

# **Project Didi Australia Safeguarding Policy**

# PROJECT DIDI AUSTRALIA

## CHILDREN AND ADULT SAFEGUARDING POLICY

### I. INTRODUCTION

Project Didi Australia (“PDA”) strives for futures of hope, dignity and independence for survivors of trafficking and gender-based violence in Nepal. We partner with locally-led organisations in Nepal to support survivors to reclaim their lives and move towards more dignified futures. With our community in Australia, we raise awareness and advocate for action to end gender-based violence and modern slavery.

The context of PDA’s work means we are engaging with children and vulnerable adults. We aim to ensure that our organisational approach, including all programs and activities, does not cause harm in any form. This Policy acts as a framework for our duty of care, guiding all organisational decisions in relation to safeguarding to ensure the prevention of any form of sexual, physical and emotional harassment, abuse and exploitation. We take our duty of care seriously and will aim at all times to promote and provide the safest possible environment for children and adults involved in our programs and those implemented by our partners in Nepal. We will make all efforts to ensure that risks are identified and managed, and the necessary actions will be taken to respond to any suspected or known cases of abuse.

### II. POLICY STATEMENT

#### A. Principles

##### 1. **Non-discriminatory:**

We believe that everyone we come into contact with, regardless of age, gender identity, caste, disability, sexual orientation or ethnic origin has the right to be protected from all forms of harm, abuse, neglect and exploitation.

##### 2. **Zero tolerance:**

We adopt a zero-tolerance approach to exploitation, abuse, and harassment against children and vulnerable adults. It means that all personnel associated with our work carry the responsibility to ensure that children and adults engaged in our programs are free from harm in all forms, including sexual, physical, emotional and psychological.

##### 3. **Best interest of the children:**

We adopt the best interest of the child approach in considering the safety and wellbeing of children whom we are in contact with. It means that, wherever possible, decisions made about the safety, welfare and wellbeing of a child and young person will be made through engagement and participation with them. If adults have to decide on behalf of the child or young person, the best interests of the children or young person will be at the centre of that decision.

**4. Right of the children:**

- a. We believe that all children and young people have the right to be safe at all times. In line with our commitment to upholding children's rights, we will proactively work to deliver and contribute to safe and proactive programs, activities and environments.
- b. We acknowledge that children and young people have rights to participate actively in all matters affecting their lives and futures.

**5. Context and vulnerability**

- a. We acknowledge the impacts of trauma and its ability to influence and affect children and vulnerable adults' capacity to protect themselves and respond to risk.
- b. We believe that vulnerability is influenced and exacerbated by external social systems and factors including caste, gender, and poverty. The absence of adequate systems and legislation to protect against these influences has the potential to increase a person's risk of exploitation.

**6. Accountability and transparency:**

We will enhance accountability and transparency through strong reporting. Reporting will help to focus organisations on the issue of safeguarding by providing a regular prompt that child protection and PSEAH is a core obligation of their work.

**B. Important Legislation**

1. This policy builds on and compliments the following international convention and standards:
  - a. The United Nations Convention on the Rights of the Child;
  - b. International Covenant on Civil and Political Rights (1976);
  - c. United Nations General Assembly A/71/818 on Special measures for Protection from Sexual Exploitation and Abuse;
  - d. Relevant safeguarding legislation and documents from Nepal.
2. If a provision of this Policy is in any way inconsistent with any law, the law shall prevail.

**III. PURPOSE AND SCOPE OF APPLICATION**

1. The purpose of this Policy is to:
  - a. Provide a practical guide to prevent, identify and manage instances of abuse against children and adults in PDA's programs;
  - b. Demonstrate PDA's commitment to protecting children and vulnerable adults from harm and abuse;
  - c. Define the key terms regarding the protection of people or safeguarding;
  - d. Formulate the way PDA manages safeguarding risks associated with partnerships and delivery of its works;
  - e. Facilitate the safe management of incident reports.
2. This Policy applies to all personnel associated with PDA's programs including Board Members, partners, volunteers, contractors, trip participants and beneficiaries unless otherwise stipulated.

#### **IV. POLICY IMPLEMENTATION**

This Safeguarding Policy will be implemented through:

- a. PDA Safeguarding Procedures;
- b. Safeguarding Standards of Conduct outlining acceptable behaviour;
- c. The inclusion of PSEAH and Child Protection prevention strategies in PDA risk management assessments;
- d. The appointment of Safeguarding Officers as focal points for implementing Safeguarding measures and procedures across PDA activities;
- e. Compliance - all PDA Personnel are required to sign that they have read, understand and will adhere to the Safeguarding Policy and Code of Conduct. A register of employees and personnel who have signed the policy will also be kept;
- f. Mandatory reporting for safeguarding concerns. Investigations will be dealt with confidentiality, professionally and meet legislative requirements.

#### **V. WORKING WITH PARTNERS**

We work in partnership with locally-led organisations to support the delivery of programs in Nepal. When working with partners, we will:

- a. Ensure that a potential partner is assessed according to applicable procedures in our Partnership Management Policy. This includes conducting a thorough assessment of the potential partner's values and strategic work in line with PDA's values, mission and this Policy where appropriate;

- b. Communicate our expectations to partners in implementing this Policy;
- c. Attach this Policy as an annex of the partnership agreement(s) or MoU(s);
- d. Share responsibility with partners to implement the provisions of this Policy through risk management;
- e. Monitor partner compliance with this policy through mechanisms specified in the partnership agreement or MoU.

## **VI. RECRUITMENT AND TRAINING**

1. PDA is committed to safe recruitment and screening practices. These practices aim to recruit the safest and most suitable people to work in our programs.
2. All positions will be assessed for the level of risk in relation to contact with children and vulnerable people. Positions working directly with children and/or vulnerable people will require the highest level of screening and the applicant must possess relevant qualifications and experience in working with children and/or vulnerable people.
3. All board members are required to hold a valid Working with Children check ('WCC') and National Police Check issued by relevant government authorities in accordance with Australian laws and standards.
4. All volunteers with direct contact to children and young people are required to hold valid Working with Children check ('WCC') issued by relevant government authorities in accordance with Australian laws and standards
5. Applicants shall be selected on the basis of their suitability for the activity requirements and responsibilities, and their ability to demonstrate that they can work safely with children and/or vulnerable people as determined from the selection criteria, the application form, background checks, referee checks and any pre-activity training that (Partner) may require.
6. All existing and new board members and volunteers are required to sign this Safeguarding policy.

## **ROLES AND RESPONSIBILITIES**

1. All PDA personnel have the responsibility to create a safe environment for children and vulnerable adults in the delivery of our programs. However, some personnel may have specific roles and responsibilities to comply with this Policy.

2. PDA personnel will communicate these requirements to partners and hold them accountable for compliance through undertakings and monitoring mechanisms specified in MoUs or other agreements.
3. **Board Members** must:
  - a. Ensure the implementation of this Policy;
  - b. Ensure that PDA complies with all relevant laws relating to safeguarding in Australia and is informed with other countries relevant laws where it operates;
  - c. Ensure that PDA adopts a survivor-centred approach in managing safeguarding concerns.
4. **Volunteers (including trip participants)** must:
  - a. Familiarise themselves with and adhere to this Policy, code of conduct, guidelines, and procedures set out by PDA;
  - b. Report any incident to the appropriate channel when it is reasonable to suspect that a person's safety or welfare is at risk;
  - c. Contribute to an environment that is supportive of everyone's emotional and physical safety and wellbeing involved in PDA programs.
5. **Partners and Contractors** must:
  - a. Implement the provisions of this Policy and other relevant policies, procedures and guidelines set out by PDA;
  - b. Report any suspicion that an incident may have taken place, is taking place, or could take place.

## **VII. STANDARD OF CONDUCT**

All PDA personnel are required to conduct themselves in a manner that promotes the protection and safeguarding of children and adults against any intentional or unintentional harm. Standard of conduct expected for PDA personnel is elaborated in ANNEX II Safeguarding Code of Conduct, which all PDA personnel must sign to confirm their understanding and acceptance of these standards.

## **VIII. EDUCATING THE ORGANISATION ON SAFEGUARDING**

1. PDA is committed to educating its personnel in Safeguarding and how to reduce risks and create safe environments. PDA will promote safe practices which keep children and vulnerable people safe within the organisation and in the community. PDA will provide its personnel with information on their rights and how they can expect to be treated. This information will include reporting poor

behaviour, child abuse or sexual misconduct if they have concerns about a PDA's personnel or other representative in the organisation or in the community.

2. PDA board members, short and long-term volunteers and associates may be required to participate in Safeguarding training as part of their induction, as well as ongoing refresher training at regular intervals set by management.
3. Where applicable, relevant board members or volunteers will be supported to attend training delivered by internal or external specialists to stay informed of current practice relating to PSEAH or Child Protection.

## **IX. COMMUNICATION AND USE OF IMAGES**

1. PDA recognises the risks involved with promotional communication of children's and vulnerable people's images and is committed to working with and portraying children and vulnerable people safely. PDA will protect the privacy of children and vulnerable people and prevent opportunities where children can be identified and contacted by potentially harmful people.
2. Children and vulnerable people are always portrayed in a dignified and respectful way.
3. Children and vulnerable people are adequately dressed and never portrayed in poses that could be seen as sexually suggestive or shown in isolation, rather they should be portrayed as part of their community and as resilient human beings and as partners in the development process.
4. Informed consent is always sought and documented from the vulnerable person or child (and/or parent or guardian of the child) before photographing or filming a child or vulnerable person or the use of their story. The adult consent form used is contained in Annex IV.
5. There should be no identifying information of the child or vulnerable person used in the publication of images. This includes the family name, community or other identifying information.
6. PDA will monitor the taking of photographs and reserve the right to curtail any sessions where it is felt that it is intrusive, or detrimental to the welfare of the child or vulnerable person. Similarly, (Partner) reserves the right to ask photographers to refrain from taking photographs should there be any concerns as to their purpose, reasoning, or application.

## **X. MANAGING RISKS**

We recognise that there are several potential risks to children and vulnerable adults in the work we do. As such PDA will ensure the following actions are undertaken to prevent, identify and respond to risk:

1. Appropriately screen potential new partners (as outlined in our Partnership Management Policy)
2. Undertake a thorough risk assessment prior to any international trip that involves our volunteers, partners and trip participants.
3. Ensure regular review and assessment of safeguarding risk in relation to our operations and develop appropriate controls to mitigate those risks.
4. Collaborate with partners in developing a risk management strategy to comply with the provisions of this policy.
5. Enact the necessary mechanisms to respond to allegations of harm or identified risks to ensure a timely response and reduction of risk.

## **XI. REPORTING**

1. Anyone can raise a concern or make a complaint to the PDA Board Member about something they have experienced or witnessed without fear of retribution. You can do this by emailing your concerns to [safeguardingpda@gmail.com](mailto:safeguardingpda@gmail.com). Anonymous reports can be made via our website.
2. Confidentiality is a key principle of reporting and managing Safeguarding concerns. All information regarding an incident must only be shared with the Board Members. The names of people involved and the details of the report will remain confidential. Information will only be released on a 'need to know' basis or when required by law or when a report to police or other authorities is made.
3. PDA is committed to responding to all concerns and allegations relating to breaches of safeguarding.
4. Where PDA receives a complaint about a member of PDA personnel which involves any breach or alleged breach of this policy, we will document the reports to investigate the alleged breach as outlined in this Policy.
5. When PDA receives a complaint about a partner organisation, we will document the complaint, inform the partner, and expect the partner to respond safely, quickly and appropriately. Where appropriate, PDA will work with a partner to address the issue through a proper independent investigation. If the outcome is that abuse has occurred, ongoing work with the partner cannot involve the individual(s) concerned. If there is reason to believe that an allegation of abuse has been inappropriately or insufficiently addressed by a partner, PDA may be required to withdraw funding or terminate the partnership.

## **XII. MANAGING REPORTS**

1. PDA is required to investigate and respond to reports of safeguarding incidents in ways that are consistent with local law and international best practices.
2. PDA will maintain confidentiality of the individuals involved in the Safeguarding incidents. Information that identifies individuals involved in a complaint will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law and where safe to do so. Non-identifying information will be shared as per reporting requirements.
3. If a safeguarding concern is disclosed directly to a PDA Board Member, the person receiving the report should bear in mind the following steps:
  - Listen;
  - Empathise with the person;
  - Ask who, when, where, what but not why;
  - Repeat/check your understanding of the situation.
4. The person receiving the report should then document the report using Incident Report Form contained in Annex III

## **XIII. MISCELLANEOUS**

1. Policy Management
  - a. Children and Adult Safeguarding Policy will be reviewed every two years. The Board Members will manage the review of this Policy and will consult personnel, children and other stakeholders in the process. Any change made to the Policy will be signed off by the Board Members.
  - b. Related policies:
    - Partner Management Policy
    - Volunteer Policy
2. Confidentiality
  - a. An employee or a volunteer shall not use for any other purpose unrelated to their employment, documents, data or other information concerning or related to children, which may come to the employee's or volunteer's knowledge in the discharge of official duties.
  - b. The obligations of the above shall not apply where an employee or volunteer is mandated to comply with a lawful court order or authority.

## ANNEX I

### TERMS AND DEFINITIONS

1. **Child or young person:** any person who is under the age of 18 years as defined by UNCRC.
2. **Child emotional abuse** occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or caregiver; to the extent that it affects the child's physical and emotional growth.
3. **Child Sexual Abuse:** When a child is used by another child, adolescent or adult for his or her own sexual stimulation or gratification. Sexual abuse involves contact and non-contact activities which encompasses all forms of sexual activity involving children, including exposing a child to online child sexual exploitation material or taking sexually exploitative images of children.
4. **Child neglect:** is the persistent failure or the deliberate denial to provide the child with clean water, food, shelter, sanitation or supervision or care to the extent that the child's health and development are placed at risk.
5. **Complainant:** The person who raises a complaint (this may or may not be the survivor).
6. **Duty of Care:** a common law concept that refers to the responsibility of the organisation to provide children and vulnerable adults with an adequate level of protection against harm.
7. **Trafficking in Persons:** As defined by the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means outlined above.
8. **Gender-based violence:** refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. The term is primarily used to underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used

to describe targeted violence against LGBTQI+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms.

9. **Modern Slavery:** Situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power, as defined by the International Labour Organization.<sup>1</sup> Modern slavery is an umbrella term that covers some of the most severe forms of exploitation, including trafficking in persons, forced labour, forced marriage and the worst forms of child labour.
10. **Partner:** as defined under PPDA Partnership Management Policy.
11. **Personnel:** Personnel are either employed by PDA, engaged by PDA on a subcontract basis, or engaged by PDA on a voluntary unpaid basis. Personnel can include but are not limited to board members, volunteers, interns, international and local consultants, partners, trip participants, individual and corporate contractors.
12. **Safeguarding:** Actions, policies and procedures that create and maintain a protective environment for children and vulnerable adults including to protect them from exploitation and abuse of all kinds.
13. **Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
14. **Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
15. **Sexual Harassment:** Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Such conduct will be also be considered sexual harassment when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of Behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.
16. **Survivor:** The person who it is alleged has been the subject of sexual harassment, abuse or exploitation.

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<sup>1</sup> International Labour Organization & Walk Free Foundation, *Global Estimates of Modern Slavery*, 2017, p. 16.

17. **Survivor-centred approach** means considering and lawfully prioritising the needs, rights and wishes of survivors.

## **ANNEX II**

### **SAFEGUARDING CODE OF CONDUCT**

In compliance with this Safeguarding Policy, I WILL:

- a. create and maintain an environment which prevents sexual exploitation and abuse of children and vulnerable adult and promotes the implementation of this Policy;
- b. be careful about perceptions and appearance in their language, actions and relationships with children and vulnerable adults. Their behaviour—including in person and on digital platforms — must demonstrate respect for children, adult and their rights;
- c. ensure that all physical and online contacts with children and adult are comply with this policy and appropriate in the local culture;
- d. use positive, non-violent methods to manage children’s behaviour;
- e. accept responsibility for personal conduct and actions as a representative of the organisation;
- f. always be accountable for their response to a child’s behaviour,
- g. avoid being placed in a compromising or vulnerable position with children;
- h. where possible and practical, follow the ‘two-adult’ rule while conducting PDA work, wherein two or more adults supervise all activities that involve children and are visible and present at all times;
- i. comply with safeguarding related investigations (internal and external) and make available any documentary or other information necessary for the completion of the investigation;
- j. immediately report through established reporting mechanisms any known or suspected safeguarding incident or breach of this Policy.

In compliance with this Safeguarding Policy, I WILL NOT:

- a. Engage in behaviour that is intended to shame, humiliate, belittle, degrade or exploit children or vulnerable people
- b. Use inappropriate, offensive or discriminatory language when speaking with a child or vulnerable person
- c. Do things of a personal nature that a child or vulnerable person can do for him/herself, such as assistance with toileting or changing clothes.
- d. Take children to my home or other private location or sleep in the same room or bed as a child
- e. Smack, hit or physically assault children

- f. Sexually exploit, sexually abuse or sexually harass anyone.
- g. Engage in sexual relationships with children or vulnerable people, or project beneficiaries as these relationships are based on inherently unequal power dynamics and there is the potential for abuse of power.
- h. Engage in sexual activity with a child under any circumstances. Even in a country where the age of consent is lower than 18 years. A mistaken belief that the child is over 18 is not a defense.
- i. Exchange or withhold money, employment, goods or services, protection or assistance for sex, including sexual favours or other forms of humiliating, degrading or exploitive behaviour.
- j. Develop relationships with children or vulnerable people that may be deemed exploitative or abusive
- k. Condone or participate in, behaviour of children or vulnerable people that is illegal, unsafe or abusive
- l. Act in a way that shows unfair and differential treatment of children or vulnerable people
- m. Photograph, video or interview a child or vulnerable person without the informed and documented consent of the vulnerable person or child (and his/her parents or guardians).
- n. Hold, kiss, cuddle or touch a child or vulnerable person in an inappropriate, unnecessary or culturally insensitive way.
- o. Seek to make contact and spend time with any child or vulnerable person outside of my work responsibilities
- p. Use PDA's computers, mobile phones, video and digital cameras inappropriately, nor use them for the purpose of exploiting or harassing children or vulnerable people.

<b>NAME &amp; SIGNATURE</b>		<b>DATE</b>	
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**ANNEX III**

**PDA INCIDENT REPORTING FORM**

**For concerns involving PDA or Partner Personnel:**

Please note that any safeguarding concerns involving a staff member must be reported to the designated Safeguarding Officer. This form should be completed with the designated Safeguarding Officer (Email: (insert) / Phone: (insert)). Please keep this document confidential.

**For concerns involving OUTSIDE people:**

All safeguarding concerns involving outside people (e.g. abuse from people outside of the organisation or project) can be discussed with the Safeguarding Officer. This form should be completed with the designated Safeguarding Officer (Email: (insert) / Phone: (insert)).

Place Form completed	
Date Form completed	
<b>ABOUT YOU – PERSON REPORTING THE INCIDENT/ALLEGATION</b> <i>(this can be left blank for anonymous reports, however this may limit the investigation due to information available)</i>	
Your Name	
Your role	
Your relationship to the victim/survivor	
Your phone number	
Your email	
<b>ABOUT THE VICTIM/SURVIVOR</b>	
Name	
Gender	
Is the Victim/Survivor under 18? DOB (if known)	
Address	
Phone Number	
Email	
Guardian (if applicable)	
<b>ABOUT THE INCIDENT</b>	

How did you come to know of the incident/s?	<ul style="list-style-type: none"> <li>● Direct observation</li> <li>● Suspicion</li> <li>● Disclosure by victim/survivor</li> <li>● Disclosure by other person/s</li> <li>.....</li> <li>● Directly involved</li> <li>● Other.....</li> <li>.....</li> </ul>
<b>ABOUT THE INCIDENT (continued)</b>	
Does the victim/survivor have any safety needs? Provide details.	
Date and time of the alleged incident/s	
Location of the alleged incident/s	
Who was involved in the alleged incident/s?	
Name of alleged Offender	
Details	<ul style="list-style-type: none"> <li>● If the alleged perpetrator is GDG or Partner Personnel,             Job Title:            .....</li> <li>● If the alleged perpetrator is an outside person, relationship to the victim/survivor:             Relationship:            .....</li> </ul>
Nature and details of the allegation  <i>(if applicable, state exactly what the victim/survivor or other source said to you and how you responded to him/her)</i>	
Your personal observations of the victim/survivor <i>(visible injuries, emotional state, etc)</i>	
Any other information not previously covered	
<b>TO BE COMPLETED BY THE SAFEGUARDING OFFICER</b>	
Person receiving Incident Report and Initial Assessment	
Action Taken	

<b>PERSONS INFORMED</b>	
Within the organisation	Name: ..... Position: ..... Name: ..... Position: .....
Law Enforcement Authorities	Yes or No Details:
<b>REPORT MADE BY</b>	
Name	
Signature	
Date	
<b>REPORT RECEIVED BY (Safeguarding Officer)</b>	
Name	
Signature	
Date	

**ANNEX IV  
PDA STORY & PHOTO CONSENT FORM - ADULT**

I, \_\_\_\_\_ understand that my story, photo and voice is my own and hereby grant my permission to **PROJECT DIDI AUSTRALIA** to:

[C H E C K ONLY WHAT YOU CONSENT TO]

- Share my direct written words
- Share images of me
- Share a summarised version of my words
- Share my story (provided by local organisation)

For the purposes of communications and fundraising, including in Project Didi Australia’s printed publications, presentations, promotional materials, advertisements, newsletters, website and social media.



**ANNEX V**

**PROJECT MITIGATION RISK TEMPLATE - to be completed whenever PDA run a program/project that directly includes children or vulnerable adults**

Project Name :

Project Officer/Manager :

Nature of PDA's Works	Description	Who is responsible	By when
Outline and describe the scope of the proposed project/programme			
'Who' does the project/programme set out to support			
Who will be delivering the work? (PDA, partner etc.)			
What contact will board members/volunteers have with children /young people/vulnerable adults/adults through this work /project?			
What potential risks to vulnerable adults can you identify?			
What potential risks to children/young people can you identify?			
What steps will be taken to mitigate these risks?			
Please confirm date when action is complete			
Country			
Safeguarding officer			
Date of assessment			