

## Treatment of Children and Vulnerable People – Practice Guideline

### Preamble

Massage & Myotherapy Australia's (Association) Code of Ethics and Standards of Practice describing the therapeutic goals and process of massage therapy apply equally to the treatment of children and vulnerable people as they do to adults. The treatment of children and vulnerable people, however, brings with it distinctive challenges for the therapist, particularly in the areas of assessment, risk, consent, and therapeutic relationship requirements about communication, professional boundaries, currency of skills and knowledge.

### Aim

The following guidelines have been developed to assist the therapist when treating children and vulnerable people. As guidelines, it is the responsibility of the individual therapist to construct policies and procedures that adhere to the law and to best practice. These guidelines may be read as the Associations statement on current best practice as it applies to massage therapy.

These guidelines should be read in conjunction with the Code of Ethics and Standards of Practice, and any Australian legislative, licensing, regulatory and certification requirements.

**Association recommendation:** *That each therapist or practice location develop a working with children and vulnerable people policy which adheres to law in their jurisdiction, and to the guidelines and recommendations in this document.*

### Definitions

**Informed consent:** For informed consent to treatment to be present, the massage therapist must ensure that the person who gives consent is provided with disclosure of the risks, benefits and side effects of treatment; that the person who gives consent is legally, intellectually and emotionally capable of giving consent; and that the person giving consent is able to freely exercise their decision making without being forced to do so by another person.

**Jurisdiction:** *One of the states or territories in Australia.*

**Massage therapist (therapist):** A person who is appropriately trained in massage therapy techniques, holds the Certificate IV in Massage Therapy Practice, Diploma of Remedial Massage (or equivalent), Advanced Diploma of Myotherapy and their successive qualifications who maintains the currency of their skills and knowledge by undertaking continuing professional development, and who holds appropriate professional memberships and professional indemnity insurance.

**Majority:** *A person attains majority at the age of 18 years.*

**Children/Child:** *A child is a person under 18 years of age.*

**Vulnerable Person:** *The Australian Government (Department of Social Services) defines the vulnerable group as;*

- ✓ Persons under the age of 18 years (or a child) according to the law
- ✓ People above the age of 18 years who may not be able to protect themselves against harm due to any; physical harm, age, illness, trauma or disability and other reasons.

<https://www.australiannationalcharactercheck.com.au/working-with-vulnerable-people-registration.html>

*Responsible adult:* A responsible adult is a person to whom care, custody and control of a child or vulnerable person is entrusted. This may be a parent or may be an appointed guardian.

*Working with Children Check (WWCC):* The statutorily defined check as to the fitness of a person to provide services to a child. Therapists should check their state and territory requirements.

*Working with Vulnerable People (WWVP):* The statutorily defined check as to the fitness of a person to provide services to a vulnerable person. Therapists should check their state and territory requirements.

## Process

### Working with Children or Vulnerable People Check

In some Australian states and territories (jurisdictions) compulsory checks have been introduced<sup>1</sup> with the aim of protecting children and vulnerable people from abuse in certain circumstances. Therapists may be required to undertake these checks by law in their jurisdiction, or there may be no check, or the check may be optional. A check valid in one state is not transferable to another jurisdiction, and the holder must apply for a check in each jurisdiction in which they work. Therapists who work temporarily in another jurisdiction (for example, travelling with a sporting team) should enquire with the authority in the jurisdiction to which they are travelling to determine if they will require a check. The following table summarises whether or not a check is required by law in your jurisdiction:

Jurisdiction	Requirement
ACT	<a href="#">Working with vulnerable people check</a>
NSW	<a href="#">Working with children check</a>
NT	<a href="#">Working with children clearance notice / Ochre Card</a>
QLD	<a href="#">Blue Card</a>
SA	<a href="#">Child-related employment screening</a>
TAS	<a href="#">Working with Vulnerable People</a>
VIC	<a href="#">Working with children check</a>
WA	<a href="#">Working with children check</a>

*Correct as at April 2023*

Therapists are advised that it may be an offence under the law to provide treatment to a child and vulnerable people without holding an appropriate check.

**Association recommendation:** *That all therapists who work with children or vulnerable people obtain the relevant Working with Children or Vulnerable People Check for their jurisdiction, and make the findings of such a check available to the responsible adult prior to commencing treatment on a child or vulnerable person.*

**Association recommendation:** *That a therapist who, for whatever reason, is unable to obtain a Working with Children or Vulnerable People Check in their jurisdiction immediately cease working with children or vulnerable people, and under no circumstances allow an unaccompanied child or vulnerable person to be present in their workplace.*

### **Confidentiality of a child's or vulnerable person's information**

Under normal circumstances, the responsible adult is entitled to access information relating to the child's or vulnerable person's health status and the treatment performed. This entitlement may be varied in the case of sensitive information, or when the child or vulnerable person is capable of providing informed consent<sup>ii</sup>.

The therapist must use their best judgement when providing information about a child's and vulnerable person's health status and treatment.

It may be appropriate to clarify, at the commencement of the therapeutic relationship, how confidentiality will be maintained, who can access information and under what circumstances. This can be challenging in situations where a child's or vulnerable person's parents are separated or divorced.

**Association recommendation:** *That therapists maintain the confidentiality of a child's or vulnerable person's health information, while respecting the right of responsible adults to access this information; and that therapists use their best judgement when asked to release information that is sensitive, or when the child or vulnerable person is capable of providing informed consent.*

### **Presence of a responsible adult during treatment**

While not required by law, under most circumstances it is considered best practice to ensure that a responsible adult is present in the treatment area during treatment of a child or vulnerable person at all times. This may be less appropriate in the case of an older child or vulnerable person, and more appropriate in the case where a therapist treats a child or vulnerable person of the opposite gender.

**Association recommendation:** *That, unless the child or vulnerable person is able to provide informed consent, the therapist requires that a responsible adult remain in the treatment area at all times, and that unless a responsible adult is present, treatment does not begin or continue.*

### **Procedures performed on children**

The developmental status of a child will determine the range of appropriate assessment and therapeutic techniques and procedures selected by the therapist. It is important that the therapist has an appropriate understanding of the developmental status of the minor, and

uses techniques and procedures that are appropriate for use on children, drawn from their scope of practice, and is based on best practice evidence.

Therapists who feel unprepared to work with children should not do so until they obtain further training and preparation.

**Association recommendation:** *That therapists practice within their accepted scope of practice, and select only those assessment and therapeutic techniques and procedures that have been demonstrated to be safe and effective for use with children.*

### **Clarifying who the client is**

*Regardless of who provides consent, and who is responsible for payment of the client account, the therapist must ensure that, at all times, the integrity and dignity of the client is preserved. Whilst children may not be competent to provide consent, they are human beings who are entitled to a full measure of dignity, respect, protection and care. This includes but is not limited to:*

- *Seeking information directly from the client where possible, and placing appropriate weight on the information provided;*
- *Allowing the child or vulnerable person to dress and undress in private (or in the presence only of the responsible adult);*
- *Ensuring the child or vulnerable person is appropriately draped at all times, to protect their dignity and right to privacy;*
- *Providing a full and appropriate explanation of the treatment to the child or vulnerable person; checking often and using appropriate language that the child or vulnerable person is still comfortable with treatment, is not experiencing pain, and wishes to continue treatment; and*
- *Allowing the child or vulnerable person to cease treatment at any time, for whatever reason.*

**Association recommendation:** *That therapists who work with children or vulnerable people ensure that they maintain the dignity and privacy of each client, and work in a way which is respectful, caring and protective of the child or vulnerable person.*

**Association recommendation:** *That therapists who work with children who vulnerable people regularly reflect upon and review their policies, procedures and practices to ensure that they comply with the need to maintain the dignity and privacy of each client.*

### **Notification of actual or suspected child or vulnerable person abuse, or possible harm**

All jurisdictions in Australia place an obligation on some people to make a notification to authorities of a child or vulnerable person at risk of harm, or who has been harmed<sup>iii</sup>. This varies from jurisdiction to jurisdiction, and therapists should check to see whether or not they are required to make a mandatory notification, to whom, and under what circumstances.

It is important to follow the law when you suspect that a child or vulnerable person is at risk of being harmed, or has been harmed, so you should be aware of what your obligations are. The [Australian Institute of Family Studies'](#) website can provide further information.

**Association recommendation:** *That therapists who work with children or vulnerable people seek clarification as to whether they are required to make mandatory notifications, to whom, and under what circumstances. If therapists are required to make mandatory notifications, they should ensure they comply with the law at all times.*

*Even if you are not required to make mandatory notifications, you have a duty of care toward your client. If you have reasonable suspicions or evidence that a child or vulnerable person has been harmed, or is at risk of harm, you should seek advice from the authorities in your jurisdiction.*

- ACT: [Office for Children, Youth and Families - Department of Disability, Housing and Community Services](#)
- NSW: [Community Services - Department of Family and Community Services](#)
- NT: [Department of Territory Families, Housing and Communities](#)
- QLD: [Department of Communities \(Child Safety and Disability Services\)](#)
- SA: [Department for Child Protection](#)
- TAS: [Child Safety - Department of Health and Human Services](#)
- VIC: [Child Protection - Department of Human Services](#)
- WA: [Department of Communities - Child Protection and Family Support](#)

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<sup>i</sup> <https://www.careforkids.com.au/child-care-articles/article/82/working-with-children-checks>

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<sup>iii</sup> <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>