

Policy & Procedure 8 – Vulnerable People

Relates to legislation:	Working with Vulnerable People (Background Checking) Act 2011 Children and Young People Act 2008 Human Rights Act 2004 Work Health Safety Act 2011 Crimes Act 1900 Privacy Act 1988 (Cth)
Applicable to:	Learners, employers, community, industry, the Australian Skills Quality Authority, Skills Canberra, Training Services NSW and the ACT Training Fund Authority. Global Energy Training Solutions management, trainers/assessors, administration staff, contractors, volunteers and visitors. All activities authorised by or under the control of our technical college including those undertaken at the premises or away from the premises.
Referenced documents:	Policy & Procedure 12 – Complaints & Appeals
Monitor and review:	In accordance with: Policy & Procedure 18 – Quality Management
Responsibility:	Ben Murphy – as Proprietor / Chief Executive
Questions/queries:	administration@gets.edu.au (+61) 02 6262 0077

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1. Policy Objective

To;

- provide a safe and secure environment for all learners and staff and in particular for children and vulnerable adults.
- ensure all Trainers/Assessors, Tutors, Administration and Management staff apply for and maintain a Working With Vulnerable People (Background Checking) registration in compliance with ACT Government and relevant legislation.
- implement a risk based approach when engaging with a child and vulnerable adults.
- outline the appropriate response in regards to witnessed/suspected abuse and the requirements of mandatory reporting guidelines.

2. Policy

Overview

We:

- aim to create an environment of trust, openness, communication and support.
- seek to foster healthy relationships, in which each person is valued and supported.
- recognise that our Trainers/Assessors, Tutors, Administration and Management staff operate in relationships of trust which gives them power or influence over the learners.
- recognises that some learners are more vulnerable due to their personal circumstances and that other learners may seek to take advantage of this by exerting pressure or power over the vulnerable person.

Definitions

A vulnerable person is;

- a child (any person under the age of 18).
- an adult who is disadvantaged including:
 - an adult with a physical or mental disability
 - an adult who suffers social or financial hardship
 - an adult who cannot communicate, or who has difficulty communicating, in English

Reference 2.7 *Working with Vulnerable People (Background Checking) Act 2011*

Regulated activity includes:

- Coaching and tuition
- Vocational and educational training

Reference 2.8, 1.21, 1.22. *Working with Vulnerable People (Background Checking) Act 2011*

Registration requirements for our staff

In order to minimise the risk of abuse to vulnerable persons in their dealings with us, we require all Trainers/Assessors, Tutors, Administration and Management staff;

- to apply for registration (to the ACT Government) to work with Vulnerable People in the ACT.
- maintain registration for the duration of their employment or engagement with us.
- To ensure staff either store their registered card on the premises or carry it on them while they are on the premises or engaging in any activity where they are interacting with learners enrolled at our technical college.

Legal and ethical responsibilities

We have high expectations that all persons will treat others with fairness, dignity and respect in accordance with: Policy & Procedure 7 – Access, Equity & Diversity.

In addition to this all Trainers/Assessors, Tutors, Administration and Management staff must;

- pay special attention to the needs of Vulnerable People that attend our college.
- determine acceptable and unacceptable behaviour in regards to the Vulnerable Person.
- determine the need for additional protection of the Vulnerable Person.
- ensure the highest standard of conduct is maintained at all times.
- ensure that all visitors to the technical college are supervised by staff whilst on the premises
- ensure that other learners do not exert power or influence over other learners.
- ensure reporting and escalating requirements are carried out effectively and efficiently.

3. Procedures

Reporting and escalating

Documented reporting and escalation procedures in accordance with:

- Policy & Procedure 12 – Complaints and Appeals, or
- Section 356 Children and Young People Act 2008
- Human Rights Act 2004
- Work Health Safety Act 2011
- Crimes Act 1900

Responding to allegations of violence and/or abuse

- Any form of violence or abuse by one person against another is unacceptable.
- The safety and well-being of learners and others is our priority and we recognise the potential for immediate and long-term negative impacts of violence and abuse in all its forms.
- Our workers, volunteers and others are responsible for responding appropriately and promptly when allegations or suspicions of violence and/or abuse are raised in the course of providing activities and services.
- We seek to promote safety for apprentices in the broader community. An important part of the work that we do is to support apprentices to understand their rights, feel valued, worthy, and recognise inappropriate (including abusive) behaviour both towards them and by them.

Reasonable grounds to act

There are reasonable grounds to act when:

- A person tells us they have been intentionally physically injured, sexually assaulted, experienced emotional abuse or experienced neglect.
- Someone else tells us that a person has been intentionally physically injured, sexually assaulted, experienced emotional abuse or experienced neglect.
- Our observation of the person's physical or mental condition/behaviour leads us to believe that the person has been intentionally physically injured, sexually assaulted, experienced emotional abuse or experienced neglect.

We do not have to prove that abuse has occurred, but we are required to act on any knowledge/suspicion in accordance with this policy and section 356 Children and Young People Act 2008

Responding to disclosure procedure

If a person discloses they have been abused or if a workplace participant suspects abuse it is important to ensure that the first response to the alleged victim is positive, encouraging and supportive.

All incidents or suspected incidents are to be documented and confidentiality to be maintained throughout the entire process.

Consult with the Proprietor / Chief Executive about the disclosure and the next course of action. Discuss what the person said or what you have observed that leads you to suspect some form of violence or abuse.

Making a report or notification

The Proprietor / Chief Executive may choose:

- Consult with relevant State protection agency or police service regarding the procedures to report and to seek advice

The Proprietor / Chief Executive must:

- Report suspicion of or disclosed incident of violence/abuse to a relevant State protection agency or police service

Allegation against a person within our organisation

A person within our organisation may be a learner, employee, trainer/assessor, a volunteer, or any other person connected with us. All allegations of violence, abuse, or suspicion of abuse or violence that is made against a person within the organisation the Proprietor / Chief Executive will:

- Take the allegation or suspicion seriously and investigate the matter thoroughly
- Ensure that confidentiality of the identities of all the individuals involved.
- Allow the parties affected by an allegation to nominate a support person.
- Document all contact and conversations with any parties in relation to the allegation or suspicion.
- Provide anonymity for the accused while the matter is being investigated.
- Advise the person with the allegation made against them to be not involved in any activity that may further harm their own reputation or the reputation of our technical college until the allegation or suspicion is investigated and resolved. This is to ensure the safety of all parties involved, to ensure fairness in the investigation process, and to minimise harm to the reputation of the our technical college.
- Advise the person with the allegation made against them to not have any direct or indirect interaction with the alleged victim(s) or related people until the matter is resolved.

Pending the nature of the offence will determine the appropriate response to the offence potential actions will consist of but not limited to:

- Suspend the accused employee, trainer/assessor, volunteer from duties/position (on full pay as appropriate) until the allegation is either substantiated or disproved.
- In severe/criminal offences, Proprietor / Chief Executive will notify relevant authorities and comply with procedures set out by authorities leading the investigation.
- Inform all parties of their rights and encourage them to seek their own personal support and/or legal advice.
- Throughout the investigation ensure that all parties obtain regular updates on progress in addressing the allegations and communicate decisions taken by us in relation to the matter.

Note: Suspension from duty does not imply that we believe that the person is guilty or that the allegations are true.

On investigation completion:

- Document the outcome of the investigation process and file in a secure place.
- The Proprietor / Chief Executive will inform their respective parties about the outcome of the investigation, and any further action to be taken.
- If the allegation or suspicion is substantiated, and/or criminal proceedings are commenced, the person name in the allegation will remain on suspension pending the outcome of further proceedings, or the relationship with us is terminated.
- If the allegation or suspicion is not substantiated the suspension is lifted and normal activity recommenced.
- If the allegation or suspicion is found to be spurious or malicious, the Proprietor / Chief Executive will consider whether the alleged victim can genuinely continue to receive services from us.

4. Version Control

Version	Date of release	Author	Authorised by	Position	Reason for change
V3	26/4/2017	Ben Murphy	Ben Murphy	Proprietor / Chief Executive	Initial release version number consistent with all updated P&P version release