## Safeguarding Policy Ver 23.08

### Purpose

All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, family or social background, have equal rights to protection from abuse, neglect or exploitation. This policy outlines Australian Mercy’s commitment to this principle in all of its operations.

### Scope

This policy applies to all Australian Mercy activities and the following constituents:

Australian Mercy Board Members.  Australian Mercy Staff  Project Management Groups

Project Managers and Staff  Volunteers  Project Partners

Contractors  Project Beneficiaries  Project Visitors

### Policy Statement

Australian Mercy commits to promoting and protecting the welfare and human rights of people that we interact with, or who are affected by, our work - particularly those that may be at risk of abuse, neglect or exploitation. We have zero tolerance for all forms of abuse, neglect or exploitation. We will take a survivor-centric approach in all that we do. We are committed to the safety and wellbeing of all people who are associated with our organization. We support the rights of children and other vulnerable people and will act without hesitation to ensure that a safe environment is maintained.

Australian Mercy will report all instances of sexual abuse to relevant local authorities, and in the case of child sexual abuse where extraterritorial jurisdiction laws apply, to authorities in the offending person’s country of citizenship.

All staff, volunteers, partners and third parties of Australian Mercy share responsibility for protecting everyone from abuse, neglect or exploitation.

Partnering organisations are required to sign an agreement to comply with this policy’s standard. All staff and volunteers are oriented to this policy as part of induction, and are required to sign the Australian Mercy Child Protection Code of Conduct that articulates this policy.

The policy follows four guiding principles:

* Zero tolerance of any abuse that may occur to children or other vulnerable people.
* Recognition of the interests and rights of children and other vulnerable people.
* Sharing responsibility for safeguarding of vulnerable people.
* Use of a risk management approach.

### Definitions

**Abuse:**

Although there is no legal definition of abuse, it is commonly defined as any intentional action that harms or injures another person. In other words, someone who purposely harms another person is guilty of abuse. There are many kinds of abuse, and these are normally defined by the type of harm and the type of victim. (Some are listed below.)

**Bullying:**

The inappropriate use of power by someone or a group of people, with an intent to injure either physically or emotionally. It is usually deliberate and repetitive. It may include physical and/or psychological abuse, as defined above.

* Examples of bullying can include:
* Verbal abuse.
* Excluding, ignoring or isolating a person.
* Psychological harassment.
* Intimidation.
* Assigning meaningless tasks unrelated to a person's job.
* Giving a person impossible assignments and deadlines.
* Unjustified criticism or complaints.
* Deliberately withholding information vital for effective work performance.
* Constant taunting, teasing or playing practical jokes on a person who is not a willing participant.

**Child and young person:**

Includes any person under the age of 18 years, unless a nation’s laws recognise adulthood earlier.

**Child abuse:**

Includes physical, sexual, emotional, neglect, bullying, child labour, and exposure to domestic violence. Abuse happens to children of all ages, ethnicity and social background, abilities, sexual orientation, religious beliefs and political persuasions. Boys and girls can both be victims of abuse, and abuse can be perpetrated by men and women, as well as by children and young people themselves.

Child abuse takes place not only within the family environment, but also outside the family, including within institutions, at work, on the streets, in war zones and during emergencies. Children in emergencies are particularly vulnerable to abuse and exploitation because they are often separated from their parents and other caregivers who would normally protect them from harm.

**Duty of care:**

Refers to the responsibility of the organisation to provide children and other vulnerable people with an adequate level of protection against harm. It is the duty of our organisation to protect children and vulnerable people from all reasonably foreseeable risks of injury or abuse.

**Elder Abuse:**

The WHO define elder abuse as, as "a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person". Elder abuse can take various forms such as financial, physical, psychological and sexual. It can also be the result of intentional or unintentional neglect. (<https://www.who.int/ageing/projects/elder_abuse/en/>)

**Emotional abuse:**

Can incorporate any form of abuse that results in psychological or emotional damage. This includes:

* Verbal abuse (such as name calling or threatening).
* Constant criticism.
* Intimidation.
* Manipulation.

**Exposure to domestic violence:**

Exposure to domestic violence occurs when children and other vulnerable people witness or experience the chronic domination, coercion, intimidation and victimisation (physically and/or emotionally) of one person by another within an intimate relationship.

**Exploitation:**

Exploitation is the act of selfishly taking advantage of a vulnerable person or group in order to profit from them or otherwise benefit oneself.

Exploitation can take many forms, such as;

* Sexual exploitation.
* Labour exploitation. ...
* Domestic servitude. ...
* Forced marriage. ...
* Forced criminality. ...
* Child soldiers. ...
* Organ harvesting etc.

**Extraterritorial Jurisdiction Laws:**

The legal authority of a country to prosecute criminal conduct that took place outside of its borders.

**Informed consent:**

Permission that is granted in full knowledge of the possible consequences of doing so.

**Neglect:**

Australian Mercy defines neglect as being, the deliberate and persistent failure to provide the child or vulnerable person with basic human rights including clean water, food, shelter, sanitation or supervision or care, to the extent that their health and or development are placed at risk.

**Physical abuse:**

Purposeful injury or threatening to injure a child, or vulnerable person - including slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may be in the form of bruises, cuts, burns or fractures.

**Reasonable grounds to suspect:**

Is a situation where a person has some information that leads them believe that abuse, neglect or exploitation has taken place, is taking place, or may take place. It comes with a low burden of proof (in fact, no proof is needed at all), but is based on some information. Questions that may help a person to determine whether they have ‘reasonable grounds to suspect’ might include:

* Could you explain to another person why you suspect something? This helps to make sure that your suspicion is based on information, even if you have no proof.
* Would an objective other person, with the same information as you, come to the same conclusion? This helps to make sure that your suspicion is as objective as possible.

**Safeguarding:**

Means protecting the welfare and human rights of people that interact with, or are affected by, Australian Mercy, particularly those that might be at risk of abuse, neglect or exploitation. This refers to any responsibility or measure undertaken to protect a person from harm.

**Sexual abuse:**

When a child or vulnerable person is used for the sexual stimulation or gratification of another person who is older or bigger, including other children. This may be through contact or non-contact acts, including involvement in or exposure to pornography, and is considered as sexual abuse if the victim is under the age of 18 years, regardless of the age of majority or age of consent locally. Sexual abuse also includes early and forced marriage.

**Sexual harassment:**

Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a reasonable person feel offended, humiliated or intimidated.

* Examples of Sexual harassment can include:
* Unwelcome touching.
* Staring or leering.
* Sexually explicit pictures or posters.
* Unwanted invitations to go out on date.
* Requests for sex.
* Intrusive questions about a person’s private life or body.
* Unnecessary familiarity, such as deliberately brushing up against a person.
* Insults or taunts based on sex.
* Sexually explicit physical contact.
* Sexually explicit emails or SMS text messages.
* Other unacceptable behaviours can include: o Coercion, harassment and discrimination.
* Occupational violence.
* Aggressive and abusive behaviour.
* Unreasonable demands and undue persistence.
* Disruptive behaviour.
* Aggressive or abusive behaviour such as threatening gestures or actual violence or assault.
* Verbal abuse such as yelling, screaming, abusive or offensive language.
* Being under the influence of illicit drugs or impaired by alcohol.
* Unsafe work practices or behaviour which may harm the staff member or others.
* Stalking.
* Unwelcome physical contact.
* Teasing, name calling, ridicule, or making someone the brunt of pranks or practical jokes.
* Excluding or isolating individuals.
* Personal use of company resources related to pornography or the sex industry.

**Vulnerable people:**

Australian Mercy defines vulnerable persons as:

* A child or children; (persons under the age of 18 years) or
* An individual aged 18 years and above who is or maybe unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or for any other reason.
* Vulnerable people can include:
  + children and seniors people with impaired intellectual or physical functioning
  + people from a low socio-economic background
  + people who are Aboriginal or Torres Strait Islanders
  + people who are not native speakers of the local language
  + people with low levels of literacy or education
  + people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.”

In some countries women and girl children are specifically at risk from gender abuse, sexual exploitation and sex trafficking.

### Background

**Risks for Children**

Every year millions of children and other vulnerable people suffer some form of abuse. Child abuse is a global problem that is deeply rooted in cultural, economic and social practices. Children are abused physically, sexually, emotionally and through neglect. They are forced to endure child labour, including sweat shops and prostitution. In some countries, boys are kidnapped and forced into armed conflict as soldiers. In many countries, children experience severe corporate punishment in schools.

Many million children per year are trafficked into exploitative work, many of them into commercial sexual exploitation. Children living in poverty are more at risk of child abuse and exploitation.

While most child abuse occurs within families and communities, children also experience abuse and exploitation in organisations which provide them with support and services.

Physical and emotional abuse and neglect in child-focussed organisations and institutions is usually less systematic and often unplanned- it is often the result of poor condition, bad work practices and negligent management. However, child sexual abuse in organisations is often planned and premeditated by individuals. Child sex offenders may seek employment in children’s organisations or may volunteer to work in remote or vulnerable communities. They may also move from ‘developed’ countries to ‘developing’ countries due to heightened awareness, tougher laws and more rigorous screening processes in developed countries.

The risk of child abuse is elevated when overseas aid activities bring aid workers into regular contact with children (for example, in disaster responses, primary and secondary education activities, women’s refuges and some health, infrastructure and human rights activities). It is essential to ensure that risks of child abuse associated with aid and development activities are managed effectively. It is also vital that organisations implementing aid activities remain alert to child protection issues and have the capacity to manage them effectively.

**Risks for the elderly**

According to WHO estimates 15.7% of people 60 years and older are subjected to abuse. These prevalence rates are likely to be underestimates as many cases of elder abuse are not reported. Globally the numbers of people affected are predicted to increase as many countries are experiencing rapidly ageing populations. (Ibid)

**Risks for people living with disabilities**

A systematic review on violence against adults with disabilities, published in February 2012, found that overall they are 1.5 times more likely to be a victim of violence than those without a disability, while those with mental health conditions are at nearly four times the risk of experiencing violence.

(<https://www.who.int/disabilities/violence/en/>)

**Risks for those with low literacy and numeracy levels**

Nations where literacy and numeracy skills are low are often economically impacted and less competitive.

People with low literacy and numeracy skills are often exploited. Research shows that there is a direct link between literacy and sex trafficking. A report to the European Commission found that “literacy and some language skills can be invaluable for children to identify and take advantage of opportuni­ties for assistance and escape from trafficking.” (<https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf>) Literacy increases the possibility of real employment and lessens the likelihood that people will be caught up in sex trafficking as a means to provide the basic necessities for their families.

There is a link between low literacy skills and the understanding of simple health care messages.

Studies have found that, low literacy is associated with a variety of adverse health outcomes, including increased mortality, hospitalization, and in some cases poorer control of chronic health conditions. (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1831573/>)

**Risks to women**

Besides being the most likely group to be forced into sex trafficking, globally, 35 per cent of women have experienced physical and/or sexual intimate partner violence, or sexual violence by a non-partner. This figure does not include sexual harassment. Some national studies show that the number can be as high as 70 per cent of women, and that rates of depression, having an abortion, and acquiring HIV are higher in women who have experienced this type of violence compared to women who have not. (<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>)

### Guiding Principles

**1**. Zero tolerance of any abuse that may occur to children or other vulnerable people:

Any acts of abuse are not tolerated by Australian Mercy. This includes sexual abuse and being in possession of, or accessing child pornography. We seek to actively manage all risks of abuse associated with delivering aid activities and train our staff on their obligations. Australian Mercy will not knowingly engage, directly or indirectly, anyone who possesses an unacceptable risk to children or other vulnerable people, nor will we partner with any individual or organisation that does not meet our safeguarding compliance standards in their operations and activities.

Australian Mercy’s internal process employs screening measures, including background checks on all of our staff and volunteers. For all staff and volunteers on Australian and overseas programs, an up-to-date Police Check and Working with Children check is required. Staff and volunteers on international projects must also have suitable security clearances carried out. (If Police checks are not possible, we seek references from credible referees.)

Australian Mercy or any partner organisations are required to remove personnel from working on an activity when it considers that the relevant person poses an unacceptable risk to safety or wellbeing of any person, particularly those who are belong to vulnerable or at risk groups. Australian Mercy will also that personnel be removed if local management have reasonable grounds to suspect that they are involved in any form of abusive behaviour.

Australian Mercy assumes that there will always be an unacceptable risk if a person has been convicted of any criminal offence relating to abuse, particularly child abuse.

Partner Organisations must inform Australian Mercy of changes in the circumstances of any person on an Australian Mercy project that may affect their assessment of the risk posed by that person. This includes being arrested for, or convicted of, criminal offences relating to child abuse, or for accessing or possessing child pornography. Australian Mercy requires any person under formal investigation to be immediately suspended from duty for the term of the investigation.

It is mandatory for anyone working for or on Australian Mercy projects or activities to immediately report concerns relating to child abuse or the abuse of any vulnerable person by anyone covered by this policy. These reports are to be dealt with immediately through internal procedures, as outlined in our Child Protection Procedures and Vulnerable Persons protection procedure.

If a child or vulnerable person attending an Australian Mercy project or activity discloses that their parent or other family member is abusing them, this must be reported, following relevant local reporting processes. In Australia, mandatory reporting procedures and how these procedures are activated (for example, knowledge versus suspicion of child abuse)

**2.** Recognition of interests and rights of vulnerable people:

Australia is a signatory to the flowing United Nations Conventions:

* The Convention on the Rights of the Child.
* The Convention of the Rights of Persons with Disabilities.
* The Convention for the Elimination of All Forms of Discrimination against Women.
* (A Convention for the Rights of Older Persons is planned to be passed sometime in the future.)

Australian Mercy is committed to upholding the rights and obligations of these conventions. We recognise that some people such as children and those living with disabilities or who are living in areas impacted by disasters (natural or conflict based), are particularly vulnerable. All organisations implementing our disaster response activities must comply with the policy’s safeguarding compliance standards. Risks to vulnerable people must always be considered when developing disaster response activities.

The Australian Mercy’s Code of Conduct for Working with Children outlines our expectations of staff in relation to treating children with respect, providing child safe and child friendly environments, and reporting risks or incidents. This Code is signed by all staff and volunteers who are recruited through Australian Mercy for work on Australian Mercy projects. Partner organisations are required to develop their own, similar Code, or to use our Code for all volunteers who will work on our projects. This Code is in addition to our general Code of Conduct for Volunteers which requires people working with or on Australian Mercy projects: to behave honestly and with integrity and in a manner which upholds the integrity and good reputation of Australian Mercy; treat everyone including children with respect and courtesy, and without harassment; comply with Australian Mercy policies and/or the policies of the Partner organisation; and to comply with applicable Australian and/or local laws, including labour laws with regard to child labour.

Our Images and messages policy requires staff and volunteers to respect children and families in the way they represent them with the images that they use in advertising and reporting and to seek informed consent from parents, guardians or those in authority before taking photos or videos.

**3.** Sharing responsibility for child protection:

Australian Mercy believes that child protection is both a corporate and an individual responsibility. Every person who shares in the work of Australian Mercy (including staff, volunteers, contractors, and supporters) also shares in the responsibility to take every precaution to protect the children and families we serve, regardless of their gender, race, religion, age, disability, sexual orientation, social background and culture.

To effectively manage risks to children, Australian Mercy requires the active support and cooperation of partners who are implementing activities. Partners must meet the terms of the safe-guarding policy and will be held accountable, through contracts and audits, for compliance. At a minimum, Partner Agencies must either adopt the Australian Mercy safe-guarding policy or have their own child protection policy which ascribes to the four principles as outlined in this policy.

A Partnering Agency must incorporate and abide by local legislation pertaining to child abuse as well as labour laws, pertaining to child labour. Where appropriate training in child protection related issues is not available in country Australian Mercy commits to provide assistance to our partners.

**4.** Risk management approach:

While it is not possible to totally eliminate all risk of child abuse, careful management can reduce the incidence of child abuse associated with aid activities. We carefully and proactively assess and manage the risks to children in our programs and in the communities in which we work to reduce the risk of harm. This is achieved by examining each program and its potential impact on children. Programs that involve direct work with children are considered a higher risk, and therefore require more stringent risk management procedures. However, as children are part of every community in which we work, we are always mindful of the potential risks.

Risk management is an ongoing part of every activity and Australian Mercy requires Project Management Groups to report on and continually evaluate child protection risks as part of their regular project reporting. Beyond this, Australian Mercy expects all staff and volunteers on projects to be aware of risks and to be actively minimising opportunities and situations where children can be harmed.

In addition to reviewing each incident of child abuse as reported by staff, the Australian Mercy board will annually review incidents or reports of child abuse on or associated with Australian Mercy projects or activities, and will actively seek to identify ways to improve our protection of children.

Additionally, all projects need to provide adequate training of staff in child protection so that should children visit the site everyone knows the standards of behaviour that are expected from all staff and volunteers.

Relevant Australian legislation includes but is not limited to:

* Crimes Act 1914 Part IIIA (Child Sex Tourism). Under this Act, it is a crime for Australians to engage in, encourage, or benefit from sexual activity with persons less than 16 years of age while overseas. The law provides for penalties of up to 17 years imprisonment and up to $561,000 in fines for companies.
* Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C) This Act provides for a penalty of 10 years imprisonment for possession of child pornography depicting a person under 18 years of age, and up to 15 years imprisonment for online grooming of a person less than 16 years of age.

International legislation: Most countries in which Australian Mercy works have legislation pertaining to child abuse. When working in-country, Australian Mercy staff and the personnel of In Country Delivery Organisations (ICDO) implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.

### General Principles

* Adults children and other vulnerable people should never experience abuse of any kind
* We have a responsibility to promote the welfare of all people,
* In particular the welfare of children and the disabled is paramount in all the work we do and in all the decisions we take.
* All people have an equal right to protection from all types of harm or abuse
* Some people are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues
* Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting human welfare
* We will seek to keep adults, children and young people safe by:
  + Valuing, listening to and respecting them.
  + Appointing a nominated child protection lead for children and vulnerable people.
  + Adopting child protection and safeguarding best practice through our policies, procedures and code of conduct for staff and volunteers.
  + Providing effective management for staff and volunteers through supervision, support, training and quality assurance measures so that all staff and volunteers know about and follow our policies, procedures and behaviour codes confidently and competently.
  + Recruiting and selecting staff and volunteers safely, ensuring all necessary checks are made.
  + Recording, storing and using information professionally and securely, in line with data protection legislation and guidance.
  + Making sure that our staff and volunteers, partner organisations, children, young people and their families know where to go for help if they have a concern
  + Using our procedures to share concerns and relevant information with agencies who need to know, and involving children, young people, parents, families and carers appropriately.
  + Using our procedures to manage any allegations against staff and volunteers appropriately.
  + Creating and maintaining an anti-bullying environment and ensuring that we utilize policy and procedure appropriately to help us deal effectively with any bullying that does arise.
  + Ensuring that we have effective complaints and whistleblowing measures in place.
  + Ensuring that we provide a safe physical environment for our children, young people, staff and volunteers, by applying health and safety measures in accordance with the law and regulatory guidance.
  + Building a safeguarding culture where staff and volunteers, children, young people and their families, treat each other with respect and are comfortable about sharing concerns.
  + Regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.
  + Ensuring that we understand and comply with the law in everything we do, in all jurisdictions in which we work.

This policy should be read alongside our other organisational policies, procedures, guidance and other related documents.