



Ryder-Cheshire Australia

Child and Vulnerable Person's Protection Policy 2019

Date passed	Next Review
7.11.19	2024

INTRODUCTION:

Ryder-Cheshire Australia (RCA) has a zero tolerance approach to exploitation or abuse of children and vulnerable people and recognizes that it is the shared responsibility of all adults to work together to prevent this. All programs funded by RCA are required to uphold this. This includes all Australian and overseas volunteers, contractors, locally engaged staff and locally engaged contractors (personnel). This policy upholds the The United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of People with Disabilities (CRPD). Australia is a signatory to both conventions.

SCOPE OF THIS POLICY:

This policy covers all representatives, including anyone engaged to undertake work for the organisation, whether in Australia or abroad regardless of laws relating to children and vulnerable people in the country of work. All representatives must comply with this RCA policy and the RCA Codes of Conduct and RCA Use of Images. This includes volunteers who are from overseas but who are processed through RCA.

PURPOSE OF THIS POLICY:

- To demonstrate RCA's commitment to the welfare, safety and protection of all children, vulnerable people, staff and residents at our Centres in Australia, East Timor and India. This includes patients, families, volunteers, supporters and the community in general;
- To provide a framework for managing and reducing risks of child abuse and abuse of vulnerable people by persons engaged in activities under the auspices of RCA;
- To provide all RCA and RCF Board Members, volunteers and participants and partners in Australia and overseas with the standards that we expect in their dealings with children and vulnerable people;
- To ensure that all participants are alert to the risks of abuse and exploitation of children and vulnerable people and give them tools to seek guidance and know the steps to be taken to respond appropriately if necessary;
- To provide a caring, open and aware environment for children and vulnerable people to grow and thrive.

RESPONSIBILITIES UNDER THIS POLICY:

RCA's commitment to protection of a child or a vulnerable person is informed by the following principles:

Recognising the rights of the child or a vulnerable person: The United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of People with Disabilities (CRPD) forms the basis of RCA's approach in making decisions in safeguarding and protecting a child or a vulnerable person at all times.

RCA recognises that it has a duty of care to ensure all children and vulnerable people, especially those in its care, are safe from harm and all risks are minimal.

RCA also recognises that vulnerable people should have full enjoyment of all human rights and fundamental freedoms on an equal basis.

RCA does not tolerate any form of abuse or exploitation of a child or a vulnerable person under any circumstances: All children and vulnerable people have the right to:

- be kept safe from harm at all times;
- be treated in a non-discriminatory way;
- participate in discussions and decisions regarding their wellbeing and safety.

Safeguarding, protecting and risk management: Understanding that the work that we do is associated with risks, RCA believes that:

- it is the responsibility of all personnel to maintain vigilance and to promote the best outcomes for every child and vulnerable person;
- all personnel must be committed to identifying and minimizing preventable risks and mitigating the impacts of unavoidable risks as they arise.

ABBREVIATIONS USED IN THIS POLICY:

RCA - Ryder-Cheshire Australia - The National Body

RCF - Ryder Cheshire Foundations - State bodies are called "Foundations"

"This Policy" refers to "**Ryder-Cheshire Australia - Child and Vulnerable Person's Protection Policy 2019**"

DEFINITIONS:

Child - In accordance with the United National Conventions on the Rights of the Child, RCA defines a child as any person under the age of 18, regardless of local laws and other definitions. Notwithstanding this definition, RCA has additional obligations where local laws apply a higher adult threshold.

Vulnerable Person - RCA defines a vulnerable person as someone who has a mental or psychiatric disability, physical, sensory (ie, deaf) or intellectual disability. RCA recognises, as stated in the United

Nations Convention on the Rights of People with Disabilities (CRPD), that disability is an evolving concept resulting from the interaction between persons with impairments and attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis with others.

Protection - describes the responsibilities and initiatives undertaken to protect children and vulnerable people from any form of harm, abuse or maltreatment.

Abuse - can be any physical, emotional, sexual abuse or neglect that results in harm to a child or a vulnerable person and can include:

- **Bullying** – the inappropriate use of power of an individual with the intent to injure either physically or emotionally. Bullying may be physical or psychological (verbal or non-verbal) and is generally deliberate and repetitive.
- **Physical abuse** - the use of a physical force against a child or vulnerable person resulting in harm. This includes hitting, slapping, shaking, throwing, punching, kicking and any other action which causes hurt or injury.
- **Emotional or psychological abuse** occurs when a child or vulnerable person is repeatedly rejected and/or intimidated through verbal and non-verbal means. It includes the failure over time to provide a child with adequate non-physical nurture and emotional availability. This may involve insults, taunts, threats and ridicule, or continual coldness from parent or caregiver to the extent that it affects the child or vulnerable person's self-esteem, physical, social and emotional growth.
- **Sexual abuse** - the use of a child or vulnerable person by an adult, significantly older child or adolescent for sexual activity or gratification. That coercive power can be physical, verbal or emotional. Sexual abuse is prohibited regardless of age and neither mistaken belief in the age of a child nor consent amounts to an excuse or defence in such situations. It can include fondling genitals or breasts, masturbation, any form of penetration, voyeurism, exhibitionism and exposing the child or vulnerable person to, or involving them in, pornography.
- **Grooming** – relates to predatory behaviour undertaken to make it easier for an offender to procure a child or vulnerable person for sexual activity at a later time. Grooming behaviour is where an adult or older adolescent communicates, by words or conduct (ie exposing them to pornography), with the intention of facilitating the child's involvement in sexual activity at a later time either with the groomer or another adult.
- **Ill-treatment** is unreasonably disciplining or correcting a child or vulnerable person, in a seriously inappropriate or improper manner; making excessive and/or degrading demands, using hostile force and using unreasonable and inappropriate degrading comments or behaviour towards a child or vulnerable person.
- **Neglect** is the persistent failure or the deliberate denial to provide the child or vulnerable person (where they are in a position to do so) with conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. This includes providing clean water, food, shelter, sanitation, supervision or care to the extent that the child's or vulnerable person's health and development are placed at risk.

Exploitation is described as committing or coercing another person to commit an act or acts of abuse against a child or vulnerable person; possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material; committing or coercing another person to commit an act or acts of grooming or online grooming; using a minor for profit, labour, sexual gratification or some other personal or financial advantage.

Criminal Record check is a check of an individual's criminal history. In Australia these are available through state and territory police departments.

Personnel are people either employed by an organisation, engaged by an organisation on a subcontract basis or engaged by an organisation on a voluntary or unpaid basis. Personnel can include paid staff, volunteers, service groups, students, teachers or board members. Personnel also includes volunteers who are from overseas who are processed through RCA.

Unacceptable risk is the portion of an identified risk that cannot be tolerated and must be either eliminated or controlled.

Working with Children and Vulnerable People means being engaged in an activity with a child or a vulnerable person where contact would reasonably be expected as a normal part of the activity. Working includes volunteering and other unpaid works.

CONTEXT OF THIS POLICY:

RCA sends and supports volunteers to two partner centres, one in Timor-Leste and another in India. This includes volunteers who are from overseas but who are processed through RCA. We also accept and support students and their lecturers/teachers to fulfil university requirements. RCA supports a centre in Victoria and gives ongoing funding to centres in Mt Gambier but does not provide staff or volunteers to either of these centres. This includes volunteers who are from overseas but who are processed through RCA.

Volunteers often work in roles which require them to work directly with children. Most volunteers are between the ages of 18 and 79. A very few are under 18 or over 80. Volunteers can be self-funded individuals or groups, generally groups come from Service Clubs.

Occasionally RCA accepts volunteers who are accompanied by their own children. Volunteers generally live in volunteer cottages in the grounds of the overseas centres. Under these circumstances there may be children present in the Volunteer quarters. Children are present in the wider grounds of both centres.

Students often do part of the practical work required for their courses at our overseas centres. Some are from the local community and some from Australian schools and universities. They are generally accompanied by at least one lecturer or teacher.

RISK MANAGEMENT AND IMPLEMENTING THIS POLICY:

Within Australia

Based on activities run by RCA and RCF groups, where members/supporters do not have direct one-to-one dealings with children and vulnerable people on an on-going basis, it is not necessary for RCA/RCF members to obtain a Criminal Check. However, RCA has developed a set of "Guidelines on Interacting with Children at Ryder-Cheshire Fundraising Functions & Other Activities (2012)" (Appendix 1) for use during fundraising activities. This will be given to every new member to read when they join RCA or and RCF as part of this Policy.

Where RCA or RCF representatives are working with children and vulnerable people within Australia the guidelines below, "Implementing RCA's Policy" – "Overseas", will be followed.

Overseas

RCA supports Centres - Klibur Domin in Timor-Leste and Raphael in India. All personnel in these centres, must sign the codes encompassed in this Policy or corresponding Policies and Codes from the centres themselves. Overnight visitors to both centres are also asked to sign these documents.

EDUCATION AND TRAINING:

Educating participants on the protection of a child or a vulnerable person:

RCA is committed to educating all RCA representatives and personnel on the principles of protection, appropriate behaviour and their obligations regarding the reporting of abuse of children and vulnerable people. This policy and accompanying codes make up part of a participant's induction and will be provided to all participants within their first month.

As RCA does not deal directly with children or vulnerable people no staff training for these personnel is necessary.

Volunteers, including those who are from overseas but who are processed through RCA, and visitors going to our centres require training. As volunteers do not necessarily go in groups, education will not take the form of training days but will be done on an individual basis. Notation will be made on the volunteer's file that they have been spoken to about this Policy and the implications of these documents prior to signing them.

Specific steps related to mitigating risk in matters of child protection and protection of a vulnerable person include:

- providing every volunteer, student, teacher/lecturer and representative with a copy of this policy;
- making direct contact with the participant to discuss the issues related to children and vulnerable people;
- ensuring that all personnel, if working directly with children and vulnerable people, have signed that they have read this policy and are willing to abide by the principles and requirements therein;

- obtaining criminal record checks for all personnel who will be working directly with children and vulnerable people;
- obtaining criminal checks from each country where personnel have worked overseas for one year or more over the past 5 years or getting a statutory declaration stating that they have no criminal convictions in that country;
- obtaining two verbal or written references for each volunteer. Universities and schools will be responsible for ensuring that they have a good knowledge of the students they provide to the centres;
- ensuring that Volunteers who are travelling with children who are minors can clearly state that they have been through these policies with their minor and can vouch that the minor has clearly understood the need to follow these codes and procedures and the implications of not following them;
- endeavouring to keep personnel abreast of the latest standards in protection for children and vulnerable people and ensuring that updated information is provided to everyone;
- continuing to work collaboratively with partner organisations to monitor, support and report regarding all matters in relation to safeguarding children and vulnerable people;
- requiring partner organisations to hold staff development days which include discussions on this policy as necessary. Partner organisations will be asked to supply RCA with a copy of their training dates and materials and to keep a record of attendances;
- requiring universities and schools to take responsibility for ensuring that a training session has been conducted with the students prior to attending the centre. A copy of this Policy will be sent to the leader of any group going to our partner centres.
- ensuring personnel undertake a child protection risk assessment for all programs and activities that may have contact with children and vulnerable people. The assessment will identify risks, classify high risk activities and document steps taken to reduce or remove these risks. Child Protection Risk Assessments should be undertaken at the program's design and proposal stage and at all reporting intervals;
- the publishing of this Policy on the RCA website;
- the translation of this Policy into local language to ensure accessibility for all personnel;
- ensuring that personnel are aware that non-compliance with this Policy may lead to the participant being asked to leave.

REPORTING PROCEDURES:

While working in Australia or overseas personnel may observe incidents where children and vulnerable people are at risk or are harmed. Personnel may have suspicions or disclosures of abuse or exploitation of a child or a vulnerable person.

Personnel must follow the procedures below if they have formed a reasonable belief that a child or a vulnerable person has been harmed or is at potential risk of harm.

It is mandatory for any personnel to report concern or allegations of abuse of a child or a vulnerable person by any person connected to RCA or to our partner centres.

Complaints regarding protection, or the taking of, and, use of images of a child or a vulnerable person should be made to one of the following:

- RCA National President ;
- CEO of that centre or his/her delegate;
- Overseas Volunteers' Co-ordinator.

Students should report any suspicions or disclosures to their attending lecturer/teacher who will be responsible for reporting this on to one of those mentioned above. If there are no attending personnel the student should report to the CEO of the centre.

Personnel should be reassured that there will be no action taken against those who report, in good faith, information indicating a breach of this Policy.

Concerns which must be reported immediately include:

- any disclosure or allegation by a child or vulnerable person that he/ she has been harmed or has fears of being harmed by any personnel;
- concerns expressed by another person about any personnel;
- any observation or reasonable concern of inappropriate behaviour by any personnel which breaches This Policy.
- inappropriate use of any photography taken of any child or vulnerable person;
- use of any computer equipment for the purposes of child pornography or of pornography of a vulnerable person;
- suspicious behaviour of any personnel in regard to sexual exploitation, trafficking or abuse of children or a vulnerable person.

Prudence should be used when reporting incidents to local authorities who may not have sufficient child protection services and may not be able to protect the child or vulnerable person in question.

All reports will be treated seriously and will be viewed as being in the best interests of the child or vulnerable person regardless of the outcome of any investigation.

The report should be made as soon as possible after becoming aware of the incident or risk.

There should also be an awareness that children and vulnerable people do not always understand that they are being violated and may not be able to do anything about it.

Strategies for responding to children or vulnerable people if they disclose:

- try to keep calm and give your full attention;
- listen, do not ask leading questions;
- let the child or vulnerable person take his or her time to tell what happened;
- reassure them that it is the right thing to tell;
- let them use their own words;
- don't make promises you can't keep;
- let them know what you will do next;

- if the child or vulnerable person is injured, seek medical attention;
- do not examine them unless you are a parent or a medical practitioner;
- don't confront the person who has allegedly abused them (this can endanger the person who reports, the child or the vulnerable person themselves).

ACTION TO BE TAKEN IN RESPONSE TO REPORTING OF AN INCIDENT:

Once a report of an incident has been received, an assessment of the incident will be made and then appropriate action will be taken.

While RCA and its partners cannot foresee risks and incidents that are the result of actions by members of the public, RCA and the Centres will respond to these by providing support and advice where necessary, including reporting such events to relevant authorities or support services when appropriate.

Action taken will include:

- an interview with the person making the report to establish what they believe happened;
- an interview with the alleged offender;
- an interview in the presence of both the alleged victim and their parent/guardian;
- where necessary, consulting and reporting to a local and/or national authority;
- the alleged offender possibly being disciplined and moved to another section of the centre, or put on temporary leave before a final decision;
- the possible dismissal of the alleged offender after an investigation.

Confidentiality

RCA will ensure that any concern raised is handled according to the principles of confidentiality, safety, impartiality, thoroughness and accuracy.

All complaints and reports, names of people involved (including those who make the allegation and the alleged offender) or suspicions which have been raised, will be handled in the strictest of confidence. Details will only be released on a "need to know" basis.

The person to whom the allegation is made will use his/her discretion to seek advice from another staff member or Director before deciding how to proceed.

REVIEW OF THIS POLICY:

RCA will review this policy every 5 years, earlier if needed. The National President will be responsible for this process and will engage staff and other stakeholders as necessary.

REFERENCES:

- United Nations Convention on the Rights of the Child (UNCRC)
- United Nations Convention on the Rights of People with Disabilities (CFPD) (Vulnerable People). <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>
- ACFID Code of Conduct
- DFAT Code of Conduct

Appendix 1:

<p style="text-align: center;">Ryder-Cheshire Australia Guidelines on Interacting with Children and Vulnerable People at Fundraising Functions or Other Activities - 2019</p>
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- Avoid physical contact with children and vulnerable people unless there is a legitimate reason for such contact, ie, the child's own safety and welfare (eg, administering first aid, removing a child or vulnerable person from impending danger, supporting a child with a disability). If you need to have contact, where possible ensure that you keep a clear distance between you and the child or vulnerable person and only touch them on the shoulder that is closest to you.
- Use non-invasive physical greetings commonly accepted in the community only if this is initiated by the child or vulnerable person (eg. shake hands, high five with hands). Children or people with an intellectual disability may attempt to initiate more intimate greetings such as hugging, sensitively discourage this by comments such as "we don't know each other very well, how about we shake hands".
- Never use physical force or restraint on a child or vulnerable person unless this is necessary for the immediate safety or to prevent immediate physical harm to them or others. Physical force or restraint should only be to the extent necessary to prevent serious harm from occurring. If confronted with a situation of an older child or adult threatening to harm others or wielding a weapon, seek immediate assistance (from Security or Police) rather than attempt to disarm that person.
- Never use corporal punishment of any kind as a method of discipline or behaviour management with any child or vulnerable person.
- Ensure that you are not alone with a child, group of children or vulnerable people in any location where you are not in visual contact by another adult, unless there is a legitimate reason for doing so for that person's own safety and welfare. First Aid should be administered in the presence of another adult (preferably one known to that person), unless it is an emergency and the delay in getting another adult would jeopardize their safety. If you are the only adult in a shop or on a stall when a child, children or a vulnerable person walks in, it is advisable to call another person to the area if possible.
- Ensure that you are never alone with a child or a vulnerable person in a room with the door closed unless that room has a glass wall allowing visual contact by another adult.
- Never remove an item of clothing from a child or a vulnerable person's body unless this is necessary for their immediate safety to prevent serious harm (eg - to administer emergency first aid).
- Avoid swearing and any language that is derogatory towards others.

Ryder-Cheshire Australia
Code of Conduct for Children and Vulnerable People (2019)

I, _____ volunteering with Ryder-Cheshire Australia, agree that I will:

- treat children and vulnerable people with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- not use language or behaviour towards children and vulnerable people that is inappropriate, harassing, abusive, sexually provocative, shaming, demeaning or culturally inappropriate;
- not engage children under 18 and vulnerable people in any form of sexual intercourse or sexual activity, including paying for sexual services or acts, where under the law(s) applicable to the child (including Part IIIA of the Australian Crimes Act 1914 (Cwlth) as amended), the child is below the age of consent or the act(s) are an offence under relevant laws (where the child is 16 years or older and the other party is not more than 2 years older; and it can be established that the child consented to the relationship, an exception can be recorded on the personnel file); wherever possible, ensure that another adult is present when working in the proximity of children and vulnerable people;
- not invite unaccompanied children and vulnerable people into my residence, unless they are at immediate risk of injury or in physical danger;
- not sleep close to unsupervised children or vulnerable people unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensuring that another adult is present if possible (noting that this does not apply to an individual's own children);
- not use any computers, mobile phones, video cameras, cameras, social media or other medium inappropriately and never to exploit or harass children and vulnerable people;
- refrain from physical or humiliating punishment or discipline of children and vulnerable people (noting that this does not apply to an individual's own children);
- refrain from hiring children for domestic or other labour which is inappropriate to their age or developmental stage or which interferes with their available time for education and recreational activities or puts them a significant risk of injury;
- comply with all relevant Australian and local legislation, including labour laws in relation to child labour and vulnerable people;

Name: (Please Print) _____

Signed: _____

Dated: _____

Witness Name: _____

Witness Signature: _____

Dated: _____

Ryder-Cheshire Australia
Code of Conduct for Children and Vulnerable People (2019)

- immediately report concerns or allegations of exploitation, abuse or policy non-compliance in accordance with appropriate procedures;
- be aware of behaviour and avoid actions or behaviours that could be perceived by others as exploitation or abuse keeping in mind that these behaviours are not intended to interfere with normal well-functioning family interactions.
- immediately disclose all charges, convictions and other outcomes of an offence that relates to exploitation and abuse of a child or vulnerable person, including those under traditional law, which occurred before or during association with RCA.

I acknowledge that I have read and understood the RCA Child and Vulnerable Person's Protection Policy and Code of Conduct for Working and Contact with Children.

I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as child abuse, or abuse of a vulnerable person while volunteering for Ryder-Cheshire Australia.

I understand that any breach of the Code of Conduct may result in the termination of my position and prosecution by the relevant authorities.

Name: (Please Print) _____

Signed: _____

Dated: _____

Witness Name: _____

Witness Signature: _____

Dated: _____

**Ryder-Cheshire Australia
Use of Images (2019)**

When photographing or filming a child or vulnerable people, I _____, must:

- adhere to local traditions or restrictions for reproducing personal images before photographing or filming a child or a vulnerable person;
- obtain informed consent from the child, parent or guardian of the child or vulnerable person before photographing or filming to ensure that they are happy to be photographed, recorded or filmed;
- explain how the photograph or film may be/will be used;
- ensure that photographs, films, videos and DVDs present children and vulnerable people in a dignified and respectful manner and not in a vulnerable or submissive manner;
- ensure that children and vulnerable people are be adequately clothed and not in poses that could be seen as sexually suggestive;
- ensure images are honest representations of the context and the facts;
- ensure file labels, meta data or text descriptions do not reveal identifying information about a child or vulnerable person when sending images electronically or publishing images in any form.

I understand that when I give photographs, films, videos and DVDs to Ryder-Cheshire Australia for use on the net or in brochures, before they use them, RCA will ensure that permission has been given by the Directors of the centres to use these items.

I acknowledge that I have read and understood RCA Use of Images (2019).

I understand that any breach of the Use of Images (2019) may result in the termination of my position and possible prosecution by the relevant authorities.

Name: (Please Print) _____

Signed: _____

Dated: _____

Witness Name: _____

Witness Signature: _____

Dated: _____

