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**Ryder-Cheshire Victorian Homes Foundation Inc.**

**Code of Conduct for Working with Vulnerable People 2019**

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| **Action** | **Date passed** | **Implementation to occur on:** | **Next Review** |
|  |  |  | 2024 |

**INTRODUCTION:**

Ryder-Cheshire Victorian Homes Foundation Inc., (RCVH) has a zero tolerance approach to exploitation or abuse of vulnerable people and recognises that it is the shared responsibility of all adults to work together to prevent this This policy is based on the United Nations Convention on the Rights of People with Disabilities (CRPD). Australia is a signatory to this convention.

**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 vulnerable people in the country of work. All representatives must comply with this RCVHF policy and the RCVHF Codes of Conduct and RCVHF Use of Images.

**ABBREVIATIONS USED IN THIS POLICY:**

RCVHF – Ryder-Cheshire Victorian Homes Foundation Inc.

“This Policy” refers to “Ryder-Cheshire Victorian Homes Foundation Inc. – **Code of Conduct for Working with Vulnerable People 2019”**

**PURPOSE OF THIS POLICY:**

* To demonstrate Ryder-Cheshire Victorian Homes Foundation Inc’s commitment to the welfare, safety and protection of all vulnerable people, staff and residents at its homes in Victoria. This includes residents, their families, volunteers, supporters and the community in general;
* to provide a framework for managing and reducing risks of abuse of vulnerable people by persons engaged in activities under the auspices of Ryder-Cheshire Victorian Homes Foundation Inc.;
* to provide all RCVHF Committee Members volunteers and participants with the standards that we expect in their dealings with vulnerable people;
* to ensure that all participants are alert to the risks of abuse and exploitation of 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 vulnerable people to grow and thrive.

**RESPONSIBILITIES UNDER THIS POLICY:**

RCVHF’s commitment to protection of a vulnerable person is informed by the following principles:

**Recognising the rights of a vulnerable person:** The United Nations Convention on the Rights of People with Disabilities (CRPD) forms the basis of RCVHF’s approach in making decisions in safeguarding and protecting a vulnerable person at all times.

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

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

**RCVHF does not tolerate any form of abuse or exploitation of a vulnerable person under any circumstances:**

All 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 we do is associated with risks, RCVHF believes that:

* it is the responsibility of everyone to maintain vigilance and to promote the best outcomes for every vulnerable person;
* it is committed to identifying and minimising preventable risks and mitigating the impacts of unavoidable risks as they arise.

**DEFINITIONS:**

**Vulnerable Person**

RCVHF defines vulnerable people as anyone who has a mental or psychiatric disability, physical, sensory (i.e., deaf) or intellectual disability and includes children under the age of 18 years. RCVHF 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 vulnerable people from any form of harm, abuse or maltreatment.

**Abuse**

Can be any physical, emotional, sexual abuse or neglect which results in harm to 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 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 vulnerable person is repeatedly rejected and/or intimidated through verbal and non-verbal means. This may involve insults, taunts, threats and ridicule, or continual coldness from a caregiver to the extent that it affects the vulnerable person’s self-esteem, physical, social and emotional growth.
* **Sexual abuse -** the use of a vulnerable person by an adult, significantly older child or adolescent for sexual activity or gratification. That coercive power can be physical, verbal or emotional. It can include fondling genitals or breasts, masturbation, any form of penetration, voyeurism, exhibitionism and exposing the vulnerable person to, or involving them in, pornography.
* **Grooming** – relates to predatory behaviour undertaken to make it easier for an offender to procure a vulnerable person for sexual activity at a later time.
* **Ill-treatment** is unreasonably disciplining or correcting a 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 vulnerable person**.**
* **Neglect** is the persistent failure or the deliberate denial to provide the 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

**Exploitation** is described as committing or coercing another person to commit an act or acts of abuse against a vulnerable person;

**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 and volunteers.

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

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

**RISK MANAGEMENT AND IMPLEMENTING THIS POLICY:**

Ryder-Cheshire Victorian Homes Foundation Inc. has developed a set of “Guidelines on Interacting with vulnerable people 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 RCVHF as part of This Policy.

**EDUCATION AND TRAINING:**

**Educating participants on the protection of a vulnerable person:**

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

Volunteers require training. As volunteers are not necessarily selected 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 advised about This Policy and its implications prior to signing.

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

* providing every volunteer and representative with a copy of this policy;
* making direct contact with the participant to discuss the issues related to vulnerable people;
* if working directly with vulnerable people, ensure that all personnel have indicated they have read this policy and are willing to abide by its principles;
* obtain two verbal or written references for each volunteer
* ensure that personnel are kept abreast of the latest standards in protection for vulnerable people and ensure that updated information is provided to everyone;
* This Policy will be available on the RCVHF website
* failing to comply with This Policy may lead to the participant being asked to leave.

**REPORTING PROCEDURES:**

Personnel must follow the procedures below if they have formed a reasonable belief that 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 vulnerable person by any person connected to RCVHF.

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

* RCVHF President or Vice-President;
* RCVHF Secretary.

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 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 vulnerable person;
* use of any computer equipment for the purposes of pornography of a vulnerable person;
* suspicious behaviour of any personnel in regard to sexual exploitation, trafficking or abuse of a vulnerable person.

Prudence should be used when reporting incidents to local authorities who may not be able to protect the vulnerable person in question.

All reports will be treated seriously and will be viewed as being in the best interests of the 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 vulnerable people do not always understand that they are being violated and can’t necessarily do something about it.

**Strategies for responding to vulnerable people if they disclose:**

* try to keep calm and give your full attention;
* listen, do not ask leading questions;
* let the 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 vulnerable person is injured seek medical attention;
* do not examine them unless you are their parent or a medical practitioner;
* do not confront the person who has allegedly abused them (this can endanger the person who reports 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 then appropriate action will be taken.

**Action taken will include:**

* an interview with the person making the report to establish what they believe happened;
* an interview with the alleged offender;
* where necessary, consulting and reporting to a local and/or national authority;
* the alleged offender may be disciplined and put on temporary leave before a final decision;
* after an investigation the perpetrator may be asked to leave.

**Confidentiality**

RCVHF 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 the RCVHF President, Vice-President or RCVHF Secretary before deciding how to proceed.

**REVIEW OF THIS POLICY:**

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

**REFERENCES:**

* 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:**

**Ryder-Cheshire Victorian Homes Foundation Inc.**

**Guidelines on Interacting with Vulnerable People at**

**Fundraising Functions or Other Activities - 2019**

* Avoid physical contact with vulnerable people unless there is a legitimate reason for such contact, i.e., the vulnerable person’s own safety and welfare (e.g., administering first aid, removing a vulnerable person from impending danger). If you need to have contact, where possible ensure that you keep a clear distance between you and the 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 vulnerable person (e.g. shake hands, high five with hands).
* Never use physical force or restraint on a 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 adult threatening to harm others or wielding a weapon, seek immediate assistance the police rather than attempt to disarm that person.
* Never remove an item of clothing from a vulnerable person’s body unless this is necessary for their immediate safety to prevent serious harm (e.g. - to administer emergency first aid).
* Avoid swearing and any language that is derogatory towards others.

**Appendix 2**

**Ryder-Cheshire Victorian Homes Foundation Inc.**

**Code of Conduct for Vulnerable People (2019)**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ volunteering with Ryder-Cheshire Victorian Homes Foundation Inc. agree that I will:

* treat vulnerable people with respect regardless of age, 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 vulnerable people that is inappropriate, harassing, abusive, sexually provocative, shaming, demeaning or culturally inappropriate;
* not engage vulnerable people in any form of sexual intercourse or sexual activity, including paying for sexual services or acts.
* not use any computers, mobile phones, video cameras, cameras, social media or other medium inappropriately and never to exploit or harass vulnerable people;
* refrain from physical or humiliating punishment or discipline of vulnerable ;
* comply with all relevant Australian and local legislation, including labour laws in relation to vulnerable people;
* 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 vulnerable person, including those under traditional law, which occurred before or during association with RCVHF.

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**Appendix 2 (Continued)**

I acknowledge that I have read and understood the RCVHF Vulnerable Person Protection Policy and Code of Conduct for Working.

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

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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix 3**

**Ryder-Cheshire Victorian Homes Foundation Inc.**

**Use of Images (2019)**

When photographing or filming vulnerable people, I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, must:

* adhere to local traditions or restrictions for reproducing personal images before photographing or filming a vulnerable person;
* obtain informed consent from the 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 depict vulnerable people in a dignified and respectful manner and not in a vulnerable or submissive manner;
* ensure that 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 vulnerable person when sending images electronically or publishing images in any form.

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

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

Name: (Please Print) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_