

# SEXUAL ABUSE INSURANCE

- OPTIONAL EXTENSION

## Supplementary Questionnaire

### Important notices

This questionnaire is for use when Sexual Abuse insurance cover is required.  
Please read this section before completing this proposal

#### In respect of this questionnaire:

“Abuse” means any assault or abuse of sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation.

“Vulnerable adult” refers to someone who: “is or may be in need of community care services by reason of mental or other disability, age or illnesses or may be unable to take care of him or herself or unable to protect him or herself against harm or exploitation by another person”.

Against a background of greater public awareness concerning “abuse” the potential long-term consequences for victims, increasing recourse to litigation, possible wrongful accusations, and retrospective legal changes Ansvar keep under review risk management procedures and our underwriting approach for sexual abuse cover.

It is important to be aware that an incident today may give rise to a claim in perhaps 20 or more years’ time.

With this situation, there are complex long-term “abuse” exposure issues for policyholders and insurers alike. Good risk management is seen as a major underwriting factor in the prevention of abuse and the damaging consequences of possible wrongful accusations.

Depending upon the nature of an organisation, there are a number of statutory provisions relating to pre-trading registration, employment screening and notification requirements concerning individuals who are unsuitable to work with children, young people and vulnerable adults.

Compliance with these provisions will help reduce risk, however, a key element to minimise the “abuse” risk is the ongoing adherence by policy holders and their personnel to good risk management procedures.

Such procedures should be contained in a regularly reviewed, written Client Protection Policy for safeguarding the welfare of children, young people and vulnerable adults receiving care as well as those working or coming into contact with them.

#### Crucial features of a Client Protection Policy are:

- That its provisions are embedded in the culture and day-to-day operation of the organisation at all levels with relevant formal training and refresher courses held at least every year.

- An ongoing review of the policy (again at least every year) so as to maintain current “best practice” in safeguarding procedures and observe any changes to legislation.
- The secure retention of all personnel employment, incident and investigation reports, liability insurance policies and other relevant incident-related correspondence. Such documents should be retained for no less than 50 years. The requirements of the current Privacy legislation should be observed in respect to documents containing personal data.

#### Such action:

- Protects those in your care.
- Maintains the integrity of the organisation.
- Avoids damaging allegations and possible litigation that can have a profound effect upon those involved.
- Assists in the maintenance of a risk management programme, thus fulfilling the obligation of you to take reasonable and appropriate measures to protect from harm all persons in your care and employment and/or other specific conditions in accordance with the terms of your liability insurance.

The following Questionnaire draws attention to the most important features in protection risk management. The completed form will help enable underwriters assess your ongoing approach and provide appropriate insurance terms. We will provide full details of such terms upon completion and return of the Questionnaire.

#### A special note relating to record keeping

Incidents of abuse may only come to light after a long period of time, in some cases many years.

The long-term security of relevant documents including your Client Protection Policy and your Public Liability Insurance Policy is of crucial importance should allegations of abuse arise. All such documents must be securely retained for a minimum of 50 years.

Documents containing personal data (as defined in the relevant Privacy legislation) should be securely retained “for as long as necessary” (certainly from an insurance point of view no less than 50 years) to ensure that the documents are available in the event of an allegation of abuse arising.

The individuals mentioned in the documents should be notified that information about them may be held for a long period of time as part of a client protection risk management programme. This may be best handled by use of a general statement in employment contracts and your published service use/member information literature.

In addition, storage provisions for all such documents must be arranged in the event the organisation ceases operations. Generally acceptable methods of storage in these circumstances would be at the office of a solicitor, accountant or at a professional secure storage company.

### Our Risk Solutions Division

Our Risk Services Division is here to help with the implementation of robust risk management. If you are not compliant with all of the attached criteria, we can provide you with support to develop the appropriate procedures. The objective of preventing abuse to vulnerable people and/or children is always Ansvar's focus.

### A note regarding your duty of disclosure

Answers to the following questions and information given assist Ansvar in the assessment of the risk. All relevant facts must be disclosed. Failure to do so may result in the insurance cover being inoperative. Relevant facts are those that would be likely to influence an insurer's consideration of the risk. If you are in any doubt as to whether a fact is relevant it should be disclosed. You should keep a record of all information supplied to Ansvar in connection with this insurance.

Unless we specifically request, we do not require sight of your written Client Protection Policy. You may be currently developing or updating your Policy. If that is the case you must advise us that the Policy is being developed or reviewed. Whilst we can assist with the structure of your Client Protection Policy, guidance upon protection issues specific to the nature of your organisation should be sought from relevant authorities, central bodies or associations.

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## Sexual Abuse Insurance Supplementary Questionnaire

### Office Use Only

Intermediary name

Account number

Policy number

### 1. Applicant(s) Information

Name of applicant/insured organisation

Address

Postcode

Do you have a written Client Protection Policy to guard against abuse of your service users by any person either employed by you, contracted by you or volunteering for you?

Yes

No

If the answer is "No", you will not be eligible to purchase insurance protection of Sexual Abuse related claims against your organisation until such time as a Client Protection Policy is developed and implemented. Ansvar Insurance can assist you with development of such a Policy. Please contact your intermediary or Ansvar Insurance direct for assistance.

If the answer is "Yes", please proceed to Question 2.

### 2. Your Client Protection Policy

a) When was the policy first implemented?

b) When was the policy last reviewed and updated?

c) When is the policy scheduled for its next review/update?

d) Are all your personnel (employees/volunteers/contractors who work directly with vulnerable people) aware of the policy and do they have access to it?

Yes

No

If Yes, how is this done?

- e) Do you provide or facilitate formal training on the policy including formal refresher/procedure update training based upon current "best practice" and changes to legislation for all of your employees?  Yes  No

*If Yes, how is this done and at what intervals and what records are kept of this training?*

- f) Do you also provide the same training to volunteers and contractors who work with vulnerable people?  Yes  No
- g) Do you comply with all relevant state child/vulnerable person protection legislation?  Yes  No
- h) Does your organisation provide services to vulnerable people in an unsupervised environment? (i.e. One-to-one, closed room, no other persons involved)  Yes  No

*If Yes, what measures do you have in place to identify if abuse is occurring?*

*Please provide details i.e. rotation of staff members, client feedback framework, independent case managers.*

- i) Does your Client Protection Policy confirm that:
- i. You undertake a formal interview of all candidates including any volunteers or contractors for positions involving work with children or vulnerable adults, including analysis of past experience working with children or vulnerable adults?  Yes  No
  - ii. You enquire with at least two previous employers regarding suitability for position?  Yes  No
  - iii. You contact at least two referees supplied by the candidate?  Yes  No
  - iv. You comply with state legislation in respect to obtaining a **Working with Children check** and/ or **Working with Vulnerable People check** prior to commencement with your organisation, and take reasonable steps to ensure ongoing monitoring of its validity?  Yes  No
  - v. You prohibit the employment or engagement of any person from working in your organisation if they have prior convictions relating to violent or sexually related offences?  Yes  No
  - vi. You actively encourage the reporting of sexual abuse (i.e. You don't dismiss concerns when raised).  Yes  No
  - vii. You are committed to being an environment where either a victim or employee/volunteer feels able to report sexual abuse.  Yes  No

*If No to any of the above, please provide a full explanation.*

- j) Does your Client Protection Policy confirm that there is a procedure for dealing with and reporting complaints and/or **reasonable suspicion\*** of sexual abuse which includes:
- i. The appointment of a person, independent of the alleged incident, to investigate?  Yes  No
  - ii. A documented reporting process with escalating procedures including:  Yes  No
    - the automatic suspension of an employee from work or other duties within your organisation, if they are under investigation (internally or by the police) for committing sexual abuse; and
    - the automatic termination of their employment, or involvement with your organisation if found guilty of committing sexual abuse (either by an internal investigation or by a court).
  - iii. A policy for employees and/or volunteers to report reasonable suspicion of sexual abuse to the senior management of your organisation and that police authorities and Ansvar Insurance will be notified.  Yes  No
  - iv. A policy that assures the details of those reporting sexual abuse will be kept private and confidential.  Yes  No

**\*Reasonable suspicion** means fair and practical reason to believe an incident involving sexual abuse has occurred based on either verbal communication, hearsay, rumour or observance of behaviour.

### 3. Past Incidents of Sexual Abuse

In respect of any of your activities, over the preceding period of ten years, have there been any incidents reported to you relating to alleged sexual abuse of persons in your care?  Yes  No

*If Yes, please provide full details and relevant dates including if any insurance claims or payouts were made. (If there is insufficient space please attach full details and all relevant documentation.)*

### 4. Declaration

I/We declare that as far as I am/we are aware the statements made by me/us or on my/our behalf and the information supplied in connection with this Questionnaire are true, correct and complete and that all reasonable and proper enquiries have been undertaken to ensure that no information relevant to Ansvar's decision whether or not to offer to insure our organisation against legal liability for abuse, has been omitted from or not attached to this Questionnaire.

Signature:  Name:

Date:  Position:

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