Apex Foundation

Opportunity Fund

Vulnerable Persons
Safety Policy

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1 Purpose

1.1 The Facility Management Committee's Vulnerable Persons Safety Policy (the Policy) is a subset of the Apex Foundation's (the Foundation) policies and processes. The purpose of the Policy is to ensure that, consistent with the Foundation's Policies, safe environments will be created to promote and enhance the safety and welfare of vulnerable people who use the Apex Children's Facility (the Facility).

2 Scope

2.1 The Policy applies to any person who is associated with the facility (Facility associate) including:

2.1.1 Members of the Facility Management Committee;

2.1.2 Persons providing services to the Facility whether remunerated or not;

2.1.3 Visitors to and users of the Facility whether paying to use the Facility or not.

3 Definitions

3.1 Vulnerable Persons refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a physical, intellectual or psychological disability, the frail aged, children, people from culturally and linguistically diverse backgrounds, refugees, and those living in poverty.

3.2 Elder Abuse refers to all aspects of abuse of elderly people, that is, neglect, physical, verbal, sexual, financial and social.

3.3 Facility associate means the person or people defined in clause 2.1.

3.4 Identifying a vulnerable person - while it is not possible to supply an exhaustive list of persons who may be vulnerable within the context of charities and community service work, the following could be considered a guide:

3.4.1 immaturity, either in terms of age or development;

3.4.2 any infirmity, including early dementia or disease;

3.4.3 mental illness;

3.4.4 intellectual disability;

3.4.5 illiteracy or limited education which may impair a person's capacity to understand inability or limited ability to speak or understand the English language;

3.4.6 chronic alcoholism;

3.4.7 physical disabilities including deafness or loss of sight;

3.4.8 drug dependence;

3.4.9 cultural, ethnic or religious factors including those relating to gender attitudes

3.4.10 intoxication, if at the time of contact with police the person is under the influence of alcohol or a drug to such an extent as to make them unable to look after or manage their own needs;

3.4.11 Aboriginal people and Torres Strait Islanders;

3.4.12 children; and

3.4.13 persons with impaired capacity.

4 Legislative and Corporate Requirements

4.1 The following Acts, Regulations and Guidelines provide the legislative framework for the Policy:

Commonwealth legislation

4.2 *Aged Care Act 1997* (Cth)

4.3 *Disability Discrimination Act 1992* (Cth)

4.4 *Sex Discrimination Act 1984* (Cth)

Australian State legislation

4.5 Criminal Law / Code Act (if/as applicable)

4.6 Children Protection Act / Regulations (if/as applicable)

4.7 Department of Families and Communities Guidelines (if/as applicable)

4.8 Equal Opportunity Act (if/as applicable)

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4.9 All policies, procedures and ethical guidelines as appropriate.

5 Policy Statement

5.1 The Facility Management Committee recognises its legislative obligations and is committed to the safety and wellbeing of vulnerable people with whom we come in contact.

5.2 The opinions of vulnerable people are encouraged and respected. We listen and act upon any concerns that are raised with us.

5.3 We ensure that vulnerable people know how to access a complaints procedure available to them.

5.4 We value diversity and do not tolerate any discriminatory practices.

5.5 Support is provided for the rights of vulnerable persons when and as required.

5.6 Support is provided for Facility associates and encouragement is given for their active participation in building and maintaining a safe environment for vulnerable people in our communities.

6 Application of Policy

6.1 The Facility Management Committee will undertake the following to manage its obligations under the Policy:

6.1.1 Take all reasonable steps to ensure the most suitable and appropriate people are engaged (for the Facility Management Committee and the Facility Caretaker position) to work with, and/or provide services to vulnerable people.

6.1.2 Applicants for any employed position (whether paid in cash or kind) which is substantially and directly involved with vulnerable people will be screened for their suitability to provide services; screening may involve interviews, referee reports, checking qualifications and previous employment history in working with children and obtaining criminal history reports. Identifying such a position will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/or on-going contact), and the vulnerability of the person.

6.1.3 Staff employed and to whom clause 6.1.2 applies will undergo a criminal history screening not less than once every three years.

6.1.4 The Foundation's Executive Officer is to be the first point of contact. The Officer will provide advice and support to children, vulnerable people and Apexians regarding safety and well-being.

6.1.5 Maintain a listing of any current position/s as per clause 6.1.2 which will be made publicly available by verified individual request through the Apex Foundation.

6.1.6 Take steps to increase awareness within the Management Committee about providing an environment where vulnerable people are safe and protected from abuse.

6.1.9 Participate in training provided by the Foundation about Association and regulatory requirements regarding contact with children and vulnerable persons.

6.1.10 Maintain supportive and responsive procedures for fulfilling mandatory reporting obligations, where relevant, and dealing with complaints and issues effectively as they arise.

6.1.11 Take appropriate security measures for the collection and maintenance of appropriate records related to children and vulnerable persons when and as required.

6.1.12 Collaborate and consult with other relevant agencies in matters concerning the protection of vulnerable people.

6.1.13 Develop, monitor, evaluate and review risk management strategies and procedures when and as required to minimise potential harm to vulnerable people.

7 Reporting Requirements

7.1 All Facility associates have the obligation (in addition to, and not to derogate from any relevant state legislation) to notify the relevant State Government authority if they suspect, on reasonable grounds, that a vulnerable person has been or is being abused or neglected as well as notifying the Apex Foundation Executive Officer.

7.2 A Facility associate must immediately notify the Foundation's Executive Officer if that person believes they would fail a criminal history screening for the purposes of determining whether that person is suitable to work with children or vulnerable persons.

7.3 The practice will ensure Facility associates are appropriately supported, records are kept confidential and secure, and any organisation responsibilities (in addition to any mandatory reporting obligation/s) are pursued where relevant.

7.4 The Management Committee will sensitively support any Facility associate who, though not a mandated notifier, suspects incidents of abuse or neglect of a child or vulnerable person.

8 Review

8.1 The Policy will be reviewed periodically as required by the Apex Foundation's Corporate Governance Framework.

9 Access to the Policy

9.1 The Policy is available for public inspection on the Apex Facility's website: www.apexfacility.com.au

10 Further Information

10.1 For further information about the Policy please contact:

Executive Officer
Apex Foundation
Phone: 0493 171 870
Email: eo@apexfoundation.org.au

Apex Foundation Opportunity Fund

Working with Children Guidelines

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11 Introduction

1.2 The facility Management Committee's Working with Children Guidelines support its Child Safety Policy. The Guidelines have been created in recognition that the primary users of the Apex Foundation facility (the facility) are children.

1.3 The facility Management Committee (the Committee) wants children who utilise our facilities to have a safe and happy experience.

1.4 The Committee supports and respects our children, their families and our workers.

12 Scope

2.2 The Guidelines apply to any person who is attending the A facility when children are in residence. It includes:

2.1.1 Persons providing services to the facility whether remunerated or not;

2.1.2 Visitors to and users of the facility whether paying to use the facility or not.

2.3 Although the guidelines are not all encompassing, they reflect the Committees general expectations of workers (paid and volunteer) on how they should behave when interacting and engaging with children and other vulnerable persons in our facilities. The guidelines focus on how we can build and maintain a child safe environment which is inclusive, transparent and promotes children's participation.

2.4 The Committee supports the active participation of children in the programs and activities provided by those who use our facilities.

2.5 The Committee encourages individuals, families, and groups to provide feedback or raise concerns. We listen to their views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.

3 Purpose of the Guidelines

3.1 The Committee is committed to providing an enriching experience and safe environment for all Children visiting the facility. All Committee members, employees and volunteers who come into contact with children attending the facility have a duty of care and must safeguard and promote the safety and welfare of those children.

3.2 All persons associated with the facility have a legal and ethical duty to keep children safe and protect them from possible sexual, physical and /or emotional harm. These guidelines

aim to promote a culture of continuous learning and improvement which promotes the welfare of adults and children.

3.3 The guidelines provide advice on appropriate and safe behaviours for all Committee members, volunteers and employees working with children in paid or unpaid capacities, in all settings and in all contexts. The same standards should always be applied regardless of culture, socioeconomic status, disability, gender, sexual identity, language, racial origin, religious and/or spiritual beliefs of the adult or the child.

3.4 The guidelines aim to:

3.4.1 clarify which behaviours constitute safe practice and which behaviours should be avoided;

3.4.2 support participants in setting clear expectations of behaviours and/or codes of conduct;

3.4.3 minimise the risk of misplaced or unfounded allegations;

3.4.4 minimise the risk of accidents.

3.5 In addition to the guidelines, it is important to note that all A facility associates who work with children are responsible for their own actions and behaviour and should avoid any conduct that would lead any reasonable person to question their motivation or intentions.

4 Safe Working Practices

4.1 The public, authorities and parents and guardians have legitimate expectations that children will be protected while interaction with the A facility, Committee members, employees' visitors and volunteers. Trusted adults are expected to take reasonable steps to ensure the safety and well-being of children while they are at the A facility. Failure to do so may result in legal penalties including criminal prosecution and penalties. Detailed policies and procedures are included later in this document.

4.2 These Guidelines cannot provide a complete checklist of what is or is not appropriate behaviour for adults in all circumstances. Adults should always consider whether their actions are warranted, proportionate and safe. There may be circumstances that require adults to make decisions or take actions that are deemed to be in the best interest of the child that nevertheless contravene these guidelines or where no guideline exists. Such judgements should always be recorded in writing, shared with another responsible adult and shared with the parent or guardian of the child.

5 Release forms and photography/videos

5.1 It may occur on occasions that persons taking children to the facility take photos or videos of the children participating in activities at or around the facility. Any such photograph should take place with due regard for the law and the need to safeguard the privacy, dignity, safety and well-being of children.

5.2 Informed written consent from parents/guardians and verbal agreement, where appropriate or possible, from the child should always be sought before an image is taken for any purpose.

5.3 It is never appropriate for adults involved with children at a facility to take photos of children for their personal use.

5.4 Care should be taken to ensure that all parties involved understand the implications of the image being taken, especially if it is to be used for publicity or published in the media or on the internet.

5.5 There are no circumstances that justify the possession of indecent images of children. Accessing, making or storing indecent images of children is always illegal.

6 Confidentiality

6.1 Confidential information about a child should never be used to intimidate, humiliate or embarrass a child.

6.2 Confidential information about a child should never be used casually in private conversations or shared with any other person other than on a need-to-know basis.

7 Whistle Blowing

7.1 All facility associates are individually responsible to bring matters of concern to the attention of relevant external agencies.

7.2 Consideration should also be given to the need to report such concerns to members of the facility Committee or the Apex Foundation Board's Chairman.

8 Specific Guidelines when Interacting with Children

8.1 **Professional Boundaries** – A relationship between an adult and a child is not a relationship between equals. Adults have a responsibility to ensure that this unequal balance of power is not used for their personal advantage.

8.2 **Technology** - Adults working with children must ensure that they establish safe and responsible online behaviours.

8.3 **Personal information** – In general, it is not appropriate for persons dealing with unrelated children to share their personal information with those children, even if the information seems harmless. In particular you should not share personal contact details (including e-mail and telephone numbers) unless approved to do so by the child's parents/guardians.

8.4 **Social Contact** – In general volunteers taking children to the A facility should not establish or seek to establish independent social contact with a child for the purpose of securing a friendship. It is never appropriate to have an intimate relationship with a child or agree to keep a secret from the child's parent/guardians.

8.5 **Physical Contact** – A strict 'no touch' approach is impractical in many situations and may, in some circumstances, be harmful to the child. There are occasions when it is entirely appropriate and proper for volunteers to have physical contact with children in their care but it is critical that they do so only in appropriate ways. Physical contact with a child should be (i) done only in response to the child's needs following disclosure and obtaining the child's verbal acknowledgement when possible, (ii) of limited duration, and (iii) appropriate to the age, development, gender, ethnicity and background of the child.

8.6 **Dress Code** – Volunteers are expected to dress in ways that are appropriate to their role. All individuals should ensure they are appropriately dressed for the tasks they undertake, especially when working with children.

8.7 **Favouritism** – Volunteers should not show favouritism when selecting s=children for teams, trips or activities. Even the perception of favouritism should be avoided.

8.8 **Infatuations** – A child may develop an infatuation with a volunteer. In such situations the adults should take all appropriate actions necessary to ensure that the child's feelings are properly managed and to avoid any hurt, distress or embarrassment.

8.9 **Behaviour Management** – All children have a right to be treated with respect and dignity even when they display inappropriate behaviour. Appropriate physical force to manage a child's behaviour should be used where necessary to prevent injury to the child, other children or an adult. However, physical force should only be used in exceptional circumstances in order to prevent serious damage to a person or property. Beast practice is that incidents where physical force has been used should be immediately recorded in writing and reported to the child's parents/guardians.

8.10 **Physical Comfort** – There may be occasions when a distressed child needs comfort from a volunteer. Volunteers should use their judgement on how best to comfort or reassure a child in an age-appropriate way while still maintaining appropriate boundaries. Reasonable steps should be taken to inform parents/guardians of the event and the steps taken to comfort the child.

8.11 **Personal Care** – Children are entitled to respect and privacy at all times, but especially when changing clothes or undertaking any form of personal grooming. However, there are occasions when there will be a need for an appropriate level of supervision, especially to ensure safety. In sensitive situations it is always a preferable to have a third person present who can provide additional support. Supervision should be appropriate to the age and needs of the child.

8.12 **First Aid** – If a medical person is available that person should be the one to administer any first aid. Where possible, volunteers should ensure that another adult is present or aware of the action being taken when administering first aid. Parents/guardians should always be informed when first aid has been administered.

8.13 **One-on-one Meetings** – In general, activities with children should be conducted in as public an environment as possible so that all behaviour may be readily observed by third parties. If privacy is necessary such that others cannot overhear the contents of a private conversation, volunteers should follow the adage 'out of hearing, but never out of sight'.

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Child Safety Policy

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13 Purpose

1.5 The Facility Management Committee's Child Safety Policy (the Child Policy) is a subset of the Management Committee's Vulnerable Person Safety Policy. The purpose of the Policy is to Recognise that the primary users of the Apex Children's Facility (the Facility) are children.

1.6 The Facility Management Committee (the Committee) wants children who utilise our facilities to have a safe and happy experience.

1.7 The Committee supports and respects our children, their families and our workers.

14 Scope

8.14 The Child Policy applies to any person who is attending the Facility when children are in residence. It includes:

2.1.1 Persons providing services to the Facility whether remunerated or not;

2.1.2 Visitors to and users of the Facility whether paying to use the Facility or not.

8.15 The Child Policy guides workers (paid and volunteer) on how to behave when interacting and engaging with children in our organisation. The policy focuses on how we can build and maintain a child safe environment which is inclusive, transparent and promotes children's participation.

8.16 The Committee supports the active participation of children in the programs and activities provided by those who use our facilities.

8.17 The Committee encourages individuals, families, and groups to provide feedback or raise concerns. We listen to their views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.

15 Recruitment

3.1 The Committee will maintain a rigorous and consistent recruitment, screening, and selection process.

3.2 We achieve this standard with the use of interviews, references and the Working with Children Check.

16 Legislative and Corporate Requirements

4.1 The following Acts, Regulations and Guidelines provide the legislative framework for the Policy:

Commonwealth legislation

Aged Care Act 1997 (Cth)

Disability Discrimination Act 1992 (Cth)

Sex Discrimination Act 1984 (Cth)

Australian State legislation

Criminal Law / Code Act (if/as applicable)

Children Protection (Working with Children) Act 2012

Children and Young Persons (Care and Protection) Act 1998

Department of Families and Communities Guidelines (if/as applicable)

Equal Opportunity Act (if/as applicable)

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All policies, procedures and ethical guidelines as appropriate.

17 Children at the Facility

5.1 Organisations taking children to the Facility

The person booking the Facility on behalf of an organisation for the purpose of taking a group of non-related children to the Facility (the Organiser) is responsible for ensuring all adults in attendance have a Working with Children Check Clearance. This must be completed prior to arriving at the Facility.

In compliance with the Child Protection (Working with Children) Act 2012 the Committee will not allow a person who is subject to a bar or interim bar to be involved in child related work at the Facility. Furthermore, the Committee does not permit any individual who otherwise presents an unacceptable risk to children to be involved in a Child Related Work Event or Activity at the Facility.

5.2 Family groups at the facility

The Committee recommends that a person booking the Facility (the Organiser) for the purpose of taking a group of children (which may include their own children) should consider whether all adults in attendance should, for the safety of the children, have a Working with Children Check Clearance.

In compliance with the Child Protection (Working with Children) Act 2012 the Organiser should ensure that no individual who otherwise presents an unacceptable risk to children is involved in a Child Related Activity at the Facility.

18 Complaints Management and Reporting

6.1 complaints and incident notifications may be submitted to the following organisations:

- Department of Family and Community Services
- NSW Ombudsman
- Office of the Children's Guardian.

6.2 Complaints and incident notifications may also be submitted to:

Executive Officer
Apex Foundation
Phone: 0493 171 870
Email: eo@apexfoundation.org.au

Complaints submitted to the Association of Apex Foundation will handled by the Foundation's Executive Officer their Vulnerable Persons Safety Policy. This may include notification to the Committee that a complaint or notification has been made.

19 Communication

7.1 The Child Safety Policy is to be published on the Apex Facility website (www.apexfacility.com.au).

7.2 The presence of the Child Policy is to be advised to all persons booking the Facility.

20 Application of Policy

8.1 The Committee will undertake the following to manage its obligations under the Child Policy:

8.1.1 Take all reasonable steps to ensure the most suitable and appropriate people are engaged (for the Facility Management Committee and the Facility Caretaker position) to work with, and/or provide services to children.

8.1.2 Applicants for any employed position (whether paid in cash or kind) which is substantially and directly involved with children will be screened for their suitability to provide services; screening may involve interviews, referee reports, checking qualifications and previous employment history in working with children and obtaining criminal history reports. Identifying such a position will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/or on-going contact), and the vulnerability of the person.

8.1.3 Staff employed and to whom clause 6.1.2 applies will undergo a criminal history screening not less than once every three years.

8.1.4 The Executive Officer of the Apex Foundation is to be the first point of contact. The Executive Officer will provide advice and support to children, vulnerable people and Facility associates regarding safety and well-being.

8.1.5 Require the contact person for a Facility booking to acknowledge notification of and their understanding of the Child Policy prior to their attendance at the Facility being confirmed.

8.1.6 Take steps to increase awareness within the Management Committee about providing an environment where vulnerable people are safe and protected from abuse.

8.1.7 Participate in training provided by the Apex Foundation about Foundation and regulatory requirements regarding contact with children and vulnerable persons.

8.1.8 Maintain supportive and responsive procedures for fulfilling mandatory reporting obligations, where relevant, and dealing with complaints and issues effectively as they arise.

8.1.9 Take appropriate security measures for the collection and maintenance of appropriate records related to children and vulnerable persons when and as required.

8.1.10 Collaborate and consult with other relevant agencies in matters concerning the protection of vulnerable people.

8.1.10 Develop, monitor, evaluate and review risk management strategies and procedures when and as required to minimise potential harm to vulnerable people.

21 Reporting Requirements

9.1 All Facility associates have the obligation (in addition to, and not to derogate from any relevant state legislation) to notify the relevant State Government authority if they suspect, on reasonable grounds, that a vulnerable person has been or is being abused or neglected as well as notifying the Foundation's Executive Officer.

9.2 A Facility associate must immediately notify the Foundation's Executive Officer if that person believes they would fail a criminal history screening for the purposes of determining whether that person is suitable to work with children or vulnerable persons.

9.3 The practice will ensure Facility associates are appropriately supported, records are kept confidential and secure, and any organisation responsibilities (in addition to any mandatory reporting obligation/s) are pursued where relevant.

9.4 The Management Committee will sensitively support any Facility associate who, though not a mandated notifier, suspects incidents of abuse or neglect of a child or vulnerable person.

22 Review

10.1 The Child Safety Policy is to be reviewed annually by the Committee at its first general meeting following the Annual General Meeting.

23 Access to the Policy

11.1 The Policy is available for public inspection on the Apex Facility's website: www.apexfacility.com.au

24 Further Information

12.1 For further information about the Policy please contact:

Executive Officer
Apex Foundation

Phone: 0493 171 870
Email: eo@apexfoundation.org.au