

Ridley College – Safeguarding People Policy

Related Policies and Other Documents

Fair Work Act 2009

Equal Opportunity Act 2010 (Victoria)

Children, Youth and Families Act 2005 (Vic)

Employee Assistance Program Policy

ACT Sexual Assault and Harassment Policy

Internal Complaint Procedure

Whistle blowing Policy

Code of Conduct

Privacy Policy

1. Purpose and Scope

- 1.1 This policy applies to members of Ridley College (Ridley) to respect and protect all people that interact with, or are affected by, Ridley.
- 1.2 This policy provides direction for Ridley to promote and support a positive and effective culture of safeguarding people from abuse, neglect or exploitation.
- 1.3 This policy allocates responsibility for and sets out the methods Ridley uses to manage risk of abuse, neglect or exploitation from occurring and investigates allegations.
- 1.4 This policy acknowledges the primacy of the ACT Sexual Assault and Sexual Harassment Policy for responding to incidents of sexual assault and harassment and supports its principles and requirements through nominating “SASH Officers” for Ridley and detailing a reporting and response process for use in alleged cases of sexual assault or harassment.
- 1.5 Ridley College is a religious body for the purpose of the Equal Opportunity Act 2010 (Vic).

2. Definitions

- 2.1 ‘Members’ includes all Faculty, Staff, Students, on-site residents, Governance and Advisory Committee participants, and parties engaged in temporary contract.
- 2.2 ‘Abuse, neglect or exploitation’ means all forms of physical, sexual and mental abuse, exploitation, coercion or ill-treatment. (Refer Appendix C for further information).
- 2.3 ‘Safeguarding’ means protecting the human rights of people that interact with or are affected by Ridley by undertaking responsibility and delivering measures to protect a person from abuse, neglect or exploitation.
- 2.4 ‘Vulnerable Persons’ includes but is not limited to:
 - a) persons aged under 18.
 - b) persons in the lesser (actual or perceived) power in a situation or relationship.

- c) those who are new students.
- d) those for whom English is not their first language.
- e) those in a situation where perception of gender or hierarchical position is a factor.
or,
- f) other individuals who may be unable to take care of themselves or are unable to protect themselves from abuse, neglect, or exploitation.

It is noted that normal behaviours like nervousness and wanting to please or succeed can make persons vulnerable. Please refer to Appendix B for further description.

3. Policy Statement

- 3.1 Ridley has no tolerance for abuse, neglect or exploitation of people.
- 3.2 Ridley commits to safeguarding the welfare of all people that interact with, or are affected by, our work.
- 3.3 Ridley recognises that vulnerable persons are at greater risk of abuse, neglect or exploitation and may require additional safeguarding from harm.
- 3.4 Ridley must provide an independent and confidential process for reporting and investigation of allegations.

4. Roles and responsibilities

- 4.1 All members share responsibility for safeguarding people and complying with this policy including:
 - a) Being aware of their responsibilities under this policy and promoting a culture towards safeguarding.
 - b) Ensuring that persons under their supervision and/or care are aware of their responsibilities under this policy.
 - c) Reporting and encouraging reporting of suspected incidents of abuse, neglect or exploitation, under this policy with discretion and confidentiality.
- 4.2 The following members and member bodies have specific responsibility and obligation under this policy:
 - 4.2.1 The Ridley Board is responsible for approval and oversight of this policy including receiving reports from management on related activities and investigations.
 - 4.2.2 The Principal must ensure Ridley has appropriate and effective ways to safeguard people, and receive and manage investigations into allegations of abuse, neglect and exploitation under sections 5 and 6 this policy.
 - 4.2.3 The Chief Financial Officer must:
 - a) Ensure that all members are aware of this Policy including their obligations to report suspected incidents of abuse, neglect or exploitation, with discretion and confidentiality.

- b) Ensure safeguarding measures are determined and undertaken during recruitment and/or contracting for employment or placement.
- c) Assist the Principal (as requested) in managing investigations into allegations of abuse, neglect and exploitation.
- d) Ensure that Ridley College undertakes and documents regular risk assessment to review safeguarding effectiveness for vulnerable people.

5. Reporting Suspected incidents

- 5.1 All Ridley Members must immediately report any suspicion that an incident has taken place, may be taking place, or could take place.
- 5.2 If a person believes another person is at risk of immediate harm of a criminal offence, they must dial 000.
- 5.3 Reporting of incidents may be made to any member listed in Appendix A. The Principal is responsible for maintaining current contact details for members and ensuring:
 - a) That there are at least two possible contacts from each of the Ridley Board and Leadership Team and must include the Ridley Principal and Ridley Board Chairperson.
 - b) That there are both male and female contacts from each of the Ridley Board and Leadership team.
 - c) That these contacts are also Ridley's designated Sexual Assault and Sexual Harassment Officers as required under the ACT Sexual Assault and Sexual Harassment Policy.
- 5.4 Reporting of incidents are made confidentially and may be made anonymously.
- 5.5 At anytime Ridley Members or any other person making report under this policy is free to make report to police or other authorities or seek independent legal advice should they desire.

6. Responding to suspected incidents

- 6.1 Where an incident is reported an investigation must be undertaken. If a matter becomes subject to an investigation by police or other law enforcement body, Ridley will cease to investigate until such investigations are concluded.
- 6.2 Where an incident reported relates to alleged sexual harassment or sexual assault then the response process and requirements detailed in the ACT Sexual Assault and Sexual Harassment policy must be adhered to as a priority.
- 6.3 The Ridley Principal is responsible for managing any investigation in response to allegations of abuse, neglect or exploitation. Where the Ridley Principal has made the original report, is the subject of the report or is deemed otherwise unable to investigate then the Ridley Board Chairperson becomes responsible.
- 6.4 If upon receiving a report a member listed in Appendix A believes another person is at risk of immediate harm of a criminal offence, they must dial 000.

- 6.5 Where the allegations involve members who are licensed by and/or hold membership through third-party professional standards body the Principal:
- a) Must notify the third-party professional standards body of the allegations and assist with any reasonable requests for further information.
 - b) May work in partnership with the third-party professional standards body in undertaking an investigation including relying upon external findings to inform their conclusions and subsequent decisions.

6.6 The Ridley Board:

- a) Must be informed immediately in writing by the Ridley Principal if a report has been received that falls within the scope of this policy. The level of detail provided at this stage is at the discretion of the Principal.
- b) Must communicate all queries and requests for update regarding any investigation to the Ridley Board Chairperson who is responsible for ongoing liaising with the Ridley Principal and responding in writing.
- c) Must receive a final written report including decisions made immediately upon conclusion of the investigation.

6.7 Where investigation is undertaken:

- a) The safety of any alleged victim and/or person reporting an incident must be secured at no disadvantage to them for the period of investigation.
- b) Ridley holds the right to stand persons down from any or all duties for the period of the investigation if deemed necessary. The principle of natural justice must apply, and any person(s) under investigation will be considered innocent until proven guilty.
- c) If deemed appropriate a specialist third party provider may be appointed to support the investigation and process.
- d) Assistance or information may be sought from any parties as deemed necessary.
- e) All personal information considered or recorded will respect the privacy of the individuals involved. Personal information must be protected in accordance with the Ridley Privacy Policy and any communication must be authorised by the Ridley Principal.
- f) All efforts must be made to protect confidentiality and anonymity of any alleged victim and/or person reporting the incident.

For purposes of ongoing investigation, the Ridley Principal may decide to request and/or share the identity of any alleged victim and/or person reporting the incident, if so:

- i) The Ridley Principal must communicate to any alleged victim and/or person reporting the incident of any need and intention to share their identity.

- ii) The Ridley Principal must communicate in writing the reasons for doing so and continue to secure the safety and wellbeing of any alleged victim and/or person reporting the incident.

6.7 During an investigation and/or as a result of an investigation Ridley may:

- a) Undertake any disciplinary procedures, that may include termination, in accordance with a person or parties' working agreement with Ridley (e.g. Employment Agreement).
- b) Enter into civil legal action.

6.8 If during an investigation and/or as a result of an investigation there is any suspicion of a criminal offence having occurred the Ridley Principal must report the suspicion and pass over all investigation material to Police.

7. Responsibility and Review Date

7.1 This policy is subject to Board approval and authority for the policy resides with the Board.

7.2 The Principal is responsible for the implementation and operation of this policy. Any queries related to the policy must be directed to the Principal

7.3 This policy must be reviewed no later than 31 December 2025.

Appendix A: Responsible Persons for Reporting of Incidents

Should you suspect that an incident has taken place, may be taking place, or could take place in violation of the Safeguarding People Policy all members must immediately report any suspicion to one of the following persons:

Ridley College

Name: Scott Harrower
Gender: Male
Position: Faculty
Phone Number: 03 9207 4907
Email Address: s.harrower@ridley.edu.au

Name: Felicity Clift
Gender: Female
Position: Academic Counsellor
Phone Number: 03 9207 4913
Email Address: f.clift@ridley.edu.au

Ridley Board of Directors

Name: Seak-King Huang
Gender: Female
Position: Chairperson
Phone Number: 0412 714 090
Email Address: shuang@milnerhuang.com.au

Name: John Forsyth
Gender: Male
Position: Director and Chair of People and Culture Committee
Phone Number: 0402 282 939
Email Address: jforysyth@stjudes.org.au

These persons are Ridley's designated Sexual Assault and Sexual Harassment Officers required under the ACT Sexual Assault and Sexual Harassment Policy.

Appendix B: Vulnerable Persons Further Information

The following information has been extracted from the Australian Charities and Not-for-Profits website¹ and is provided to help further understanding of the definition of Vulnerable Persons under the Safeguarding People Policy:

“Vulnerable persons 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.*

“Vulnerability may be either temporary or ongoing. Vulnerable people are not limited to a charity’s beneficiaries or the users of its services. They can include a charity’s staff, volunteers, and people in third parties, such as partners.

“Being able to recognise vulnerability in its various forms is important and the first step to being able to protect vulnerable people.”

¹ <https://www.acnc.gov.au/tools/topic-guides/vulnerable-persons-or-people#:~:text=Vulnerable%20persons%20are%20defined%20as,themselves%20against%20harm%20or%20exploitation.> – Accessed 2 September 2020

Appendix C: Descriptions of Abuse, Neglect or Exploitation

The following series of descriptions and definitions are provided to assist with understanding and education of what is and might be considered abusive, neglectful, or exploitative behaviour. These descriptions are provided as support for the principles of the policy.

This should not be considered an exhaustive or comprehensive list and where a person suspects an incident of abusive, neglectful, or exploitative behaviour that is not expressly described here they should still make report of that behaviour in accordance with section 5 of the policy.

Bullying: Repeated, unreasonable misconduct directed toward another person and/or a single incident of sustained or aggressive misconduct that creates a risk to health and safety of another person.

Discrimination: Either direct or indirect discrimination based on an attribute.

Direct discrimination occurs when a person treats, or proposes to treat, someone with an attribute less favourably than someone without the attribute (or with a different attribute) in the same or similar circumstances, including ignorance of reasonable requests for assistance.

Indirect discrimination occurs when a person imposes, or proposes to impose, a requirement, condition or practice that:

- a) someone with an attribute does not or cannot comply with; and
- b) has or is likely to have the effect of disadvantaging the person with the attribute; and
- c) is not reasonable in the relevant circumstances.

Attributes can include age; breastfeeding; employment activity; gender identity; intersex status; disability; industrial activity; lawful sexual activity; marital status; parental status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; gender; sexual orientation; an expunged homosexual conviction; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Discriminatory harassment: Any conduct of a person towards another person on the basis of an attribute of that other person, that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the other person.

Serious misconduct or criminal behaviour: Behaviour which does or could amount to a breach of the criminal law.

Sexual harassment: When a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, or intimidated.

Victimisation: When a person subjects, or threatens to subject, another person to a detriment, which includes humiliation and denigration, because that other person has made a complaint or

been involved in a complaints procedure, or because the first person thinks the other person intends to make a complaint or be involved in a complaints procedure.

Vilification: Any form of conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of another person or class of person on the grounds of their race or religious beliefs or practices.