

	Safeguarding Vulnerable People Policy and Procedure	
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1.0 INTRODUCTION

Our Rainbow House Inc. is committed to safeguarding children and other vulnerable people who access our services. Each child, and other vulnerable person, has a right to actively participate, develop to their full potential and be protected. As the provider of services to Our Rainbow House School, we are committed to providing a safe environment for students, staff, community members and visitors. Our Rainbow House Inc. is committed to safeguarding the people they help and those they work alongside. We recognise that the nature of the work that we do places our personnel in a position of authority and trust in relation to the community we work with, especially vulnerable people and children.

We expect all Our Rainbow House personnel to demonstrate high standards of personal and professional conduct at all times (both at work and outside of their official duties). The position of trust and authority must not be abused in order to exploit, manipulate or abuse another person.

The intent of this document is to set out:

- Our Rainbow House’s commitment to the safeguarding of children and other vulnerable people
- The responsibilities of our stakeholders who interact with children and other vulnerable people
- Processes for reporting, dealing with complaints and disciplinary procedures.

2.0 DEFINITIONS

Child shall mean any person under the age of 18 years that has any form contact with Our Rainbow House.

Employee shall mean any board member, employee, student placement, apprentice, contractor, sub-contractor or volunteer.

Fraternalisation means any relationship occurring in the course of conducting Our Rainbow House business, that involves — or appears to involve — partiality, preferential treatment or improper use of rank or position, including but not limited to voluntary sexual behaviour. It includes sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

Our Rainbow House Inc. Community shall mean all board members, employees, students, parents, caregivers and volunteers and student placements. Any person who is caused to undertake tasks or duties on behalf of Our Rainbow House Inc.

Our Rainbow House School shall mean the school operated by Our Rainbow House Inc.

Safeguarding means actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.

Sexual Abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions¹. It includes all forms of sexual violence including incest, early and

¹ The definitions for both Sexual Exploitation and Sexual Abuse are contained in the United Nations Secretary-General’s Bulletin, “Special measures for protection from sexual exploitation and sexual abuse” ST/SGB/2003/13 (9 October 2003) [hereinafter Secretary-General’s Bulletin on SEA (2003)].

forced marriage, rape, involvement in pornography, indecent touching, grooming, using sexually explicit language towards a child and showing sexually exploitative pornographic material.

Sexual Exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. It includes:

- Committing or coercing another person to commit an act or acts of abuse against another
- 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 advantage²

Transactional sex means the exchange of money, employment, goods, services or other benefit for sex, including sexual favours.

Vulnerable people means those who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

3.0 SCOPE

This policy applies to:

- all employees, including full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors, volunteers and partner organizations
- persons visiting Our Rainbow House School
- how Our Rainbow House Inc. deals with matters relating to the safeguarding of vulnerable people

Breaches of this policy may result in disciplinary action under Our Rainbow House's Disciplinary Procedures. For partner organisations breaches may lead to cancellations of contracts, agreements or Memorandums of Understanding.

4.0 PURPOSE

This policy outlines Our Rainbow House's commitment to:

- Ensuring children and vulnerable people are safe from deliberate or inadvertent harm.
- Zero tolerance of inaction towards incidents of sexual exploitation and abuse.
- Accepting responsibility for the protection of children and vulnerable people who access our services
- Ensuring that Our Rainbow House board members and employees, children, vulnerable people and their families understand our protective practices and the critical roles they play in keeping children and other vulnerable people safe.
- Ensuring that all concerns or allegations of sexual exploitation, abuse, bullying and/or harassment are responded to in a timely, confidential and appropriate manner.
- Vigilantly maintaining the highest professional and ethical standards.

The standards of conduct outlined in this document formulate the basis of our expectations for non-discriminatory and respectful behaviour where misconduct is not accepted, where power is not abused and vulnerabilities and power inequality are not exploited. This includes the following policy documents:

- Bullying, Harassment and Anti-Discrimination Policy/Procedure
- Whistleblower Policy/Procedure
- Equal Opportunity Policy/Procedure
- Code of Conduct

5.0 POLICY STATEMENT

Our Rainbow House strictly prohibits:

- personnel from engaging in any form of sexual activity with children or vulnerable people regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not acceptable justification.
- the exchange of money, employment, goods or services for sexual services, sexual favours, or any other form of humiliating, degrading or exploitive behaviour.
- personnel engaging in any sexual activity, whether actual or attempted, where there is a potential for an abuse of power.
- the abuse of any power for sexual purposes (this undermines the principles of Our Rainbow House and contradicts our mission and values).

Sexual exploitation, abuse and transactional sex are acts of serious misconduct and are grounds for termination of employment. Our Rainbow House has adopted a zero tolerance for inappropriate behaviours and will refer those suspected of prohibited behaviours to law enforcement agencies.

Responsibilities

All members of the Our Rainbow House Inc. community contribute to the creation of a safe and healthy workplace. Each member of the school community has a responsibility to ensure:

- everyone has the right to learn, work and socialise in a friendly, safe and supportive environment;
- each person is encouraged and supported in being accountable for their own behaviour;
- their actions and behaviours mirror those outlined in the Code of Conduct and appropriate action is taken to prevent and respond to reports of sexual exploitation or abuse.
- the school is represented in a positive manner;
- school rules, policies and procedures are followed.

To foster positive, respectful and appropriate relationships between all members of the school community, each person is also responsible for ensuring:

- they positively contribute to the creation and maintenance of a culture that prevents sexual exploitation and abuse of children and vulnerable persons.
- any concerns (either real or apparent) regarding sexual exploitation, sexual abuse, transactional sex or any other form of humiliating, degrading or exploitive behaviour are reported in accordance with this policy/procedure.

Reporting

All reports of breaches of this policy/procedure will be met with a swift response including investigation and possible disciplinary measures or referral to law enforcement agencies.

All concerns must be forwarded to the Director of Our Rainbow House through appropriate reporting channels as soon as possible.

6.0 PROCEDURE STATEMENT

Our Rainbow House Inc. will treat all concerns and complaints quickly, fairly and seriously. The objective of this procedure is to provide a mechanism for complaints to be raised without fear of retribution and for corrective actions to be taken where necessary.

No person will be penalised or disadvantaged as a result of raising legitimate concerns or complaints relating to sexual exploitation or abuse. Where a complaint is substantiated it may result in disciplinary action up to and including termination of employment. If unsubstantiated or found to be vexatious it may also result in disciplinary action against the complainant.

Responding to Complaints

Effectively responding to issues when they are raised is key in ensuring that unacceptable behaviour is addressed promptly and eliminated. In addressing complaints the following principles should be applied at all times.

Act promptly	All complaints should be responded to quickly and within the documented timeframes. Relevant parties should be kept informed of the progress of the process to reassure them that their issue is being addressed.
Treat all matters seriously	All complaints/reports should be treated as serious and based on their merit and facts.
Maintain confidentiality	The confidentiality of all involved parties must be maintained at all times. Only those directly involved in assessing/investigating/resolving the matter should be privy to the facts.
Ensure procedural fairness	The respondent to the allegations should be treated as innocent unless the allegations are proven to be true. Respondents must be apprised of the content of the allegations and be given an opportunity to respond. The person raising the complaint/issue must be given due diligence and be given the opportunity to have their concerns heard. All allegations are to be treated as credible and reliable unless proven otherwise. Both parties are to be advised of the opportunity to have decisions reviewed.
Remain neutral	Avoid any personal or professional bias by remaining neutral at all times. Ensure those tasked with managing and responding to complaints are not involved in the matter, or related to those involved in the matter.
Support all parties	Parties to the matter should be advised what support mechanisms are in place for them to access. Ensure all parties are provided with the opportunity to bring support persons to interviews or meetings.

Protect disclosers from victimisation	Protection of disclosers is critical to ensure they are not victimised for speaking out. Witnesses should also be protected from victimisation.
Communicate	All parties should be informed of the process, how long it will take and what they can expect will happen during and at the end of the process. Should the process be delayed for any reason, all parties should be made aware of the delay and advised when the process is expected to resume. Finally, reasons for actions that have been taken, and in some circumstances not taken, should be explained to the parties.

PROCEDURE

The intent of the process outlined below is to assist Our Rainbow House Inc. in determining whether inappropriate conduct has occurred and, if so, to take appropriate disciplinary action and implement measures to prevent any further inappropriate conduct from occurring.

It is of utmost importance that appropriate actions are taken to ensure the safety of the victimised child or vulnerable person.

Suspected Breaches of this Policy

If you suspect or receive reports of any breaches of this policy (including behaviour that gives cause for concern) it must be reported immediately so that appropriate action may be immediately implemented. Any information provided to you must be kept confidential and only shared with those who are directly involved in the investigation and management of the situation.

If a child or vulnerable person states they are or have been abused:

1. Let them speak freely – do not pressure them.
2. Accept what they are saying and immediately report to a Board Member. Do not probe for information – leave this for the investigating officer.
3. Take all allegations seriously but do not make promises on what will happen or what can be done.
4. Reassure the person that they have done the right thing by reporting the abuse.
5. Let them know that you are required to report the allegation. Do not promise to keep secrets.
6. Help them to understand your obligations and keep them informed.
7. Record what you have been told including dates, times, location, witnesses, details of what was disclosed. Date and sign the record. Ensure the record is factual and records exactly what the person said (not your interpretation of what they meant). Detail your observations separately.
8. Escalate the report immediately.

Managing Reports of Abuse

Stage 1 – Preliminary actions

The complaint must be immediately discussed with the board during a special meeting (excluding any member/s that are mentioned in the complaint either as the respondent or as a witness). The board will assign a delegate who will manage the process. The delegate must:

1. Take immediate action to ensure the safety of those involved.
2. Immediately acknowledge receipt of the complaint and notify the person raising the complaint of the process that will be undertaken;
3. Obtain all relevant information pertaining to the complaint from the person and discuss with them what (if any) action can be taken to resolve the issue.
4. Discuss how the matter will be handled where the person requests their identity is not disclosed.
5. Assess how the matter will be progressed. This may include:
 - a) Collecting and reviewing all provided materials
 - b) Providing advice to the board on whether the matter should be referred to a law enforcement agency.

Where a formal investigation is required, the board may choose to delegate a separate investigator or continue with the delegated assessor. In conducting the investigation the delegate will assess how the matter will be progressed. This may include:

- Meeting with all relevant parties and any witnesses
- Taking individual statements
- Researching and collaborating the accusations made
- Collecting and reviewing all statements and evidentiary materials

Any party meeting with the board's delegate for the purposes of investigating a complaint is entitled to bring a support person that is not a witness or a person involved in the complaint in any way. All persons required for interviewing must be interviewed separately.

Upon conclusion of the investigation the investigator must make a finding of the facts and where appropriate provide a recommendation for resolution of the complaint to the board. The finding of the facts must be provided in writing and include the reasons for each of the findings.

All attempts should be made to conclude the investigation within 10 days of the conclusion of the board delegate's preliminary assessment (where applicable) or meeting with the person raising the complaint. In the instance where the 10 day timeframe is not reasonable, both parties must be advised of the reasons and the anticipated timeframe for conclusion of the investigation.

Depending on the content of the complaint the board may decide to stand down the employee on full pay (where applicable) until the investigation is concluded.

Stage 2 – Resolution

If a complaint is found to be unsubstantiated, no further action will be taken against the respondent. The reason/s for this decision must be communicated to both parties in writing. Other instances where no further action is to be taken may include:

- Insufficient detail or evidence of the allegation is able to be provided to enable the matter to be properly investigated;
- The complaint is deemed frivolous, vexatious or malicious;
- The complaint is referred to a law enforcement agency.

If a complaint is substantiated the decision and actions to be taken must be communicated in writing to both parties. Actions that may be taken include:

- taking disciplinary action against the respondent to the complaint; or
- referring the complaint to a law enforcement agency.

In the event that a complaint is referred to a law enforcement agency, the criminal investigation and the internal organisational investigation are to be treated entirely separately. If the employee is found during this investigation to have committed serious misconduct, they can be disciplined without needing to await the outcome of a criminal trial. Regardless of the referral to law enforcement, all investigations must observe the rules of natural justice and the provisions of procedural fairness.

Disciplinary action is determined by the seriousness of the misconduct. Disciplinary action in the case of employees and volunteers may consist of:

- Counselling
- Training
- A verbal or written warning
- Suspension (with or without pay)
- Dismissal.

Withdrawing a Complaint

Complaints may be withdrawn at any time with no further action taken, except where the Board feels that a breach of this policy has occurred. In that instance the Board may decide to continue to investigate the complaint to determine if follow-up action is needed.

Vexatious Complaints and False Accusations

Our Rainbow House Inc. views all complaints as serious. As such any person making intentionally false accusations or those that are deemed frivolous or vexatious in nature may be investigated using this same procedure. If the complaint is found to be intentional or malicious the Board may then decide to take disciplinary action as a result.

Record keeping

Matters dealt with in accordance with this procedure must be documented and stored confidentially. The record must include:

- a copy of the original complaint;
- any correspondence sent to involved parties;

- all evidence gathered;
- statements from all persons interviewed;
- an outline of the process;
- a copy of the fact of findings and recommendation to the board (where applicable);
- outcomes and further actions taken; and
- copies of correspondence finalising the matter.

Follow-up Actions

All actions taken during this procedure will be balanced to ensure procedural fairness while still maintaining a focus on respect for the victim's wellbeing, safety and their wishes. All actions taken must take into consideration the choices, dignity and rights of those affected.

Upon completion of addressing any matter involving sexual exploitation, sexual abuse, transactional sex or any other form of humiliating, degrading or exploitive behaviour, the workplace should be examined to identify and address any further needs (e.g. counselling or other support mechanisms) for:

- The victim
- Fellow students/employees
- Peers
- Family members and friends

Our Rainbow House will ensure that all affected persons are offered support and assistance including referral to medical practitioners, psychosocial, or specialised services.

To assist with prevention of unacceptable behaviours, all matters should be recorded in a register that can be used to analyse trends and determine required training and improvements. All records must be kept confidential.

7.0 FURTHER INFORMATION AND GUIDANCE

This policy should be read in conjunction with the following Our Rainbow House policies and procedures:

- Code of Conduct
- Bullying Harassment and Anti-Discrimination Policy
- Whistle-blower Policy
- Complaints Handling Policy

8.0 REVIEW

Date of next review: 18/09/2022 or after any serious incident, to determine if the policy and associated procedure has been effective.