigenous Australians Agency (NIAA) and ALSWA, being:

- a) a child, being an individual under the age of 18 years; or
- b) an individual aged 18 years and above who is or may be unable to take care of themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

Where applicable, this policy also applies to workers engaged in programs funded by the Department of Justice where a Department of Justice screening clearance is required under the grant agreement and/or by ALSWA.

Purpose and policy intent

ALSWA has adopted an organisation-wide approach to compliance with its obligations under the *Working with Children (Criminal Record Checking) Act 2004 (WA)* (**WA Law**), as well as its contractual obligations under the IAS Head Agreement and relevant Commonwealth policies in respect of Vulnerable People.

This policy sets out the obligations on ALSWA as an organisation, and on ALSWA's workers, in respect of protecting Vulnerable People while providing services.

ALSWA highlights all staff that are required to hold a valid Working with Children Check (**WCC Check**) under WA Law must do so. If you have any questions regarding whether you need to hold a WWC Check, you should contact your supervisor or human resources.

Annexed to this Policy are schedules which provide specific WWVP requirements for specific projects or funding arrangements. The schedules apply supplementary requirements and are in addition to those contained in the body of this Policy.

Responsibilities of ALSWA

In order to ensure compliance with its WWVP obligations, ALSWA:

- ensures that prior to having any contact with Vulnerable People all ALSWA workers who perform roles that involve contact with Vulnerable People have obtained (or applied for, as permitted by WA Law):
 - a WWC Check and Working with Children Card (**WWC Card**) as required by WA Law; and

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- a National Police Certificate,
this may include containing this as a requirement in the worker's employment contract or contract of engagement.
- maintains a register of WWC Check applications, WWC Cards, Police Certificates, and Department of Justice screening clearances including monitoring the currency of WWC Cards and ensuring workers renew their WWC Cards before they expire;
- in accordance with WA Law, does not engage or allow a person to perform a role that involves contact with Vulnerable People if that person:
 - does not hold and has not applied for a WWC Card, or has cancelled or withdrawn their WWC Card application;
 - has received a Negative Notice (a Negative Notice is a notice that will be issued by the Working with Children Screening Unit (**WWC Screening Unit**) as part of the Working with Children process if a person is assessed as posing an unacceptable risk to children);
 - has been convicted of an offence which means the person is prohibited from Working with Vulnerable People;
- complies with its obligations under WA Law, including updating this Policy and related WWVP process to align with any changes to WA Law;
- provides WWVP training to ALSWA workers whose roles involve contact with Vulnerable People, including training on the importance of ensuring the safety of Vulnerable People and the need to notify police if a Vulnerable Person is at an immediate risk of harm (this may be via employee induction and online training resources);
- identifies and acts on any breaches of this Policy, applicable WWVP legislation or other WWVP obligations promptly;
- maintains other related policies that focus on the protection of Vulnerable People, including, but not limited to, a Reportable Conduct Scheme Policy and a Safe Child Organisation Policy; and
- undertakes an annual review of this Policy.

Risk assessments

Prior to ALSWA undertaking any NIAA funded activity which involves contact with a Vulnerable Person, or where ALSWA reasonably expects it will involve contact with a Vulnerable Person, it must perform a risk assessment in accordance with Annexure A.

The risk assessment must identify the risks of harm or abuse for the activity. ALSWA must implement appropriate strategies to manage those risks.

ALSWA will, where it is reasonably appropriate, conduct risk assessments for any other activity which involves Vulnerable People, even where this is not NIAA funded.

Responsibilities of ALSWA workers

It is the responsibility of all ALSWA workers to:

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- maintain the highest behavioural standards when interacting with Vulnerable People, and prioritise the safety and wellbeing of Vulnerable People at all times;
- if they hold a WWC Card, immediately report to a manager if their WWC Card is cancelled, or any conditions are placed on it;
- if they hold a WWC Card, immediately report to a manager if their WWC Card is lost or destroyed;
- notify the WWC Screening Unit, as required by law, of all changes to their contact details, address and employment status;
- report any breaches of this policy or WWVP obligations to a manager; and
- ensure that if non-ALSWA workers are accompanying them on activities with children, they have obtained and verified that the person has a current and valid WWC Card.

Adverse findings

The safety of Vulnerable People and their protection from harm is the primary consideration of ALSWA. If ALSWA becomes aware:

- that a worker has received a Negative Notice (i.e. where WWC Check of that person has identified a risk of harm to a Vulnerable Person); or
- of any other information that may indicate a person is not suitable to perform a role that involves contact with Vulnerable People,

ALSWA will act promptly to ensure the safety of Vulnerable People, including by taking any of the following actions:

- immediately reassigning the person to a role which does not involve contact with Vulnerable People;
- withdrawing an offer of employment; or
- terminating the person's employment or engagement with ALSWA.

Reporting obligations

ALSWA will, upon request, provide the NIAA with information related to its approach to dealing with Vulnerable Dealing. This may include, for example, copies of risk assessments and any other information required under the NIAA Head Agreement.

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Appendix A – Custody Notification Service

Background

This Appendix is specific to the ALSWA Custody Notification Service (**CNS**), a phone service operated by ALSWA 24 hours per day 7 days per week for Aboriginal people (both children and adults) in Western Australia who are detained by WA Police in a police facility. This Appendix will apply to the CNS in addition to the core Policy.

ALSWA highlights that all CNS staff who speak to children are required to hold a valid WWC Check under WA Law. All CNS staff speak with children on a regular basis.

Responsibilities of ALSWA

In addition to requirements in the Policy, the following responsibilities are required for the CNS, being that ALSWA:

- identifies and maintains a register of CNS staff who will have contact with Vulnerable People, which is reviewed and updated regularly.
- Distributes the following protocols to all CNS workers:
 - CNS Cultural Protocols
 - CNS Trauma Informed Protocols
 - CNS Gender Protocols
 - CNS Vulnerable Person Protocols
 - CNS Age Protocols

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Appendix B – Youth Engagement Program

Background

This Appendix is specific to the ALSWA Youth Engagement Program (**YEP**), a holistic, culturally-secure and trauma-informed support program for Aboriginal young people in four sites across Western Australia (Perth, Broome/Derby, Kununurra and Halls Creek). This Appendix will apply to the YEP in addition to the core Policy.

ALSWA highlights that all YEP staff are required to hold a valid WWC Check under WA Law. Further, under the Grant Agreement between ALSWA and the WA Department of Justice for YEP-Metro and YEP-West Kimberley, all YEP staff in those locations are required to hold a valid Department of Justice screening clearance.

ALSWA requires all YEP staff in all four sites to apply for a Department of Justice screening clearance even though this is not required by law or under the Grant Agreement between NIAA and ALSWA for YEP-East Kimberley and YEP-Halls Creek.

Responsibilities of ALSWA

In addition to the requirements in the Policy, the following responsibilities are required for the YEP, being that ALSWA:

- identifies and maintains a register of YEP staff who will have contact with Vulnerable People, which is reviewed and updated regularly;
- ensures that prior to having any contact with Vulnerable People, all ALSWA YEP personnel employed under funding provided by the Department of Justice have obtained a Department of Justice screening clearance;
- ensures that all other YEP personnel (i.e., employed under funding provided by NIAA) apply for a Department of Justice screening clearance at the earliest possible opportunity;
- in accordance with its Grant Agreement with the Department of Justice, does not engage or allow a person to perform a role that involves contact with Vulnerable People if that person has not obtained a Department of Justice screening clearance (if that person is employed under funding provided by the Department of Justice); and
- ensures that if any YEP personnel who are employed with funding from NIAA receive a negative Department of Justice screening clearance, they are terminated immediately or prohibited from undertaking any contact with Vulnerable People until any reviews or appeals are conducted.

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Appendix C – Bail Support Service/Prison In-Reach Legal Service

Background

This Appendix is specific to the ALSWA Bail Support Service and Prison In-Reach Legal Service (BSS/PIR) in Perth and Broome. This Appendix will apply to the BSS/PIR in addition to the core Policy.

Under the Grant Agreement between ALSWA and the WA Department of Justice for BSS/PIR all staff are required to obtain a Department of Justice screening clearance before working directly with clients. Further, ALSWA requires all BSS/PIR to obtain a WWCC in the event that staff are transporting adult clients with children.

Responsibilities of ALSWA

In addition to the requirements in the Policy, the following responsibilities are required for the BSS/PIR, being that ALSWA:

- identifies and maintains a register of BSS/PIR staff who will have contact with Vulnerable People, which is reviewed and updated regularly;
- ensures that prior to having any contact with clients, all ALSWA BSS/PIR personnel employed under funding provided by the Department of Justice have obtained a Department of Justice screening clearance;
- ensures that prior to having any contact with children, all ALSWA BSS/PIR personnel have obtained or applied for a WWC Check.
- ensures that if any BSS/PIR personnel receive a negative Department of Justice screening clearance, they are terminated immediately or prohibited from undertaking any contact with clients until any reviews or appeals are conducted.

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Annexure A – Risk Assessment Template

| | | | |
|--------------------------------|---|--------------------------------|--|
| Organisation | Aboriginal Legal Service of Western Australia Limited | Document ID | [Insert] Risk Assessment 1/202[X] |
| Date of Risk Assessment | | Risk Category | Working with Vulnerable People ([Insert] Activity) |
| Risk Assessment Owner | | Assessment Conducted by | |

The table below sets out the risks, existing controls and treatments in respect of WWVP associated with the ALSWA's [Insert] Activity

In the risk assessment table, each of the following defined terms have the meanings given below:

'Vulnerable Person' has the meaning given in the grant agreement between ALSWA and the NIAA, being:

(a) a child, being an individual under the age of 18 years; or

(b) an individual aged 18 years and above who is or may be unable to take care of themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

'WWC Check' means 'Working with Children Check', the check required by WA Law when working with children.

'WWVP' means 'working with Vulnerable People'

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| Risk ID | Risk Rating | Risk Event | Causes | Consequences | Existing Controls | Likelihood Rating | Consequence Rating | Treatments | Risk and Treatment Review Date |
|---------|-------------|------------|--------|--------------|-------------------|-------------------|--------------------|------------|--------------------------------|
| | | | | | | | | | |

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Risk Matrix

The risk ratings in the table above are calculated on the basis of the Risk Matrix below, using the following formula: Risk Rating = Likelihood of Risk Event x Consequences

| Likelihood of Risk Event | Consequences | | | | |
|--------------------------|---------------|--------|----------|---------|---------|
| | Insignificant | Minor | Moderate | Major | Severe |
| Almost certain | Low | Medium | High | Extreme | Extreme |
| Likely | Low | Low | Medium | High | Extreme |
| Possible | Low | Low | Medium | High | High |
| Unlikely | Low | Low | Low | Medium | High |
| Rare | Low | Low | Low | Medium | Medium |