

Protection From Abuse Policy

1. Introduction

1.1 Policy Statement

Kiama Community College Ltd is committed to providing a safe and secure environment for all its Employees, Students, Visitors, Volunteers and particularly to Children, Aged and Vulnerable People.

Kiama Community College Ltd's Protection from Abuse Policy aims to reduce the risk of abuse occurring, and to ensure that a caring and appropriate response is taken should abuse occur.

1.2 Scope

This Protection from Abuse Policy applies to:

All activities under the control of Kiama Community College Ltd, including Community College operations and Shoalhaven River College school operations,

All employees, students, volunteers, contractors and visitors within Kiama Community College Ltd or engaged by Kiama Community College Ltd.

1.3 Authority

This Protection from Abuse Policy was adopted for use by Kiama Community College Ltd on 14 July 2020.

Kiama Community College Ltd is committed to implementing the Protection from Abuse Policy and to training our employees, students, contractors and volunteers in its content and application.

1.4 Definitions

Abuse, can consist of one or more of but is not restricted to the following:

Elder Abuse, a single or repeated act, occurring in any relationship where there is an expectation of trust, which causes harm or distress to an older person.

Physical Abuse, any non-accidental physical injury resulting from practices such as:

- hitting, punching, kicking (marks from belt buckles, fingers), shaking, burning (irons, cigarettes), biting, pulling out hair, alcohol and/or other drug administration.

Sexual Abuse, any assault or abuse of a sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation.

Emotional Abuse, the chronic attitude or behaviour of one person which is directed at another person, or, the creation of an emotional environment which erodes a person's self-esteem and social confidence over time. Behaviours may include:

- Insulting, bullying, devaluing, ignoring, rejecting, corrupting, isolating, terrorising or other extreme acts in the aged or vulnerable person's presence.

Financial Abuse, when someone takes away a person's access to their own money, manipulates the financial decisions of a person, or uses a person's money without consent.

Neglect characterised by the failure to provide for basic needs. It is also any serious omission or commission which jeopardises or impairs a person's health or development.

Child, any person under the age of 18.

Student, any person, including children, who attends or participates in Kiama Community College Ltd's activities.

Organisation, Kiama Community College Ltd, located at 7 Railway Pde Kiama NSW 2533

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Worker, any employee, volunteer or contractor engaged to deliver services to vulnerable people and/ or any students of Kiama Community College Ltd.

Volunteer, any unpaid person over the age of 16 who is invited to assist in the care of Aged and Vulnerable people or any student of Kiama Community College Ltd.

Vulnerable Person, any person who is or maybe in need of any sort of special assistance for reason of mental, disability, age or illness.

2. Policy Review

This Protection from Abuse Policy will be reviewed biennially.

3. Obligations

3.1 Responsibility

The core expectations of any responsible Organisation require us to treat all people with fairness and dignity and to care for those who are less powerful and in need of nurture and protection.

3.2 Legal

All relevant organisations within Australia are bound by Federal and State legislation and principles established through common law. Kiama Community College Ltd is committed to adhering to all relevant legislation.

3.3 Ethical

Some actions may not be regarded as abuse but are unacceptable behaviour for Kiama Community College Ltd. These include:

- Inappropriate conversation of a sexual nature.
- Coarse language, especially that of a sexual nature.
- Suggestive gestures or remarks.
- Jokes of a sexual nature.
- Inappropriate touching.
- Inappropriate literature (e.g. PG, M, MA, R or X rated material).
- Recording or filming with or without prior consent.
- Acts of violence committed by a worker in the course of an activity.

Each student of Kiama Community College Ltd has the right to full and effective use of their personal, civil, legal and consumer rights:

- To be treated with dignity and respect and to receive services without exploitation, abuse or neglect;
- To receive services without discrimination or victimization, and without being obliged to feel grateful for the provision of these services
- To personal privacy;
- To be treated and accepted as an individual, and to have their individual preferences taken into account and treated with respect;
- To continue their cultural religious practices and to retain the language of their choice, without discrimination;
- To select and maintain social and personal relationships with any other person without fear, criticism or restriction;
- To freedom of speech;
- To be involved in the activities, associations and friendships of their choice
- To have access to services and activities which are available generally in the community;
- To complain and to take action to resolve disputes;
- To have access to advocates and to other avenues of redress; and
- To be free from reprisals, or a well-founded fear of reprisal, in any form for taking action to enforce their rights.

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4. Selection & Screening

4.1 Employees, Contractors & Volunteers

Employees, contractors and volunteers involved in activities or programs with children, aged and/or vulnerable people must be carefully selected and screened. Prior to commencing employment or volunteer services, the following precautions will be taken:

Candidates must provide contact details of 2 referees. Both referees will be checked and spoken to, using agreed questions designed by Kiama Community College Ltd to obtain information about the applicant's experience with, and suitability for, working with vulnerable people. A record of the conversation will be documented and retained on file.

All short-listed candidates must undertake a formal interview which includes an analysis of past experience working with children, the elderly or vulnerable people. Reference and interview questions are contained in Appendix 1

A Police and/or Working With Children Check (WWCC) which complies with the legislative requirements of NSW will be requested and received prior to the worker commencing their proposed role. The Training Services Manager advises which roles require a Police Check and/or WWCC. The check must show that the individual is not precluded from working in childcare or aged care.

Where the Organisation has identified that an applicant has previously committed a violent or sexually related offence, they cannot, under any circumstances, be considered for employment or engagement with Kiama Community College Ltd.

Police and Working With Children Check's will be carried out in accordance with the Kiama Community College *Working With Children Check & Police Check Procedure*. A worker can only commence duties once appropriate clearance has been obtained.

Staff working with people with disability will undergo an NDIS Worker Clearance and provide evidence prior to commencing employment.

5. Training

All new Workers will be given a copy of this policy and receive formal training in:

- The content and application of the Organisation's Protection from Abuse Policy,
- Reporting procedures and the associated legal requirements.

Staff working with people with disability will also complete the online NDIS Orientation Module.

Existing workers will receive biennial Refresher training based on current "best practice" and changes to legislation.

6. A Safe Environment

Incidents of abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons, working in pairs is the preferred method.

Two or more employees and/or volunteers will be present whenever an individual child or vulnerable person is being supervised or supported. Where this is not possible, it should be done in a room which can be observed easily by others.

When transporting vulnerable students, staff will avoid being alone with a student in a car. Where this is not practical due to emergency circumstances, staff should specifically confirm that they will take students directly to and from arranged venues and not to spontaneously detour or make additional arrangements. In this circumstance, staff are required to communicate verbally or via text to their immediate supervisor that they are driving the student, where they are going and will notify when the student is no longer in their care. Where possible, the student is to sit in the back of the vehicle.

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Physical contact will be avoided unless a student is experiencing extreme distress or unless first aid is being applied. Workers will respect a student's feelings and privacy when engaging in physical contact of any kind.

Workers will not be present when students are undressing, dressing or changing clothes unless a student who is a RISE class has been identified by the RISE Co-ordinator as requiring assistance with toileting. Workers will set an example by protecting their own privacy in similar situations.

Initiations and secret ceremonies are prohibited. All aspects of every program related to children, aged and vulnerable people will be open to observation by family, friends or guardians.

Workers have the right to ask people who do not have a valid reason to be present at such activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

7. Disciplining Children

It is not the responsibility of the Community College operation or its workers to discipline a child. If a child does not abide by the rules set down by the Organisation or becomes an obstruction to the care of other children or students, and may cause harm, the Child will be removed and referred back to their host organisation, parent or guardian.

The Shoalhaven River College school operation will follow its *7.1 Student Discipline Policy* in applying any discipline for students at all times. Discipline must only occur within this framework. In accordance with the Shoalhaven River College Policy *7.3 Corporal Punishment* is not permitted.

8. Reporting Procedures

Kiama Community College Ltd actively encourages the reporting of all abuse including Sexual Abuse.

Kiama Community College Ltd is committed to building an environment where any person feels able to report such abuse.

Workers must report reasonable suspicions of abuse to the senior management of Kiama Community College Ltd. In the case of Shoalhaven River College school operations, reports must be made to either the Principal or the CEO. In the case of Community College operations, reports must be made to the CEO or the Compliance & Risk Manager.

Reasonable Suspicion means fair and practical reason to believe an incident involving abuse has occurred based on either verbal communication, hearsay, rumour or observation of behaviour.

An independent person will be appointed by Kiama Community College Ltd with the specific duty of dealing with any allegations of harm or abuse that may arise.

The details of those reporting abuse will be kept private and confidential.

A documented reporting process with escalating procedures has been established by Kiama Community College Ltd for handling allegations of abuse.

The escalating procedures will be as follows:

- The automatic suspension from all work or other duties within Kiama Community College Ltd of any person while under investigation by Kiama Community College Ltd, or by the police, for committing abuse;
- The automatic termination of their employment, or involvement with Kiama Community College Ltd if found guilty of committing abuse, either by internal investigation or by a court.

If there is reasonable suspicion that a Student has been or is suffering abuse, the Police and the Organisation's Insurer will be contacted immediately.

The phone number for the Police is: 131444.

The phone number for Kiama Community College Limited is: 02 42 321 050.

The phone number for the organisation's insurance broker is 02 9376 7836.

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For RISE / NDIS reporting, follow the *Incident Management & Reportable Incidents (NDIS Participants) Policy & Procedure*.

The Police will also be notified if a Student or worker discloses an incident of Abuse that has occurred somewhere other than Kiama Community College Ltd's premises, (e.g. an excursion or community premise).

If a disclosure of abuse is made, the person who receives the disclosure will likely maintain appropriate pastoral care to the one making the disclosure unless it is identified that there would be a more appropriate staff member to support the person.

This will include:

- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim. The matter should not be swept under the carpet.
- Not pushing the Student to disclose details of the alleged assault or attempting to investigate the allegation.
- Assuring the Student that they are understood, that their disclosure is being taken seriously, that what has happened is not their fault, and that they are correct in disclosing the incident.
- Reporting the abuse to the police and Kiama Community College Ltd's insurance broker, Coverforce.
- Not making contact with the alleged perpetrator. If the Worker is already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.
- If the alleged assault has taken place recently, clothing worn by the Student should be, if reasonably practical, retained and handed to the police for forensic examination. Appropriate and immediate support will be put into place for support if a hospital examination is required.
- Maintaining confidentiality.

Any disclosures by a Student, reports of suspected abuse and all details of the subsequent investigation will be documented promptly, and the documents will be held in a secure location where a breach of privacy cannot occur.

9. Further Information

Further information regarding reporting child protection matters is contained in the following organisational policies:

Community College Operation-	<i>Protecting Children & Young People Policy</i>
Shoalhaven River College School Operation-	<i>5.1.1 Protecting & Supporting Children & Young People</i>

Further information regarding reporting NDIS participant matters is contained in the following organisational policy:

Incident Management & Reportable Incidents (NDIS Participants) Policy & Procedure

Policy Authorised by:	CEO
Effective date of Original Version:	14 July 2020
Policy Maintained by:	Chief Executive Officer
Version Number/Effective date:	V3, 24 May 2022
Review Date:	30 June 2024

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APPENDIX 1

Referee Questions:

Have you ever had any cause to doubt the candidate's commitment to protection of vulnerable people?

Would you have any hesitation or concern in recommending the candidate to work with vulnerable people, including children, people with a disability, people with a mental illness or seniors?

Interview Questions:

Can you tell us about your experience working with vulnerable people such as children, people with a disability, people with a mental illness or seniors? What is your understanding of your obligations to protect such people?

Is there anything that we should be aware of that would preclude you from working with vulnerable people such as children, people with a disability, people with a mental illness or seniors?

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ACKNOWLEDGEMENT

I _____ have read, understood, discussed any questions with my manager, and agree to comply with the terms of this *Protection from Abuse Policy*.

Signed

Dated