



Safeguarding Vulnerable People Policy

Version 4

Effective date: 26 May 2022

[Approved by Bayside Community Care Board]

Review date: June 2023

Contents

1. INTRODUCTION	4
2. DEFINITIONS	4
3. PURPOSE	5
4. POLICY MISSION STATEMENT	5
5. RESPONSIBILITIES	6
5.1 The Board of Bayside Community Care	6
5.2 Bayside Community Care Coordinator	6
5.3 Bayside Community Care Safeguarding Contact.....	7
5.4 Bayside Community Care representatives	8
5.5 Guests.....	8
6. RECRUITMENT, SCREENING AND PREVENTATIVE PROCEDURES	9
6.1 Recruitment and screening.....	9
6.2 Registered Sex Offenders	9
6.3 Person of Interest.....	10
7. RAISING AND REPORTING REASONABLE GROUNDS FOR BELIEF OF ABUSE.....	10
7.1 Reasonable grounds for belief.....	10
7.2 Privacy and Confidentiality	11
7.3 Managing a disclosure of abuse	11
7.4 Managing a disclosure of abuse within organisation.....	12
8. REPORTING PROCEDURES FOR OBSERVATIONS, SUSPICIONS AND COMPLAINTS, AND CONSEQUENCES FOR BREACH OF POLICY OR CODE OF CONDUCT	13
CODE OF CONDUCT.....	14

1. INTRODUCTION

The policies and procedures outlined below have been authorised by the Bayside Community Care Board and apply to all people who represent Bayside Community Care, be they employees, volunteers, contractors, guests and board.

2. DEFINITIONS

Applicable law includes the *Children, Youth and Families Act 2005 (Vic)*, the *Child Wellbeing and Safety Act 2005 (Vic)*, the *Family Violence and Protection Act 2008 (Vic)* and the *Crimes Act 1958 (Vic)*.

Bayside Community Care representatives means all people who represent Bayside Community Care, including but not limited to employees, volunteers, contractors, members, board.

Vulnerable person means any person that is at risk of harm due to age, illness or disability but is not limited to this list.

Child means a person under the age of 18 years.

Child abuse has the meaning in the *Child Wellbeing And Safety Act 2005 (Vic)*, which includes:

- (a) any act committed against a child involving:
 - (i) sexual offences; or
 - (ii) an offence under section 49B (2) of the *Crimes Act 1958* [grooming a child under the age of 16 years for sexual conduct]; and
- (b) the infliction, on a child, of:
 - (i) physical violence; or
 - (ii) serious emotional or psychological harm; and
- (c) the serious neglect of a child.

Code of Conduct means the code of conduct attached to this Policy.

SC means Safeguarding Contact.

Safe Ministry Policy



CCYP means Commission for Children and Young People.

Employees are paid personnel representing Bayside Community Care.

Policy means this Safeguarding Vulnerable People Policy.

Reasonable grounds for belief has the meaning set out in part 7.1 below.

Volunteers are unpaid personnel representing Bayside Community Care.

WWCC means a Working With Children Check.

3. PURPOSE

The purpose of this policy is:

- a) to facilitate the prevention of any abuse occurring within Bayside Community Care;
- b) to establish an organisational culture of safeguarding vulnerable people;
- c) to ensure that all who represent Bayside Community Care are aware of and understand their responsibilities and obligations for identifying possible occasions for abuse;
- d) to establish controls and procedures for preventing abuse and/or detecting abuse when it occurs;
- e) to provide guidance to Bayside Community Care representatives as to the action that should be taken where they suspect any abuse within or outside of Bayside Community Care;
- f) to provide a clear statement to Bayside Community Care representatives forbidding any such abuse;
- g) to provide assurance that any and all suspected abuse will be reported and fully investigated.

4. POLICY MISSION STATEMENT

Bayside Community Care is committed to promoting and protecting the best interests and safety of all people who access our services, programs and activities. Bayside Community Care has zero tolerance for any abuse, and is committed to the prevention of all forms of abuse including physical, psychological, sexual abuse, and negligence.

Bayside Community Care is committed to ensuring best practice screening, recruitment, supervision and training processes for all Bayside Community Care representatives. Bayside Community Care will seek to act immediately and appropriately upon becoming aware of any known or suspected incidences of abuse.

Bayside Community Care will respect the opinions of all people and provide opportunities for the participation and empowerment of people from all backgrounds including Aboriginal and Torres Strait Islander and those living with a disability.

5. RESPONSIBILITIES

Safeguarding Vulnerable People awareness is a shared responsibility and representatives of Bayside Community Care are expected to take appropriate and reasonable action to:

- a) facilitate an organisational environment that is supportive of a everyone's wellbeing and safety, abstaining from all conduct that would not be in the best interests of others;
- b) familiarize themselves and comply with the applicable law, this Policy and the Code of Conduct; and
- c) report reasonable suspicions of abuse in accordance with this policy.

In addition to these broad expectations, specific role responsibilities are as follows:

5.1 The Board of Bayside Community Care

The Board of Bayside Community Care is responsible for ensuring appropriate and effective internal control systems are in place to create a safe environment. The Board is also responsible for ensuring that appropriate policies and procedures and a code of conduct is in place.

The Board of Bayside Community Care is required to understand and act in line with this Policy and the Code of Conduct. If any breach of this policy involves a breach by the Community Care Coordinator, it will be the responsibility of all the members of the board to fulfill the reportable requirements as laid out in the reportable conduct scheme.

5.2 Bayside Community Care General Manager

The Bayside Community Care General Manager is accountable to the Bayside Community Care President for ensuring that appropriate policies and practices are implemented, monitored and reported on, and evaluated in a timely manner. If the General Manager is absent or unable to fulfill

their role, the Administration Manager is nominated as accountable, or someone else as otherwise nominated by the General Manager, failing which, the Board.

This includes the review of, and understanding of this Policy, the Code of Conduct, the reporting of any suspected abuse (internal and external to Bayside Community Care) to an SC or the relevant state authority and/or Victoria Police.

Pursuant to section 16K of the Children Wellbeing and Safety Act 2005, the Bayside Community General Manager is required to ensure:

- a) Take a preventative approach to keeping children and vulnerable people safe
- b) Have systems in place to enable anyone to notify their concern or allegation of reportable conduct that may have occurred
- c) Have systems in place to allow other people to report to the CCYP if the reportable allegation concerns the Community Care General Manager
- d) Have investigation processes clearly defined and developed

The General Manager will ensure that child safety is a part of their overall risk management approach.

The General Manager or a nominated person, in their absence, is legally required to report to the CCYP within 3 business days of any allegation made against any representative of Bayside Community Care via the CCYP website.

After the initial report, the nominated person will conduct an investigation into the incident and provide the findings to the Community Care General Manager within the prescribed timeframes and guidelines of the CCYP.

At the conclusion of the investigation into a reportable allegation, the final investigation findings and any disciplinary action taken, or the reason no action was taken, needs to be submitted to the CCYP.

5.3 Bayside Community Care Safeguarding Contact

Bayside Community Care will appoint Safeguarding Contacts who will inform the President and the Board of any incidents in breach of this policy, code of conduct or any disclosure of any form of abuse in relation to Bayside Community Care representatives.

The SC will thoroughly investigate allegations of abuse and communicate any findings in accordance with the reportable conduct scheme as per the child wellbeing and safety amendment (oversight and enforcement of child safe standards) Act 2016. The SC will follow the investigation procedure as required by the CCYP.

All SCs must have a WWCC, have read and understood this Policy and the Code of Conduct, and have completed the training pertaining to safeguarding vulnerable people as well as any other specialized training as may be required from time to time.

The SCs must make themselves available for consultation with any Bayside Community Care representative relating to matters of safety and wellbeing.

In particular, the SC must inform the President of any allegations of “reportable conduct” against any person over 18 years of age who is an employee, volunteer, contractor, Board or member at Bayside Community Care. This includes:

- a) Sexual offenses (against, with or in the presence of, a child)
- b) Sexual misconduct (against, with or in the presence of, a child)
- c) Physical violence (against, with or in the presence of, a child)
- d) Behaviour that is likely to cause significant emotional or psychological harm
- e) Significant neglect.

5.4 Bayside Community Care representatives

All Bayside Community Care representatives (who work directly with vulnerable people) are responsible for:

- a) promoting safety at all times by assessing and controlling the immediate area they are working in to provide a safe environment for all, especially vulnerable people;
- b) reporting any reasonable belief that a person’s safety is at risk to the SC and relevant authorities and fulfilling their obligations to mandatory report if such a person is a child;
- c) providing an environment that is supportive of safety and empowers people to be actively involved in their own safety and wellbeing;
- d) obtaining a WWCC and reading and understanding this Policy and the Code of Conduct;
- e) completing any required training programs.

All representatives need to familiarize themselves with the Code of Conduct and confirm their understanding and willingness to abide by it.

5.5 Guests

Guests and carer/guardians of guests are to be advised of this Policy and/or have access to, or on request be provided with, this Policy and the Code of Conduct.

Regarding children: Children are the responsibility of the parents, guardians and carers. It is the expectation of Bayside Community Care that parents/guardians/carers take full responsibility for the continual supervision and safety of their children and are aware of their whereabouts whilst in attendance.

Any vulnerable person should not have access to areas in a building that may cause potential risks to their safety and wellbeing without consultation or supervision.

6. RECRUITMENT, SCREENING AND PREVENTATIVE PROCEDURES

6.1 Recruitment and screening

Bayside Community Care undertakes a comprehensive recruitment and screening process for all Bayside Community Care representatives in order to identify the safest and most suitable people who share Bayside Community Care's commitment to safety.

The screening process prevents any person from working as a Bayside Community Care representative who may pose a risk to vulnerable people.

The recruitment process will require all applications to complete an application form, provide references as per the application form and provide a valid WWCC.

Bayside Community Care will undertake a thorough reference check.

Once engaged, Bayside Community Care representatives must review and acknowledge their understanding of this Policy and undergo training modules relevant to their area.

6.2 Registered Sex Offenders

Registered sex offenders are not permitted to take part in any of Bayside Community Care programs, activities or events where children are present.

If a staff member or volunteer becomes aware of a registered sex offender attending Bayside Community Care events they will notify the SC or the Administration Manager immediately, providing as much of the following information as possible:

- Name
- Current address
- Contact phone number
- Program they are attending
- Leaders / other known points of contact

Once the notification is made, the Staff Member is not to contact, or remove the registered sex offender.

The Community Care General Manager will contact the registered sex offender and advise them that they are not to attend Bayside Community Care programs.

The General Manager may refer the registered sex offender to other services, providing that prior consent has been given by the proposed new program, before any referrals are given.

6.3 Person of Interest

A person shall become a 'person of interest' from a report received by the SC, or by observation from a member or representative.

Bayside Community Care will continue to observe the actions of the person.

Bayside Community Care shall implement measures to reduce the risk of harm, such as limiting a person's involvement as a volunteer, or which programs they attend.

Inappropriate behaviour will be addressed by the Bayside Community Care General Manager or Team Leaders. A full report will be provided to the SC with potential further steps. If there is any inappropriate behaviour or action that constitutes harm or a significant risk of harm, the concern shall be reported to the SC and President. (see Section 8).

The Bayside Community Care General Manager may exclude the Person of Concern from one or more Bayside Community Care activities and a written agreement to that effect is to be executed between the Bayside Community Care and the person of concern.

7. RAISING AND REPORTING REASONABLE GROUNDS FOR BELIEF OF ABUSE

7.1 Reasonable grounds for belief

Reasonable grounds for belief is a belief based on reasonable grounds that potential abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed.

Circumstances or considerations may include the source of the potential allegation and how it was communicated, the nature of and details of the potential allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) a vulnerable person is in need of protection;
- (b) a vulnerable person has suffered or is likely to suffer "significant harm as a result of physical, emotional, psychological, or spiritual abuse";
- (c) a guardian or carer is unable or unwilling to protect the vulnerable person.

A “reasonable belief” or a “belief on reasonable grounds” is not the same as having proof, but is more than mere rumour or speculation. A “reasonable belief” is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a “reasonable belief” might be formed if:

- (a) a vulnerable person states that they have been physically or sexually abused;
- (b) a vulnerable person states that they know someone who has been physically or sexually abused (sometimes the alleged victim may be talking about themselves);
- (c) someone who knows the person states that the person has been physically or sexually abused;
- (d) professional observations of the person’s behaviour or development leads a professional to form a belief that the person has been physically or sexually abused or is likely to be abused; and/or
- (e) Signs of abuse lead to a belief that the person has been physically or sexually abused.

7.2 Privacy and Confidentiality

All information regarding a representative or guest of Bayside Community Care is to be treated in a sensitive, respectful and confidential manner except where a person’s safety may be at risk. Confidentiality is limited if a child’s safety is at risk. However, where possible the identity of the reporter will be kept confidential. The information will be documented and will follow a formal reporting and investigation process. Information will only be disclosed to and sought from the relevant persons and authorities both internally and externally to enable a thorough investigation and appropriate action to be undertaken.

7.3 Managing a disclosure of abuse

In the event of a disclosure of abuse to an employee, volunteer or representative of Bayside Community Care, the following guidelines are to be followed:

- **It is a criminal offence if an adult fails to disclose child sexual abuse to police, and if an adult fails to protect a child under the age of 16 from the risk of sexual abuse. Any person that becomes aware of a situation of sexual and/or physical abuse of a child has a mandatory obligation to report.**
- **Importantly:** Throughout the process do not seek to gain any further information other than what is being disclosed as this may hinder the investigative process.
- Accept what the person says and tell them that you believe them.
- If a child is bringing a disclosure, tell the child that they are not to blame.

- Do not press for any further information and be aware not to ask any leading questions ie; how, when and where. Only ask “What has happened?”
- Reassure the person that it was good that they told you and that you have taken what they said seriously.
- In an age-appropriate manner let the person know that you will inform the appropriate people, who will help them.
- Do not make promises to the person, other than saying you will do your best to keep them safe.
- Do not leave the person in a distressed state. Stay with them until they are calm.
- As soon as possible after the disclosure, if possible, report the incident in the incident report book as well as transcribe the meeting including date and time. **DO NOT ADD ANY OF YOUR OWN WORDS.**
- Present this report to the SC and then work with the SC to report to the appropriate authorities.
- Some people with disabilities or special needs may experience difficulties in reporting an incident. Please be sensitive and request the aid of the Bayside Community General Manager or SC. In some cases, such as hearing impairment, an interpreter may be required.

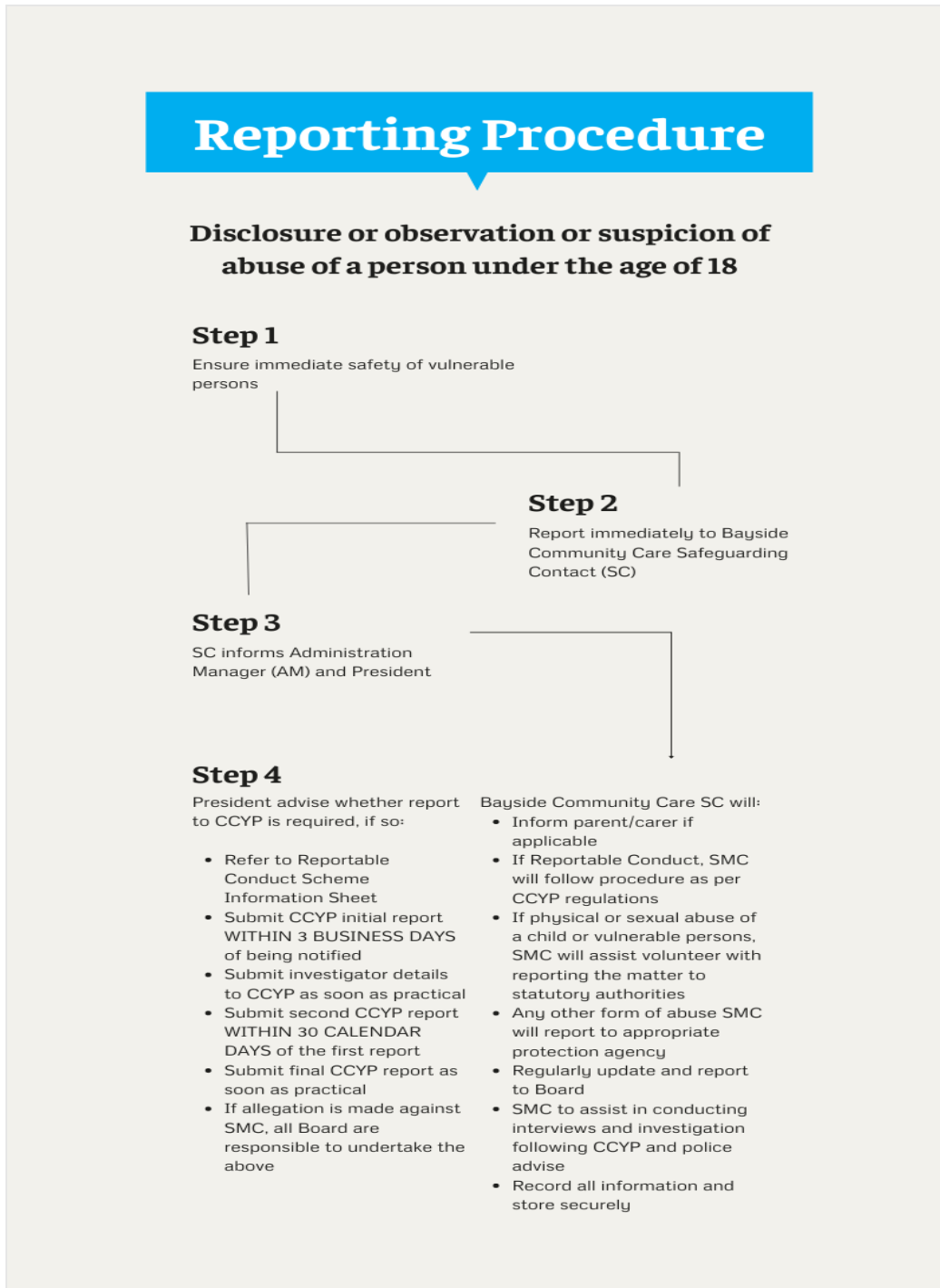
7.4 Managing a disclosure of abuse within the organisation

In the event a person makes a disclosure of abuse against an employee, contractor or volunteer of Bayside Community Care, the following guidelines are to be followed:

- Explain that Bayside Community Care has processes in place to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the alleged victim.
- Allow the person to talk through the incident in their own words.
- Advise that the conversation may be captured through notes/recording for further investigation.
- Explain that the information may need to be repeated to others and possibly to the authorities, such as the police.
- Do not make promises other than that you will do your best to keep the child/person safe.
- Provide them with an incident report form or complete it together.
- Provide all relevant information to the SC or Bayside Community Care General Manager.
- Be aware that for some people from diverse cultural backgrounds may have barriers reporting allegations of abuse. Please be sensitive and if needed request the aid of the Bayside Community Care General Manager.
- If an allegation involves an aboriginal child, you will need to ensure a culturally appropriate response. Please be sensitive and request the aid of the Bayside Community Care General Manager.

8. REPORTING PROCEDURES FOR OBSERVATIONS, SUSPICIONS AND COMPLAINTS, AND CONSEQUENCES FOR BREACH OF POLICY OR CODE OF CONDUCT

The following diagram illustrates the procedures to be followed for responding to observations, suspicions and complaints regarding inappropriate behaviour or possible abuse, to determine whether there are reasonable grounds for belief:



CODE OF CONDUCT

All employees, contractors, volunteers, representatives of Bayside Community Care are required to observe and comply with the following Code of Conduct when attending any Bayside Community Care event or program. These are to be strictly adhered to at all times.

DO:

- Adhere to the safeguarding vulnerable people policy
- Take all reasonable steps to prevent all forms of abuse or harm
- Treat everyone with respect, including listening to and valuing the opinions and ideas of others
- Welcome all people and make them feel included and accepted and promote friendships
- Respect cultural, religious and political differences and act in a culturally sensitive way
- Use positive and affirming language towards all people
- Comply with any guidelines that may exist on physical contact, specifically with vulnerable people
- Help provide a safe, supportive environment for all, especially children and vulnerable people
- Intervene when people are displaying inappropriate behaviour towards others
- Report any breaches of the Code of Conduct to the SC
- Report concerns about safety and protection to the SC and ensure that any legal obligations to report allegations are met
- Call the Police on 000 regarding any immediate concerns for a child's safety
- Respect the privacy of people and only disclose information to people who have a need to know

DO NOT:

- Seek to use vulnerable people to meet one's own personal needs
- Ignore or disregard any suspected or disclosed abuse
- Use prejudice, oppressive behaviour or inappropriate language
- Discriminate on the basis of age, gender, race, culture, vulnerability or sexuality
- Engage in open discussion or behaviour of an adult nature in the presence of children or vulnerable people
- Engage in any inappropriate or unnecessary physical contact including doing things of a personal nature that a person can do for themselves
- Engage in any form of physical violence or corporal punishment
- Engage in any form of behaviour that can potentially cause emotional or psychological harm
- Develop special relationships with vulnerable people that could be seen as favouritism or grooming
- Take photos or post photos online without consent of individual or parents, where applicable
- Exchange personal contact details with a vulnerable person without consultation or permission
- Have unauthorized contact with vulnerable people online or by phone
- Drive a child anywhere without written parental consent

Breach of this Code of Conduct may lead to disciplinary action, including and up to termination of employment or cessation of engagement with Bayside Community Care.