



SAFEGUARDING VULNERABLE PERSONS POLICY

Policy Number: G-12-06-2023	Version No: 1
Drafted by: Birchgrove Legal	Approved by BoG: 12-06-2023.
Responsible Person: BoG Chair	Scheduled review date: 05-2024

1. Purpose

- a. This policy commits Hampton Park Care Group Inc. (Hampton Park Community House) to establishing an effective system of safeguarding vulnerable persons.
- b. This policy is intended to:
 - i. help protect people that interact with, or are affected by, Hampton Park Community House (HPCH)
 - ii. define the key terms we use when talking about protecting people or safeguarding.
 - iii. set out and develop the way that HPCH manages safeguarding risks.
 - iv. set out the specific roles and responsibilities of persons working in and with HPCH.
 - v. facilitate the safe management of incidents; and
 - vi. support a positive and effective internal culture towards safeguarding.
 - vii. It applies in all environments in which HPCH operates including in Australia and Overseas.

2. Policy Statement

- a. HPCH is committed to providing high quality services and programs to our community.
- b. All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background, have equal rights to protection from abuse, neglect, or exploitation.
- c. HPCH commits to promoting and protecting the welfare and human rights of people that interact with, or are affected by, our work –particularly those that may be at risk of abuse, neglect, or exploitation.
- d. HPCH has a no tolerance for abuse, neglect, or exploitation.
- e. HPCH will take a survivor-centric approach in all that we do.
- f. All staff, volunteers, partners and third parties of HPCH share responsibility for protecting everyone from abuse, neglect, or exploitation, and beyond this, particular people have specific responsibilities, and they must carry out their duties without exception.
- g. HPCH has a process for managing incidents that must be followed when one arises.





3. Definitions

- a. **Safeguarding** means protecting the welfare and human rights of people that interact with, or are affected by, HPCH, particularly those that might be at risk of abuse, neglect, or exploitation, and this refers to any responsibility or measure undertaken to protect a person from harm.
- b. **Abuse, neglect, or exploitation** means all forms of physical and mental abuse, exploitation, coercion, or ill-treatment, and this might include, for example:
 - i. sexual harassment, bullying or abuse.
 - ii. sexual criminal offences and serious sexual criminal offences.
 - iii. threats of, or actual violence, verbal, emotional or social abuse.
 - iv. cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime.
 - v. coercion and exploitation; and
 - vi. abuse of power.
- c. **Reasonable grounds to suspect**, is a situation where a person has some information that leads them to believe that abuse, neglect, or exploitation has taken place, is taking place, or may take place, it comes with a low burden of proof but is based on some information, and questions that may help a person to determine whether they have 'reasonable grounds to suspect' might include:
 - i. 'Could you explain to another person why you suspect something?' (this helps to make sure that your suspicion is based on information, even if you have no proof); and
 - ii. 'Would an objective other person, with the same information as you, come to the same conclusion?' (this helps to make sure that your suspicion is as objective as possible).
- d. **Survivor-centric approach** means considering and lawfully prioritising the needs, rights and wishes of survivors.

4. Scope

This policy applies to the Board of Governance (approved provider), persons with management or control, nominated supervisors, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Hampton Park Community House, including during offsite excursions and activities and all environments where HPCH operate..

5. Roles and responsibilities

- a. While the responsibility to protect people is shared by all who work at or with HPCH, some individuals have specific obligations with which they must comply.
- b. **The HPCH Board of Governance is responsible for:**
 - i. protecting all people that interact with, or are affected by, HPCH.
 - ii. ensuring that there are appropriate and effective ways for HPCH to do this.
 - iii. ensuring that HPCH observes all relevant laws relating to safeguarding; and
 - iv. ensuring that HPCH takes a survivor-centric approach.
- c. **The Chairperson must:**
 - i. ensure that HPCH has effective and appropriate ways to manage safeguarding and legal compliance.
 - ii. ensure that all staff, contractors and volunteers are aware of relevant laws, policies and procedures, and HPCH's code of conduct.
 - iii. ensure that, within the charity's approach, reasonable steps are taken to protect people; and





- iv. ensure that reported to external parties are made where required.
- d. **The Associations Board Secretary must:**
 - i. manage reports of abuse, neglect or exploitation.
 - ii. ensure that all staff, contractors, and volunteers are aware of relevant laws, policies, and procedures, and HPCH's Code of Conduct.
 - iii. ensure that all staff, contractors, and volunteers are aware of their obligations to report suspected incidents of abuse, neglect, or exploitation.
 - iv. manage reports of abuse, neglect, or exploitation; and
 - v. provide support for staff, contractors, and volunteers in undertaking their responsibilities.
- e. **All Domain Area Managers and Nominated Supervisors of HPCH must:**
 - i. promote a positive culture towards safeguarding.
 - ii. implement this policy in their area of responsibility.
 - iii. ensure that the risks of incidents have been considered in their area of responsibility.
 - iv. ensure that there are appropriate controls in place to prevent, detect and respond to incidents.
 - v. facilitate the reporting of any suspected abuse, neglect or exploitation; and
 - vi. take a survivor-centric approach to potential incidents and ensure that any incident is dealt with transparently and accountably.
- f. **All Staff and Volunteers of HPCH must:**
 - i. familiarise themselves with the relevant laws, the Code of Conduct, policies, and procedures for safeguarding.
 - ii. comply with all requirements.
 - iii. report any incident to the appropriate authority when it is reasonable to suspect that a person's safety or welfare is at risk.
 - iv. report any suspicion that a person's safety or welfare may be at risk to the appropriate authority; and
 - v. provide an environment that is supportive of everyone's emotional and physical safety.
 - vi. HPCH's arrangements for monitoring its arrangements with partners and third parties include:
 - vii. relevant provisions of this policy and relevant HPCH procedures in partner agreements and third-party contracts; and
 - viii. requirements for partners and third-party contractor staff to report any suspicion that an incident may have taken place, is taking place, or could take place.

6. Managing and Safeguarding Risks

(a) The way that HPCH manages the risks of safeguarding will be:

- i. holistic – HPCH and its stakeholders will work to prevent, detect and take action on incidents.
- ii. risk-based and proportionate – HPCH will regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.
- iii. survivor-centric – HPCH will put survivors at the heart of its approach to safeguarding; and
- iv. lawful – HPCH will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.





(b) HPCH will manage the risk of safeguarding by:

- i. having up-to-date and documented risk assessments.
- ii. maintaining a register of HPCH's legal obligations for safeguarding and workplace health and safety in all the jurisdictions in which it operates.
- iii. having an action plan that sets out how it will manage safeguarding.
- iv. adhering to this safeguarding policy and its code of conduct.
- v. doing due diligence checks of staff, volunteers and third parties.
- vi. implementing policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents.
- vii. conducting awareness-raising for stakeholders on risks, expectations, and individual responsibilities.
- viii. maintaining two reporting processes: the confidential reporting process, and the overt reporting process.
- ix. having an incident response plan; and
- x. monitoring and reviewing the effectiveness and proportionality of its safeguarding approach.

7. Managing incidents

7.1 Reserved rights

Harassment, abuse, neglect, and exploitation are all serious misconduct and HPCH's reserves the right to:

- a) take disciplinary action against those it believes are responsible, which may include dismissal.
- b) take civil legal action; and
- c) report the matter to law enforcement.

7.2 Reporting suspected incidents

- a. All staff, volunteers and third parties must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place.
- b. They may do this through direct reporting to:
 - I. Any member of the board
 - II. The Chair
 - III. The Secretary
 - IV. Their Domain Area Manager or Supervisor.
 - V. The HPCH Emergency & Risk Management Committee
- c. If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.





7.3 Responding to Suspected Incidents

All suspected, perceived, potential or actual incidents will be managed through the incident response plan.

7.4 External Reporting

HPCH will:

- a. report any suspicion of a criminal offence to the police or the relevant criminal judicial body
- b. meet all donor or funder requirements regarding the reporting of incidents; and
- c. report any qualifying matter to the Australian Charities and Not-for-profits Commission.

8. Privacy and protection data

- a. HPCH will protect all personal information considered or recorded.
- b. HPCH will respect the privacy of the individuals involved unless there is a risk to someone's safety.

9. Background and Legislation

As an Australian charity and community development organisation HPCH is dedicated to enhancing the well-being and safety of vulnerable persons. Vulnerable people are defined as a people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation.

While all people must be protected from harm, there are additional legislative and ethical considerations for protecting vulnerable people. Vulnerable people can include:

- children and seniors
- people with impaired intellectual or physical functioning
- people from a low socio-economic background
- people who are Aboriginal or Torres Strait Islanders
- people who are not native speakers of the local language
- people with low levels of literacy or education
- people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.





Our mission is to foster inclusivity, provide support, and champion the rights of these groups, ensuring they live with dignity and equality.

9.1 Legislation and Standards

HPCH operates in strict adherence to Australian legislation concerning the safeguarding of all vulnerable persons. We comply with relevant legislation and standards, including but not limited to the following:

- Charter of Human Rights and Responsibilities Act 2006 (Vic);
- Disability Act 2006 (Vic)
- Disability Discrimination Act 1992 (Cth);
- Education and Care Services National Law Act 2010;
- Equal Opportunity Act 2010 (Vic);
- Family Violence Protection Act 2008 (Vic)
- Human Rights and Equal Opportunities Commission Act 1996 (Cth);
- Mental Health Act 2014 (Vic)
- Occupational Health and Safety Act 2004;
- Racial and Religious Tolerance Act 2001 (Vic);
- Racial Discrimination Act 1984 (Cth);
- Sex Discrimination Act 1984 (Cth).
- Working with Children Act 2005 (Vic):
- Child Safe Standards (Victoria)
- Education and Care Services National Regulations 2011 including Regulations 97, 98, 168(2)(e)
- National Quality Standard, including Quality Area 2: Children's Health and Safety

10. Sources and Related policies

10.1 Sources

[Victorian anti-discrimination law – Fitzroy Legal Service \(fls.org.au\)](http://fls.org.au)

[Vulnerable people | ACNC](http://acnc.gov.au)

10.2 Related Policies

- Governance and Management
- Risk Management
- Child Safe Environment and Wellbeing
- Privacy and confidentiality
- Incident, Injury, Trauma and Illness
- Incident, Injury, Trauma and Illness
- Occupational Health and Safety
- Staffing





11. Evaluation

To assess whether the values and purposes of the policy have been achieved, the Board will:

- review the policy to determine whether it adequately addresses a range of potential emergency situations
- regularly seek feedback from everyone affected by the policy regarding its effectiveness particularly following an emergency
- review procedures, including evacuation procedures, to determine their effectiveness, including timing and processes

Authorisations:

Signature BoG Chair:

Date: 12-06-2023

