



TEMPLE SOCIETY AUSTRALIA

PARTICIPANTS' PROTECTION POLICY



JANUARY 2018

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1. INTRODUCTION

1.1 Policy Statement

The Temple Society Australia (TSA) is committed to providing a safe and secure environment for all Participants in its activities – particularly to Children, Elderly and Vulnerable People – and to its Members, Leaders, Teachers, Volunteer Helpers and Employees.

The TSA Participants' Protection Policy & Procedures aims to reduce the risk of Abuse occurring, and to ensure that a caring and appropriate response is taken should Abuse occur.

Being a religious body and operating a registered non-government school (German Language School), the TSA is bound by the Victorian Child Safe Standards and Reportable Conduct Scheme, as well as equivalent legislation in other states. This imposes obligations on the TSA to report Abuse to the relevant authorities.

1.2 Scope

The Policy & Procedures applies to:

- All Employees, Members, Leaders, Teachers and Volunteer Helpers within the TSA, Contractors and Agency Staff engaged to the TSA and Visitors, and all are expected to be aware of it;
- All service organisations or subsidiary bodies authorised by or under the control of TSA, whether those services are undertaken on TSA premises or away from those premises; and
- The Participants themselves in their own right.

1.3 Authority

This Policy & Procedures of the TSA has been adopted for use by Regional Council and is subject to regular review and update.

The TSA is committed to implementing the Policy & Procedures and to ensuring its Employees, Members, Leaders, Teachers, Volunteer Helpers, Contractors and Agency Staff are aware of its content and that they apply it in practice.

1.4 Definitions

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

Elderly 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, strapping with a belt, bending fingers, squeezing, shaking, burning (irons, cigarettes), biting, pulling out hair, alcohol and/or other drug administration

Sexual Abuse, any assault or abuse of a sexual nature, whether verbal or physical, sexual molestation, indecent exposure, sexual harassment, exploitation 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 development, self-esteem and social confidence over time

Behaviours may include:

Insulting, bullying, devaluing, intimidating, exploiting, ignoring, rejecting, corrupting, isolating, terrorising, any form of discrimination or other extreme acts

Financial Abuse may include:

- Activities by an attorney in violation of their powers, duties and responsibilities under an Enduring Power of Attorney (EPA) or a Financial Power of Attorney (FPA);
- Misappropriation of money, valuables or assets;
- Forging signatures;
- Denial of access to personal assets;
- Accessing a person's funds electronically; and/or
- Forced or unauthorised changes to legal documents

Financial Abuse may also occur where a person takes advantage of a person who has already lost (or is losing) capacity, by coercing or arranging for the person to sign an EPA or FPA in circumstances where the person is unable to understand the nature and effect of the document

Elderly, any older person who is a Participant

Employee, any person in full-time, part-time or casual employment with the TSA

Neglect, characterised by the failure to provide for basic needs. Any serious omission which jeopardises or impairs a person's health or development

Child, any person under the age of 18

TSA refers to the Temple Society Australia, and includes both its unincorporated and incorporated entities. Registered office address –152 Tucker Road, Bentleigh VIC 3204

Regional Council – governing body of the Temple Society Australia, unincorporated

Regional Head – head of the Temple Society Australia, unincorporated

Administration Manager – manager of the Temple Society Australia, unincorporated, and secretary of the Temple Society Australia, incorporated.

Leader, any person (paid or unpaid) **over the age of 18** who is responsible for the control and safety of Participants placed in their care whilst holding a formal position recognised in the structure of the TSA. A Leader could include but is not limited to:

- Elders;
- Focus Group members;
- Music, drama or other leaders;
- Counsellors;
- Youth and camp leaders;
- Sunday school instructors;
- Teachers; and/or
- Sports coaches and organisers

Volunteer Helper, any unpaid person who is invited by a Leader to assist them in leading their activity . All Volunteer Helpers must be over the age of 16

Participant, any person, including a child, who attends or participates in a TSA activity

Member, a member of the TSA as defined by the constitution of the TSA unincorporated entity

Vulnerable Person, any person who is or may be in need of community care services by reason of mental or other disability, age or illness

Visitor, any person who is not a Member but comes to spend time at a TSA organised event or facility

Contractor, any person or entity that enters into a contract with the TSA for the provision of goods or services

Agency Staff, any person hired to work for the TSA

2. EXTERNAL POLICIES

The TSA acknowledges that some of its activities might have external affiliation with other subsidiary or partner organisations. These organisations will possibly have policies governing the issues of safety and abuse. The TSA's Policy & Procedures is not intended to replace or conflict with other policies, but instead to operate in conjunction with them.

3. POLICY REVIEW

This Policy & Procedures will be reviewed by Regional Council as deemed necessary and whenever legislated changes necessitate it. Interested parties will be allowed the opportunity to provide input into any review.

4. OBLIGATIONS

4.1 Responsibility

The core expectations of any responsible organisation require the TSA to treat all people with fairness and dignity, and to care for those who are less powerful and in need of nurture and protection, including Children, Elderly and Vulnerable Persons.

4.2 Legal

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

4.3 Ethical

Some actions may not be regarded as Abuse and may not be legally actionable, but are unacceptable behaviour for the TSA.

These include:

- Inappropriate conversation of a sexual nature;
- Coarse language, especially that of a sexual nature;
- Language that reflects racial or religious vilification;
- Joking which is sexual, racial or religious in nature;
- Suggestive gestures or remarks;
- Inappropriate or intrusive touching;

- Recording or filming without prior consent;
- Acts of violence committed by anyone in the course of an activity;
- Using or referencing inappropriate literature (e.g. PG, M, MA, R or X rated material) in hard copy form or electronically;
- Inappropriate undressing/dressing in front of a person;
- Ridiculing, rejecting or isolating behaviour; and/or
- Aggressive, physically distressing or sexually provocative activities.

The age of individuals is recognised as one of the determinants in deciding what is acceptable and what unacceptable behaviour is. Regional Council insists that high standards of conduct are maintained at all times.

Each Participant and Visitor has the right:

- To full and effective use of his or her personal, civil, legal and consumer rights;
- To be treated with worth, dignity and respect and to receive services without exploitation, Abuse or Neglect;
- To be treated fairly, with consideration and honesty;
- To receive services without discrimination or victimisation, and without being obliged to feel grateful to those providing the services;
- To personal privacy;
- To be treated and accepted as an individual, and to have his or her individual preferences taken into account and treated with respect;
- To continue his or her cultural or religious practices and to retain the language of his or her 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 maintain his or her personal independence, which includes a recognition of personal responsibility for his or her own actions and choices, even though some actions may involve an element of risk which the Participant has the right to accept, and that should then not be used to prevent or restrict those actions;
- 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 his or her rights.

5. SELECTION & SCREENING

5.1 Employees, Agency Staff and Contractors

Those involved in activities or programs with Children, Elderly and/or Vulnerable Persons must be carefully selected and screened. Prior to commencing employment or providing services, the following precautions will be taken:

- All prospective Employees will provide details of relevant past experience, positions held, details of referees and permission to contact them.
- Referees will be spoken to, with questions asked seeking to establish the applicant's suitability for the role or position.
- Short-listed candidates will be interviewed by an experienced and responsible Employee or Member of the TSA prior to being accepted for employment.
- A Police and/or Victorian Institute of Teaching (VIT) or equivalent registration and/or Working with Children (WWC) check which complies with the State legislative requirements will be requested and received prior to any Employee, Agency Staff or Contractor commencing their proposed role.

5.2 Leaders

Those involved in activities or programs with Children, Elderly and/or Vulnerable Persons must be carefully selected. Prior to commencing services, the following precautions will be taken:

- Leaders will be Members of the TSA and have regularly attended TSA gatherings for at least 12 months, or will be personally known by a referring Member for at least 12 months and referred to the Regional Head for approval.
- Teachers and the Principal of the TSA German Language School will comply with its codes of practice/conduct and with the Victorian Child Safe Standards. They are legally required to personally report reasonable suspicions of Abuse to the Department of Health and Human Services (Victoria).
- A Police and/or VIT or equivalent registration and/or WWC check which complies with the State legislative requirements will be requested and received prior to any Leader or Teacher commencing their proposed role.

5.3 Volunteer Helpers

Those involved in specific activity programs for Children, Elderly and/or Vulnerable Persons must be personally known by the activity Leader or Teacher for at least 12 months, or will be personally

known by a referring Member for at least 12 months and referred to the Regional Head for approval.

Volunteer Helpers are expected to have an awareness of the content of the TSA Participants' Protection Policy & Procedures and be prepared to adhere to it.

Any Volunteer Helper who provides assistance in a Children's activity must be supervised by a Leader or Teacher at all times and will be accountable to that Leader or Teacher.

Leaders or Teachers who accept the assistance of a Volunteer Helper must be satisfied of the Volunteer Helper's maturity and their suitability for work with Children, Elderly and/or Vulnerable Persons.

Any persons regularly assisting and/or acting without supervision where Children's activities are held must have a valid WWC card.

Where the TSA 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 as a Leader, Teacher or as a Volunteer Helper.

6. TRAINING

All Employees, Leaders and Teachers will be issued with a copy of this Policy & Procedures and again regularly after review by Regional Council. On each occasion a covering explanation will alert them to its content and application. The same will be **compulsorily** included in the induction of any new Employees, Leaders and Teachers.

Copies of the Policy & Procedures will be freely available at each of the TSA facilities and on the TSA website.

7. 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. Where this is not possible one Leader or Teacher will suffice, but only when there are three or more Participants, who must be present together.

In the case of a medical emergency, the welfare of the Participant is considered paramount and, accordingly, it is recognised that those in charge may need to transport a Participant without others

being present. Wherever possible, a decision to do this should not be unilaterally made and, if possible, a parent or guardian should be informed.

Leaders and Teachers will not visit Children in their homes unless a parent/guardian is present or another Leader or Teacher accompanies them.

When transporting people under their care, Employees, Leaders and Volunteer Helpers will take them directly to and from arranged venues and will not spontaneously detour or make additional arrangements.

A medical emergency is the only circumstance under which Teachers can transport Children.

All personal counselling is to be carried out within sight of another Leader, Teacher or Volunteer Helper.

Leaders, Teachers, Employees and Volunteer Helpers will respect a Participant's or Visitor's feelings and privacy when engaging in contact of any kind.

Adults and Children are expected to respect each other's privacy during activities that require undressing, dressing or changing clothes. Leaders, Teachers and Volunteer Helpers will set an example by protecting their own privacy in similar situations. No Leader, Teacher or Volunteer Helper will be alone in a room with a Child or an Elderly or Vulnerable Person while they are changing.

Initiations and secret ceremonies are prohibited. All aspects of every program related to Children, Elderly and Vulnerable Persons shall be open to observation by family, friends or guardians.

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

8. DISCIPLINING CHILDREN

It is not the responsibility of the TSA or its Employees, Leaders or Volunteer Helpers to discipline a Child. If a Child does not abide by the rules set down, or becomes an obstruction to the care of other Participants and may cause harm, the Child may be removed and have acceptable behaviour explained to them. Where that is unsuccessful, the Child is to be referred back to their parent or guardian.

When a student does not comply with the rules forming part of the Code of Conduct of the German

Language School, they will first be referred to the Principal, who will then consult with the parent or guardian to determine the appropriate action to be taken.

At no time will a Leader or Volunteer Helper administer any form of physical, emotional or mental discipline.

9. REPORTING PROCEDURES

Any allegations should immediately be reported to the Regional Head or to the Administration Manager. All allegations and actions are to be documented as they occur.

If there are reasonable grounds to suspect a Participant or a Visitor has been or is suffering Abuse, the Police, the Commission for Children and Young People and the TSA's insurer will be contacted *immediately*.

Police: (03) 9247 6666 (VIC); 13 11 444 (NSW)

Commission for Children and Young People: 1300 782 978 (VIC)

Advocate for Children and Young People: (02) 9248 0970 (NSW)

ANSVAR (TSA's insurer): 1800 729 513

Reasonable grounds can be assumed when:

A person discloses that he or she has been Abused, and/or someone close to a Participant (e.g. sibling, relative, close friend) discloses on behalf of that person.

The Police will also be notified if a person discloses an incident of Abuse that has occurred somewhere other than at TSA's premises, (e.g. home or school).

If a disclosure of Abuse is made, the person who receives the disclosure will provide appropriate pastoral care to the one making the disclosure. 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 person to disclose details of the allegation or attempting to investigate the allegation;
- Assuring the person 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, the Commission for Children and Young People and the TSA's insurer;
- Not making contact with the alleged perpetrator. If the Employee or Volunteer 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 allegation has taken place recently, being mindful that clothing worn by the Participant should be retained and handed to the Police for forensic examination; and
- Maintaining confidentiality.

Any disclosures, 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.

Where an allegation is made, the accused will be removed from all related activities and programs pending the outcome of all investigations.

TSA reserves the right to carry out disciplinary procedures in accordance with the constitution of its unincorporated entity.

10. ALCOHOL & OTHER DRUGS

The consumption of alcohol or illegal drugs in proximity to or during a Children-specific activity is not to be allowed or condoned by any Leader or Teacher.

Any Child found to be under the influence of alcohol or illegal drugs is to be counselled and the parent/guardian contacted, so that the Child can be returned home immediately.

Any Child required to take prescription medication will provide a letter to that effect to the TSA from their parent/guardian.

11. LEGISLATION

All relevant Federal and State legislation – including but not limited to the Working with Children Act, Education Training and Reform Act, Children and Young Persons Act, Children Services Act, Child Protection Act, Children Act, Commission for Children and Young People Act, Ombudsman Act, Anti-Discrimination Act, Equal Opportunity Act, Disability Discrimination Act, Racial Discrimination Act, Sex Discrimination Act – will be applied and adhered to.

Every attempt to keep abreast of legislative changes will be made.

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