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Protection of Vulnerable Individuals Policy

1. Introduction

- 1.1 Shepparton Arts Festival Inc is committed to promoting and protecting the welfare and human rights of its participants, particularly vulnerable persons who may be at risk.
- 1.2 All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation or family or social background have a right to feel safe, to be safe and to be protected from abuse, neglect or exploitation.
- 1.3 Shepparton Arts Festival Inc is committed to a trauma-informed approach in all that it does.

2. Purpose

- 2.1 The purpose of this Policy is to ensure that safe environments are created by Shepparton Arts Festival Inc which promote and enhance the safety and welfare of all people who come in contact with Shepparton Arts Festival Inc, including by:
 - (a) setting out the roles and responsibilities of people working with Shepparton Arts Festival Inc;
 - (b) setting out how Shepparton Arts Festival Inc manages safeguarding risks;
 - (c) facilitating the safe management of incidents; and
 - (d) promoting a positive and effective internal culture toward safeguarding.


3. Scope

- 3.1 This Policy applies to all Committee members, staff, volunteers, partners, contractors of Shepparton Arts Festival Inc (together, **Representatives**) and third party stakeholders working at Shepparton Festival.

4. Regulatory context

- 4.1 All Australian jurisdictions have legal requirements around the prevention, protection and reporting of abuse, neglect or exploitation of vulnerable individuals.
- 4.2 Representatives at Shepparton Arts Festival Inc are required to carry out their duties with due care and diligence, which includes taking care to protect vulnerable individuals.

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5. Definitions

‘abuse, neglect or exploitation’ means all forms of physical and mental abuse, exploitation, coercion or ill-treatment, including:

- (a) sexual harassment, bullying or abuse;
- (b) sexual criminal offences and serious sexual criminal offences;
- (c) threats of, or actual violence, verbal abuse, emotional or social abuse;
- (d) cultural or identity abuse such as racial, sexual or gender-based discrimination or hate crime; and
- (e) abuse of power.

‘at risk’ means at risk of abuse, neglect or exploitation.

‘external authority’ includes the police and any relevant authority (including, without limitation, those listed in Annexure A).

‘reasonable grounds to suspect’ means a belief, based on some information, that a person has experienced, is experiencing or may experience abuse, neglect or exploitation. Proof is not required. Suspicion based on information is sufficient. Questions that may help a person to determine whether they have reasonable grounds to suspect include:

- (a) Could you explain to another person why you suspect something? This helps to make sure that your suspicion is based on information.
- (b) Would an objective other person, with the same information as you, come to the same conclusion? This helps to ensure the suspicion is as objective as possible.

‘safeguard’ means protect the welfare and human rights of people that interact with, or are affected by Shepparton Arts Festival Inc, particularly those who are vulnerable or at risk.


‘vulnerable’ means any person who is unable to take care or promote themselves (or their interest) against harm, abuse or exploitation by reason of age, illness, trauma, disability, or any other reason. Vulnerability can be temporary or permanent.

6. Responsibilities

6.1 All Representatives and people working with Shepparton Arts Festival Inc must help to safeguard people by:

- (a) maintaining a safe environment for persons in the course of their work;

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- (b) ensuring that, if they have reasonable grounds to suspect a person is at risk, they report the suspicions internally and (if required or appropriate) to an external authority; and
- (c) immediately contacting the police if they believe a person is at immediate risk.

6.2 The Committee is responsible for the protection of people that interact with, or are affected by Shepparton Arts Festival Inc. It must ensure that Shepparton Arts Festival Inc:

- (a) has appropriate and effective policies and processes in place to protect people and that these policies and procedures are implemented;
- (b) complies with all relevant laws relating to safeguarding, including, in respect of children, those listed in Annexure B; and
- (c) takes a trauma-informed approach to safeguarding.


6.3 The General Manager (**GM**) of Shepparton Arts Festival Inc must:

- (a) take reasonable steps to protect people, including developing and implementing processes and policies;
- (b) manage safeguarding and legal compliance;
- (c) ensure that reports are made to external authorities when required or appropriate;
- (d) manage reports of abuse, neglect or exploitation;
- (e) ensure that all Committee members, staff, volunteers, partners, contractors and third parties are aware of relevant laws, policies and procedures, including the Shepparton Arts Festival Inc's Child Safety Code of Conduct, Child Safety Policy and Child Safety Procedure;
- (f) ensure that all Committee members, staff, volunteers, partners, contractors and third parties are aware of their obligations to report suspected incidents of abuse, neglect or exploitation; and
- (g) provide support for all Committee members, staff, volunteers, partners, contractors and third parties in undertaking their responsibilities.

6.4 The General Manager and Creative Director must:

- (a) promote a positive culture towards safeguarding;

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- (b) implement this policy in their area of responsibility;
- (c) ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
- (d) facilitate the reporting process when someone has reasonable grounds to suspect; and
- (e) ensure potential incidents are handled with, accountability transparency and a trauma-informed approach.

6.5 All Committee members, staff and volunteers of Shepparton Arts Festival Inc must:

- (a) familiarise themselves with the relevant laws, Code of Conduct, and policies and procedures for safeguarding;
- (b) report any incident to the GM and (if required or appropriate) to an external authority when it is reasonable to suspect that a person's safety or welfare is at risk;
- (c) report any suspicion that a person's safety or welfare may be at risk internally or to an external party; and
- (d) provide an environment that is supportive of everyone's emotional and physical safety.

6.6 All partners, contractors and third parties of Shepparton Arts Festival Inc must:


- (a) implement and abide by this policy and relevant procedures in their dealings with Shepparton Arts Festival Inc; and
- (b) report any suspicion that an incident may have taken place, is taking place, or could take place to the GM and (if required or appropriate) to an external authority, as soon as possible.

7. Identifying vulnerable individuals

7.1 Vulnerable individuals are people who are unable to take care of themselves or protect themselves against harm or exploitation and includes:

- (a) Children (under 18 years of age); and
- (b) Adults who are unable to take care of or protect themselves by reason of:
 - (i) age;

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- (ii) illness;
- (iii) trauma; and/or
- (iv) disability.

7.2 Shepparton Arts Festival Inc will take steps to identify vulnerable persons who may be delivering or benefiting from Shepparton Arts Festival Inc’s program.

7.3 Vulnerable individuals may be:

- (a) beneficiaries;
- (b) staff;
- (c) volunteers; and/or
- (d) third parties, their beneficiaries, staff or volunteers.

8. Managing safeguarding risk


8.1 Shepparton Arts Festival Inc will manage risks of safeguarding according to the following concepts:

- (a) **Holistic** – Shepparton Arts Festival Inc will assess the risks to people in its operations and develop proportionate controls to mitigate those risks.
- (b) **Trauma-informed** – Shepparton Arts Festival Inc will put the needs of survivors at the heart of its approach to safeguarding.
- (c) **Lawful** – Shepparton Arts Festival Inc will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.

8.2 Shepparton Arts Festival Inc will manage the risk of safeguarding by:

- (a) having up-to-date and documented risk assessments;
- (b) maintaining a register of Shepparton Arts Festival Inc’s legal obligations for safeguarding and workplace health and safety;
- (c) having a child safety procedure and whistle blower policy that sets out how it will manage safeguarding;
- (d) adhering to this policy;
- (e) doing all reasonable due diligence checks of Committee members, staff, volunteers, partners, contractors, and third parties, including:

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- (i) formally interviewing them and enquiring into their past experience of working with vulnerable individuals;
 - (ii) enquiring with at least two of their previous employers to check that the individual is suitable to be engaged by Shepparton Arts Festival Inc;
 - (iii) contacting at least two of their referees to check that they are suitable to be engaged by Shepparton Arts Festival Inc; and
 - (iv) conducting qualification checks (and, for those who come or will come into regular or ongoing contact with children in connection with Shepparton Festival, checking the validity of their Working With Children Check);
- (f) training its Committee members, staff, volunteers, partners, contractors and third parties in relation to this policy (including refresher / procedure update training based upon current best practice and changes to legislation);
 - (g) implementing policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents;
 - (h) conducting awareness-raising for stakeholders on risks, expectations, individual responsibilities, this policy and reporting procedures;
 - (i) maintaining two reporting processes: a confidential reporting process and an overt reporting process;
 - (j) monitoring and reviewing the effectiveness and proportionality of its safeguarding approach;
 - (k) taking steps to increase awareness within Shepparton Arts Festival Inc of the importance of maintaining a safe place for vulnerable persons;
 - (l) maintain responsive procedures for fulfilling mandatory reporting obligations; and
 - (m) maintain responsive procedures for dealing with complaints and issues as they arise.

9. Managing incidents

9.1 Harassment, abuse, neglect and exploitation are all serious misconduct. Where Shepparton Arts Festival Inc becomes aware of serious misconduct, it may:

- (a) investigate the concerns;

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- (b) stand the Representative down;
- (c) take disciplinary action, which may include dismissal;
- (d) take legal action; and
- (e) report the matter(s) to an external authority.

Reporting suspected incidents

- 9.2 All Committee members, staff, volunteers, partners, contractors and third parties must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place.
- 9.3 A person may report a suspected incident internally or to an external authority.
- 9.4 If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must report directly to the police immediately.

Internal reporting

- 9.5 A person may report internally to any member of the Committee or the GM.
- 9.6 A person may make an internal report of a suspected incident confidentially, including with anonymity to the GM.


Reporting to an external authority

- 9.7 Any person may report directly to an external authority.
- 9.8 Shepparton Arts Festival Inc must:
 - (a) Report any suspected criminal offences in breach of this Policy to the police;
 - (b) Comply with all donor of funding authority requirements regarding the reporting of incidents; and
 - (c) Report any incident that constitutes significant non-compliance with the Governance Standards to the Australian Charities and Not-for-profits Commission.

Responding to suspected incidents

- 9.9 All suspected, perceived, potential or actual incidents must be managed in accordance with Shepparton Arts Festival Inc's Child Safety Procedure.

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10. Privacy and data protection

10.1 All personal information considered or recorded must respect the privacy of the individuals involved unless there is a risk to someone's safety. Shepparton Arts Festival Inc will protect personal information obtained in connection with this Policy in accordance with its Privacy Policy.

11. Breaches

11.1 Representatives that breach this policy may be subject to disciplinary action, including and up to termination of their employment or engagement.

12. Review

12.1 The Committee of the Shepparton Arts Festival Inc will review this Policy every two years.

Policy created date 4 May 2021

Next policy review date 4 May 2024

13. Acknowledgements and Agreement

By signing this document, you confirm that you have read, understood and agreed to adhere to the guidelines, practices and policies stated in it.

I, _____ have read, understood and agree to this Policy. I further acknowledge the terms and conditions outlined in this document and agree to operate within the guidelines set out.

Representative Name: _____

Commencement date: ___ / ___ / ___

Signed: _____

Date: ___ / ___ / ___


14. Related policies, procedures and legislation

14.1 Related policies and procedures

- (a) Child Safety Code of Conduct
- (b) Child Safety Procedure
- (c) Child Safety Policy


14.2 Related legislation

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- (a) *Crimes Act 1958* (Vic)
- (b) *Child Wellbeing and Safety Act 2005* (Vic)
- (c) *Children, Youth and Families Act 2005* (Vic)
- (d) Child Safe Standards Victoria

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ANNEXURE A – REPORTING WITHIN VICTORIA

Any person who believes a child is in immediate danger should contact the police immediately. Otherwise, the contact numbers listed below provide a guide for reporting incidents concerning the safety and wellbeing of children, the elderly or people with disabilities within Victoria.

Department of Health and Human Services	
During business hours - contact the appropriate local government area:	
Northern and western suburbs	1300 664 977
Eastern suburbs	1300 360 391
Southern suburbs	1300 655 795
South-western rural and regional	1800 075 599
Western rural and regional	1800 000 551
North-western rural and regional	1800 675 598
North-eastern rural and regional	1800 650 227
Eastern and south-eastern rural and regional	1800 020 202
After hours and to report concerns about the immediate safety of a child:	
Child Protection Crisis Line (24 hours)	13 12 78
Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT)	
Contact the appropriate local office:	
North-West Metropolitan	(03) 8690 4056
Southern Metropolitan	(03) 9556 6128
Western Victoria	(03) 5448 1420
Eastern Victoria	(03) 5820 5878

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ANNEXURE B – VICTORIAN LEGISLATION

MANDATORY REPORTING			
Legislation	Mandated reporter	When must a report be made?	Who is a child?
<i>Crimes Act 1958 (Vic).</i>	Any person 18 years of older.	A mandated reporter must make a report to the police if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years. NB: exceptions apply.	A person under 16 years old.
VOLUNTARY REPORTING			
<i>Child, Youth and Families Act 2015 (Vic).</i>	Any person.	A voluntary reporter may make a report to an external authority if the person believes on reasonable grounds that a child is in need of protection	A person under 17 years of age.
<i>Child Wellbeing and Safety Act (Vic).</i>	Any person.	A voluntary reporter may disclose a reportable allegation to the Commission for Children and Young People.	A person under 18 years old.

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