

## ORG – 003 v.6

### Business Operations

# Safeguarding People Policy

## - Incorporating Child Protection & Prevention of Sexual Exploitation Abuse & Harassment

### Global

Policy Owner: Business Operations Executive Director

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#### 1. PURPOSE

- 1.1 The Fred Hollows Foundation is committed to ensuring that its activities are implemented in a safe and productive environment which prevents Harm and avoids negative impacts on the health and safety of all people, particularly children, vulnerable people and disadvantaged groups including people with a disability.
- 1.2 The Foundation has a zero-tolerance approach to Sexual Exploitation, Abuse and Harassment of any kind. This extends to inaction in response to Safeguarding Concerns and other allegations of misconduct. The Foundation's position aligns to its Values of Integrity 'we hold ourselves accountable to the highest standards' and Empowerment 'we speak up for those who are not heard'.
- 1.3 This Policy lays out the guiding principles and commitments of The Foundation and informs Personnel, Representatives, Implementing Partners and visitors to our Projects of their responsibilities in relation to Safeguarding.

#### 2. SCOPE AND DEFINITIONS

- 2.1 This Policy applies to The Foundation's operations globally. In this Policy capitalised and frequently used terms have the meaning set out at paragraph 8.
- 2.2 This Policy applies to Employee interactions with third parties, including beneficiaries. Employee interactions with each other are covered by separate organisational policies available on The Foundation's intranet FredNet.

#### 3. BACKGROUND

- 3.1 The Foundation recognises the importance of the right of all people to live free from Harm. The reputation of The Foundation and the international development sector is reliant on our Personnel, Representatives, Implementing Partners and visitors to our Projects upholding and promoting high standards of professional conduct in line with The Foundation's Safeguarding Code of Conduct, as set out at Annexure 1, Compliance Requirements and Values.

#### 4. GUIDING PRINCIPLES

- 4.1 The guiding principles that underpin all of The Foundation's Safeguarding People functions, actions and decisions are as follows:
  - 4.1.1 **Culture** – create a culture that supports Safeguarding People and prevents Harm.
  - 4.1.2 **Empowerment** – support and encourage people to act autonomously and make informed decisions with consent.
  - 4.1.3 **Prevention** – taking action before Harm occurs.

- 4.1.4 **Protection** – Safeguard, support and represent those in greatest need.
  - 4.1.5 **Report and Respond** - create and maintain an environment where Safeguarding Concerns are reported and responded to actively, effectively and confidentially with a victim / survivor-centred approach.
  - 4.1.6 **Partnership** – embed international, national and local solutions by working with local communities, which have a critical part to play in preventing, detecting and reporting Safeguarding Concerns.
  - 4.1.7 **Accountability and Transparency** – be accountable and transparent in all aspects of Safeguarding.
  - 4.1.8 **Modern Slavery** - The Foundation condemns all forms of Modern Slavery and will take a human rights-based approach to tackling Modern Slavery risks in its operations and supply chains.
- 4.2 This Policy is guided by the ACFID Code of Conduct, DFAT’s Child Protection Policy and Preventing Sexual Exploitation, Abuse and Harassment Policy, the ACNC’s External Conduct Standard 4: Protection of vulnerable individuals and the Australian Modern Slavery Act 2018 (Cth).

## 5. COMMITMENTS UNDER THIS POLICY

Building on the guiding principles above, The Foundation is committed to the following.

### 5.1 Culture

- 5.1.1 Create a culture that supports the provision of safe and inclusive operations where all are treated with dignity, courtesy, and respect.
- 5.1.2 Embed a culture that supports Safeguarding People and prevents Harm.

### 5.2 Empowerment

- 5.2.1 Actively promote awareness of this Policy and communicate its approach to Personnel, Representatives, Implementing Partners, visitors to Projects and beneficiaries in a way that is accessible and clear in languages and formats they understand.
- 5.2.2 Maintain an environment in which Personnel, Representatives, Implementing Partners beneficiaries and visitors to our Projects know expected behaviours and how to raise Safeguarding Concerns.
- 5.2.3 Train all Personnel on Safeguarding and this Policy. Provide further additional training where appropriate to an individual’s role in the organisation.
- 5.2.4 Implement this Policy in each country where we work and operationalise it to local contexts in collaboration with local stakeholders and Safeguarding Focal Points.
- 5.2.5 Recognise that Safeguarding People is understood in different ways in different cultures and contexts. In settings where these risks are not well understood or socialised, we will invest more substantially in working to increase awareness and knowledge and provide materials in multiple formats.
- 5.2.6 Provide opportunities for adult and child beneficiaries to share their views, experiences and ideas to inform and set the direction for Projects and to provide both positive and negative feedback on the outcomes of Projects on their lives.
- 5.2.7 Maintain and implement communication procedures that address Safeguarding People, particularly with respect to fundraising, advocacy and education including consent to the use of children’s images and personal information.

### 5.3 Prevention

- 5.3.1 Implement the Safeguarding People recruitment practices as set out in Annexure 2.
- 5.3.2 Transparently share performance and misconduct information with other organisations who make a request as they undertake their own integrity checks.
- 5.3.3 Ensure all Foundation Employees:
  - (a) sign the Safeguarding Code of Conduct;
  - (b) complete relevant eLearning at least once every two years;
  - (c) have a background check completed within the last five years; and
  - (d) complete the Safeguarding Training session during orientation.
- 5.3.4 Ensure all other Foundation Personnel and Representatives:
  - (a) sign the Safeguarding Code of Conduct;
  - (b) complete relevant eLearning at least once every two years or attend an equivalent in-person briefing; and
  - (c) have a background check completed within the last five years.
- 5.3.5 For visitors to our Projects including Donors and Strategic Partners (for Implementing Partners see 5.5.2):
  - (a) sign the Safeguarding Code of Conduct;
  - (b) attend an in-person briefing on Safeguarding and local context; and
  - (c) the visitor must be adequately supervised by Foundation Personnel or an appropriate Implementing Partner at all times; or
  - (d) if the visitor will not be supervised at all times due to the nature of the Project or the duration of the visit, for example visits of more than two days duration, the background check in 5.3.3 (c) is also required.
- 5.3.6 For visitors to our Projects that are DFAT employees, and therefore have equivalent training and background checks, ensure they sign The Foundation's Safeguarding Code of Conduct.
- 5.3.7 If the requirements of 5.3.4(c) or 5.3.5(d) cannot be satisfied the Safeguarding Officer or Child Protection & PSEAH Officer should be engaged to consider whether alternative options are available in that specific case, for example verifiable third party employer background checks or a statutory declaration. Stakeholders should be made aware sufficiently in advance that in order to reduce the risk of Harm, The Foundation may cancel a Project visit for Safeguarding purposes if a visitor is not able to reasonably satisfy our preventative requirements.
- 5.3.8 Design and undertake our Projects in a way that protects people from the risk of Harm that may arise from coming into contact with The Foundation. This includes strengthening protective factors, such as the way in which information about individuals in our Projects is gathered, stored and communicated and ensuring digital approaches and technology use are appropriate in all circumstances.
- 5.3.9 Assess Safeguarding risks at the planning and design phase of new Projects, including in schools or communities, and at fundraising events. This should include an assessment of the level of risk based on the likelihood and consequence of that risk occurring and application of management processes to mitigate the risk including appropriate controls.

- 5.3.10 Undertake appropriate due diligence processes for Ambassadors and Champions prior to appointment and ensure that as soon as practicable upon appointment they:
- (a) sign the Safeguarding Code of Conduct; and
  - (b) attend a briefing on Safeguarding,
- to be repeated the later of every two years or upon their next active engagement for The Foundation.
- 5.3.11 Undertake appropriate due diligence processes to ensure, as far as possible, The Foundation is not directly engaging suppliers or contractors that cause, is directly linked or contributes to Modern Slavery or Human Trafficking.
- 5.3.12 Maintain transparency throughout supply chains.
- 5.3.13 Ensure the Best Interests of the Child principle is central to risk assessment, risk management and responses to child Safeguarding Concerns.
- 5.3.14 Integrate Safeguarding People risk management into Project implementation planning, Project cycle management and evaluation processes, templates and tools so it is considered at each stage of the cycle.
- 5.3.15 Undertake Projects or events intended to include children in accordance with appropriate guidance from professional bodies including Child Protection and general health and safety. Parents, guardians and event organisers should be briefed before the activity that there should be no unsupervised access to children and the parents, guardians and organisers should take responsibility for the child. For each activity, The Foundation will appoint a Child Protection reference point with appropriate checks to attend and will raise awareness of the reference point's attendance.
- 5.3.16 Raise awareness that DFAT specifically prohibits Fraternisation for all non-national individuals engaged in very high-risk context Projects, for example a romantic relationship between a global office Employee and beneficiary. The Foundation supports this position.
- 5.3.17 Hold the Board accountable for Safeguarding People at The Foundation (included in the Terms of Reference for the Board's Governance & Nominations Committee).
- 5.3.18 Appoint a Safeguarding Officer who has ultimate management responsibility for Safeguarding People and Harm prevention systems, promoting Safeguarding People throughout The Foundation, oversee staff training, monitoring compliance to relevant internal and external policies, coordinating Policy reviews and to serve as the central contact point for both internal and external queries about Safeguarding People or Safeguarding Concerns.
- 5.3.19 Appoint a Child Protection & PSEAH Officer who assists the Safeguarding Officer in relation to Safeguarding People systems, promoting Safeguarding People throughout The Foundation, coordinating staff training, monitoring compliance to relevant internal and external policies.
- 5.3.20 Appoint a Safeguarding Focal Point in each of the areas in which we work whose role it is to localise this Policy and any related procedures in consultation with local teams.

#### **5.4 Report and Respond**

- 5.4.1 Personnel and Representatives must comply with this Policy including to report Safeguarding Concerns within 24 hours in accordance with the Safeguarding Concern Reporting Process.

- 5.4.2 Provide a safe, effective, accessible and openly promoted Safeguarding Concern Reporting Process including through the communities in which we work.
- 5.4.3 Treat all Safeguarding Concerns in a professional, sensitive, timely and confidential manner that is victim/survivor-centred with a 'do no harm' focus and incorporates procedural fairness. Take immediate, appropriate action in response.
- 5.4.4 Ensure no Victimisation or other detriment for those who report Safeguarding Concerns on reasonable grounds. Any Victimisation will be investigated and responded to promptly.
- 5.4.5 As appropriate to each Safeguarding Concern, provide counselling and/or survivor-centric support referral, and other remediation options that may be required.
- 5.4.6 Recognise harm that arises out of medical serious untoward incidents may, even though unintentional, constitute Harm for the purposes of this Policy and should be raised as a Safeguarding Concern, for example a choking injury to a child connected to antibiotic dosing.
- 5.4.7 Where consistent with a survivor-centric approach, report Safeguarding Concerns to relevant authorities as required by law.
- 5.4.8 After thorough investigation anyone found to have breached this Policy may have corrective, disciplinary or remedial action taken against them. Where any allegations are found to be true, The Foundation may be obliged to suspend or terminate the contract or appointment of Personnel, Representatives, Implementing Partners and/or report the breach to a relevant professional or legal organisation or authority. Appropriate action will also be taken on confirmation a malicious or vexatious allegation had been made.

## 5.5 Partnership

- 5.5.1 Ensure due diligence and capacity assessments include an assessment of Implementing Partners with regard to Safeguarding People including policy implementation and risk management to prevent Harm.
- 5.5.2 Subject to below, require Implementing Partners to have policy(ies) in place equivalent to this Policy and any other institutional Donor requirements relevant to that Implementing Partner relationship.
- 5.5.3 Where Implementing Partners do not have their own robust equivalent Safeguarding People policy(ies) in place, consider the level of assessed risk in 5.5.1 and seek to build the capacity of the Implementing Partner to work towards that position including encouraging and supporting them to comply with this Policy.
- 5.5.4 In the case of:
  - (a) Government Partners - The Foundation will actively and regularly seek to educate Government Partners on the benefits of Safeguarding People policies and processes by: understanding the local policy frameworks; identifying risks and gaps; provide training opportunities; work with Government Partners to mitigate risk by addressing those gaps in project design and project budgets; and where possible documenting the engagement.
  - (b) Strategic Partners - The Foundation will encourage Strategic Partners to have policy(ies) in place to Safeguard children and adults equivalent to this Policy. Strategic Partners visiting Projects will need to comply with 5.3.5.
- 5.5.5 Ensure reference is made to Safeguarding People compliance in all partnership agreements and equivalent documents including incorporating DFAT and other Donor requirements.

## 5.6 Accountability and Transparency

- 5.6.1 Promote The Foundation's commitment to Safeguarding People to internal and external stakeholders, including on The Foundation's intranet Frednet and its public website.
- 5.6.2 Publish Modern Slavery Statements on the Australian Border Force public register in accordance with the Modern Slavery Act 2018 (Cth).

## 6. RESPONSIBILITIES & ACCOUNTABILITIES

### 6.1 Board

The Board is responsible for:

- 6.1.1 creating a culture of Safeguarding at The Foundation;
- 6.1.2 providing governance guidance for The Foundation in relation to Safeguarding (under the advice of its Governance & Nominations Committee); and
- 6.1.3 approving this Policy.

### 6.2 Chief Executive Officer

- 6.2.1 The CEO is responsible for embedding a Safeguarding culture at The Foundation.
- 6.2.2 The CEO will:
  - (a) ensure this Policy is upheld and will inform the Board of any concerns relating to Safeguarding People that may present a risk to The Foundation, its Personnel, Representatives, Implementing Partners, beneficiaries, reputation, operations or other activities;
  - (b) ensure progress in relation to conduct and Safeguarding activities across The Foundation is included in standard reporting to The Board; and
  - (c) hold Executive Directors accountable to this Policy.

### 6.3 Executive Directors

- 6.3.1 Relevant Divisions are encouraged to put in place procedures to implement the principles set out in this Policy; including for specific countries. However, this Policy will prevail to the extent of any ambiguity or inconsistency between this Policy and those procedures.
- 6.3.2 Executive Directors will:
  - (a) promote the existence of this Policy to all employees; and
  - (b) ensure Divisional procedures, practices, plans and operations align with this Policy and that all relevant Personnel are aware of this Policy and their responsibilities under it.
- 6.3.3 Executive Directors are responsible for monitoring and responding to any Safeguarding risks or Safeguarding Concerns arising within The Foundation's activities in collaboration with the Safeguarding Officer.
- 6.3.4 The Executive Directors will include risks and incidents on relevant registers and consult the Safeguarding Officer on issues of contention.

## 6.4 Safeguarding Officer

6.4.1 The **Safeguarding Officer** is responsible for:

- (a) leading and overseeing Safeguarding People and Harm prevention at The Foundation including training and monitoring compliance;
- (b) the appointment of the Child Protection & PSEAH Officer and Safeguarding Focal Points;
- (c) ensuring the Policy complies with The Foundation's obligations and contemporary practice and will update this Policy as required;
- (d) addressing any internal or external questions arising in relation to this Policy and Safeguarding People generally and will be or arrange a point of contact for any issue of contention;
- (e) managing any Safeguarding Concern in accordance with the Safeguarding Concern Reporting Process; and
- (f) informing the CEO of any key risk to The Foundation regarding conduct and/or Safeguarding People and will ensure relevant risk and incident registers are kept up to date and assist the CEO prepare the reporting set out in 6.2.2(b).

The Safeguarding Officer can be contacted at [speak-up@hollows.org](mailto:speak-up@hollows.org) / +61 418 814 609.

6.4.2 The **Child Protection & PSEAH Officer** has the responsibility to advise the Safeguarding Officer in relation to Child Protection and PSEAH aspects of Safeguarding People including investigations. The Child Protection & PSEAH Officer can be contacted at [speak-up@hollows.org](mailto:speak-up@hollows.org).

6.4.3 Each **Safeguarding Focal Point** has the responsibility to:

- (a) localise this Policy and any related procedures in the countries within their area in consultation with local teams;
- (b) maintain their knowledge and practice of local Safeguarding requirements and reporting obligations; and
- (c) escalate to the Safeguarding Officer any Safeguarding Concerns in accordance with the Safeguarding Concern Reporting Process.

## 6.5 Managers

6.5.1 Managers will demonstrate a commitment to Safeguarding People and will model appropriate behaviours and practices.

6.5.2 Managers are to communicate this Policy and all related procedures to Personnel during engagement and as required.

6.5.3 Managers will engage with their teams in an open, honest and meaningful way to ensure they understand what is expected of them under this Policy.

6.5.4 Managers will constructively participate in the resolution of conduct and/or Safeguarding Concerns, questions or issues raised by Personnel.

6.5.5 If an Employee is dismissed for proven Harm, Managers will disclose this to prospective future employers and/or refuse a reference, depending on details.

## 6.6 Personnel and Representatives

Personnel and Representatives will:

- 6.6.1 adhere to the principles and commitments under this Policy and any related procedures;
- 6.6.2 take all reasonable care to ensure that their actions or omissions are not in breach of this Policy, nor directly or indirectly encourage others to breach this Policy; and
- 6.6.3 report any Safeguarding Concerns by following the Safeguarding Concern Reporting Process.

## 7. MONITORING

- 7.1 A report on the implementation of this Policy across The Foundation will be submitted to the Board no less than every three years. The Safeguarding Officer is responsible for compiling this report and submission to the CEO.
- 7.2 This Policy will be reviewed every three years by the Board and the Safeguarding Officer is responsible to prepare this review.
- 7.3 The Business Operations Division has oversight for all Governance and Operational policies and will ensure the Policy is listed on the Policy Register and provide support to the Safeguarding Officer to ensure monitoring and reporting obligations are met.

## 8. GLOSSARY AND DEFINITIONS

**Abuse** occurs when an individual or individuals hurts an adult or child, either physically or mentally. In the majority of cases, the abuser is someone the victim knows well, such as a parent, other caregiver, relative or friend. Abuse can be intentional or unintentional and includes: Discriminatory Abuse; Emotional / Psychological Abuse; Exploitation (including Transactional Sex); Financial or Material Abuse; Harmful Traditional Practices; Neglect; Organisational Abuse; Physical Abuse; and Sexual Abuse (as further defined in this Policy).

**ACFID** means the Australian Council for International Development.

**ACNC** means the Australian Charities and Not-for-profits Commission.

**Ambassador or Champion** means a person of significant public profile appointed as an honorary representative of The Foundation pursuant to the Communications & Transparency Policy in accordance with underlying procedures.

**Best Interests of the Child** is an overarching principle in the UN Convention on the Rights of the Child (1989): in all actions concerning children, whether undertaken by public or private institutions, the best interest of the child should be a primary consideration. In all matters affecting the child, the views of the child should be seen as important and given due weight in accordance with the age and maturity of the child.

**Bullying** means repeated behaviour towards a person or group of people which humiliates, offends, intimidates or threatens the person or group of people and that a reasonable person would have anticipated would humiliate, offend, intimidate or threaten someone. Examples of bullying include:

- (a) physical or verbal Abuse;
- (b) yelling, screaming or offensive language;
- (c) excluding or isolating employees;
- (d) psychological Harassment;
- (e) assigning meaningless tasks unrelated to the job;
- (f) giving employees impossible jobs;

- (g) deliberately changed work rosters to inconvenience particular employees; and
- (h) undermining work performance by deliberately withholding information vital for effective work performance.

**Child** means anyone below the age of 18 years, regardless of local law, following the definition provided by the United Nations Convention on the Rights of the Child 1989.

**Child Protection** means the prevention and response to all forms of violence, abuse, neglect and exploitation of children. This includes any possible harm resulting from interaction or contact with the organisation, whether intentional or unintentional.

**Child Protection & PSEAH Officer or CPO** means the Compliance & Contracts Partner role appointed to be accountable for management of Child Protection and PSEAH at The Foundation.

**Compliance Requirements** mean the ACFID Code of Conduct and DFAT's Child Protection Policy and Preventing Sexual Exploitation, Abuse and Harassment Policy, ACNC's External Conduct Standards, United Nations Convention on the Rights of the Child (1989) as well as any other laws, regulations, policies or conventions regarding Safeguarding that may apply to or be adopted by The Foundation from time to time.

**Deceptive Recruiting** means the practice of tricking people into jobs where they are paid little or nothing and then cannot leave because they have been manipulated into debt or had their identity documents confiscated.- Deceptive Recruiting is a precursor to Forced Labour.

**DFAT** means the Australian Government's Department of Foreign Affairs and Trade.

**Discriminatory Abuse** means repeated, ongoing or widespread discrimination due to a person's age, sex, gender, disability, racial heritage, religious belief, sexual orientation, appearance or cultural background, marriage or civil partnership, pregnancy and maternity. This can include unfair or less favourable treatment, sexual or gender preference, slurs, harassment, name-calling, breaches of civil liberties and unequal access to health or social care.

**Donor** means an organisation or individual that funds The Foundation to carry out work.

**Emotional/Psychological Abuse** means the emotional ill-treatment of a person that adversely affects their wellbeing or development. Some level of emotional abuse is involved in all types of ill treatment, though it may occur alone. It includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or support networks. Other harmful experiences such as frequently being forced to witness violence in the domestic environment are also classified as emotional abuse.

**Employees** means a person directly employed by The Foundation with employment entitlements.

**Exploitation** means behaviour exploiting children or adults by seeking out those who are in vulnerable circumstances to use them for the perpetrator's own purpose, activity or gratification. This could be financial, commercial, sexual or related to extremism and terrorism. Exploitation involves a process of grooming; when someone builds an emotional connection with a child or adult to gain their trust for the purpose of exploitation. The perpetrator may also manipulate the environment, so victims become isolated from those who could help or support them. Those affected may not realise they have been groomed, or that what has happened is abuse. Exploitation includes but is not limited to: Modern Slavery; Radicalisation; Sexual Exploitation; and Transactional Sex, as further defined in this Policy, and may also be understood as adverse working and living conditions characterised by 'involuntariness' on the part of the worker.

**FCDO** means the UK Government's Foreign, Commonwealth & Development Office.

**Financial or Material Abuse** means theft or misuse of a person's property or assets. This includes money being withdrawn or stolen, goods or services purchased in someone's name without their consent, being deliberately overcharged for goods or services, misappropriation of property, possessions or benefits, or money being borrowed by someone who is providing a service to the vulnerable person.

**Forced Labour** means a person, the victim, who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services or to leave the place or area where he or she, the victim, provides labour or services.

**Fraternisation** means any relationship occurring in the course of conducting business, that involves – or appears to involve – partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It can include a close emotional relationship involving public displays of affection or private intimacy and the public expression or intimate relations. Fraternalisation may be a type of Exploitation in very high risk contexts.

**Harassment** means any behaviour that is unwelcome, uninvited or unreciprocated and which a reasonable person, having regard to all circumstances, would anticipate as being offensive, humiliating or intimidating. It is no defence to a complaint of harassment that you did not mean to cause offence. Harassment includes but is not limited to Sexual Harassment. Examples of harassment include, but are not limited to:

- (a) pictures, graffiti or written materials which are offensive or obscene;
- (b) phone calls, letters or messages, including SMS text messages on mobile phones, on electronic mail or PC networks which are threatening, abusive or offensive;
- (c) insulting or threatening gestures;
- (d) continual exclusion of a person or group from normal conversation, work assignments, work related social activities and networks in the workplace;
- (e) interference with a person's workspace, work materials, equipment or property, apart from that which is necessary for the ongoing work of The Foundation;
- (f) continual unjustified and unnecessary comments about a person's work or capacity for work;
- (g) dismissive treatment or material expressing prejudice or stereotypical assumptions about the group to which a person may belong;
- (h) offensive physical contact or coercive behaviour which may be taken to be derogatory or intimidating;
- (i) persistent following or stalking within the workplace;
- (j) spreading gossip or false or malicious rumours about a person; and
- (k) sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, or not passing on messages.

**Harm** means any undue psychological or physical infringement of an individual's rights and includes Abuse, Bullying, Exploitation, Harassment, Unlawful Discrimination, Victimisation and Vilification.

**Harmful Traditional Practices** mean forms of violence which have been committed, primarily against women and girls, in some communities and societies for so long that they are considered, or presented by abusers, as part of accepted practice. Such traditions include female genital mutilation and forced marriage. They may also include different forms of ritual ceremonies involving individuals in harmful religious or spiritual activities. Children and adults with disabilities

may be at higher risk of becoming victims of witchcraft beliefs in certain contexts for example individuals with albinism. Harmful Traditional Practices are a type of Abuse.

**Human Trafficking** means 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.

**Implementing Partner** means an organisation funded to carry out the work of The Foundation. It does not include suppliers of goods or services, whose conduct is managed separately under the procurement policies and procedures of The Foundation.

**Modern Slavery** means conduct constituting slavery, Servitude, Forced Labour, Deceptive Recruiting, debt bondage and Human Trafficking. Modern Slavery is Exploitation. The Foundation's approach to Modern Slavery is detailed on the Foundation's intranet page FredNet and relevant in external reporting].

**Neglect** means the continuing failure to prevent harm that damages or impairs health and/or development by not meeting a person's basic physical and/or psychological needs. This includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, withholding medication, inadequate hygiene, nutrition, housing or heating, or preventing someone from interacting with others. Neglect of children and adults with disabilities is more common than neglect of those without disabilities and is often under-reported. In an international development context, some of the individuals The Foundation works with may experience some form of neglect to basic needs. Professional judgement is needed to decide whether the experience of neglect is intentional or due to material deprivation, and should be based on the severity of the neglect and how the individual is being treated relative to their peers in the community and wider cultural norms. Neglect is a type of Abuse.

**Organisational Abuse** means the mistreatment, abuse or neglect of children or adults by an organisation or its personnel. It can take place within settings and services that children or adults live in or use, and it violates their dignity, resulting in a lack of respect for their human rights. It can take the form of an organisation failing to respond to incidents of poor practice brought to its attention.

**Personnel** means a person who carries out work in any capacity for The Foundation which includes paid Employees, individual contractors or consultants, work experience students or volunteers (for the latter where the contribution exceeds one calendar day or where the volunteer will visit Projects or has the potential for contact with children in their role).

**Physical Abuse** means deliberate injury to a person, however slight. This may involve hitting, shaking, throwing, poisoning, biting, burning or scalding, drowning, suffocating or otherwise causing or attempting to cause physical harm to a person. Physical Abuse may also be caused through the misuse of medication, restraint or inappropriate sanctions, for example, corporal punishment, or being given alcohol or a substance that is known to cause harm.

**Project** means a time-bound set of activities with a start and end date for implementation aimed at achieving a pre-defined programmatic objective or set of objectives. In the context of this Policy it includes engagement with communities connected to a project but does not include a mere visit to a local Foundation office with no anticipated project or child contact.

**Program** means a suite of related Projects aimed at achieving a common goal.

**PSEAH** means prevention of Sexual Exploitation, Abuse and Harassment. Prevention of Sexual Exploitation, Abuse and Harassment are actions taken to protect people from Sexual Exploitation, Abuse and Harassment committed by an organisation's own staff and its related Personnel.

**Radicalisation** means the process by which those who are vulnerable come to support terrorism or violent extremism and, in some cases, to directly participate in or support terrorist groups. There is no obvious profile of a person likely to become involved in extremism or a single indicator of when a person might move to adopt violence in support of extremist ideas. The process of radicalisation is different for every individual and can take place over an extended period or within a very short time frame. It may follow experience of racism or discrimination. They believe that joining a movement offers social and psychological rewards such as adventure, camaraderie and a heightened sense of identity. Radicalisation may be a type of Exploitation.

**Representatives** means a person who represents The Foundation, which includes Board directors, local entity directors, Board Committee members. .

**Safeguarding People** is the responsibility of organisations to make sure their staff, operations, and programmes do no Harm to children and adults nor expose them to Abuse or Exploitation. A safeguarding approach includes Child Protection and PSEAH and responding appropriately to any Safeguarding Concerns about children and adults within communities where we work.

**Safeguarding Code of Conduct** means The Foundation's Safeguarding Code of Conduct set out at Annexure 1 to this Policy.

**Safeguarding Concern** means when someone is worried about Harm to or the safety or well-being of a child or adult or themselves because of something seen, heard or experienced, or information that has been given to them. A safeguarding concern can involve someone at The Foundation, or from another organisation, endangering the safety or wellbeing of others, for example, by not following the Safeguarding Code of Conduct or otherwise breaching this Policy.

**Safeguarding Concern Reporting Process** means the process set out at Annexure 3.

**Safeguarding Focal Point or SFP** means a person appointed in each area in which we work by the relevant Executive Director and is accountable as set out at 6.4.3.

**Safeguarding Officer or SO** means the Legal, Governance, Risk & Compliance Director of The Foundation or such other person appointed by the CEO to be accountable for the management of Safeguarding People at The Foundation globally as set out at 6.4.1.

**Servitude** means a person (the victim) who provides labour or services, if, because of the use of coercion, threat or deception: a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services or to leave the place or area where he or she, the victim, provides labour or services and the person is significantly deprived of personal freedom in respect of aspects of life other than the provision of the labour or services.

**Sexual Abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (UN Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)). It is the involvement of a person in sexual activities which they do not want or truly understand, or to which they are unable to give valid or effective consent. This may involve rape (which includes attempts to force someone to perform oral sex), sexual assault (which includes non-consensual kissing and touching), inappropriate sexual contact or exposure to inappropriate material. Any kind of sexual activity involving a child constitutes sexual abuse, whether or not the child is aware of, or consents to, what

is happening. This includes rape, incest, fondling genitals, masturbation, voyeurism, exhibitionism, exposing a child to adult sexual material, or making them take part in any sexual activity, real or simulated, whether face-to-face, online, or in any other medium.

**Sexual Exploitation** means any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another (UN Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)). It is a type of Abuse in which children or adults are sexually exploited for money, power or status. Some children and adults are trafficked into or within a country for this purpose. They may be tricked into believing they are in a loving, consensual relationship. Abusers will use various means to gain compliance such as drugs, alcohol, gifts, threats and bribes.

**Sexual Harassment** means unwanted physical, verbal or non-verbal conduct of a sexual nature that can include indecent remarks or sexual demands, it is one type of Harassment and can take many different forms. A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as Personnel.

Examples of conduct which may be sexual harassment include, but are not limited to:

- (a) lewd comments or jokes;
- (b) staring or leering;
- (c) boasting about sexual performance or discussion about sexual behaviour;
- (d) unwanted and persistent physical contact including uninvited kisses, touching or embraces;
- (e) displays of sexually graphic material including posters, pictures, calendars, magazines, videos and so forth;
- (f) unwelcome sexual advances including repeated invitations to go out after prior refusal;
- (g) behaviour which would also be considered an offence under criminal law including assault, indecent exposure; sexual or indecent assault;
- (h) stalking or obscene communications;
- (i) sexually explicit or offensive conversations including phone calls, letters and e-mails or any kind of electronic communication questioning about a person's private life.

**Strategic Partner** means an organisation with which The Foundation aligns for the purposes of furthering development or health objectives but does not receive funding from The Foundation.

**Transactional Sex** means the exchange of money, employment, goods or services or other benefits for sex or sexual acts including sexual favours. The Foundation sees Transactional Sex as Exploitation.

**Unlawful Discrimination** means treating a person or group of people less favourably than another person or group. Discrimination is unlawful when a person is treated less favourably for one of a variety of grounds set out in the relevant legislation. These vary by jurisdiction, but include:

- (a) sex, marital status, pregnancy or family responsibilities;
- (b) sexual orientation;

- (c) race, colour, descent, nationality, national origin, ethnicity or religion;
- (d) disability or impairment;
- (e) gender identity including transgender;
- (f) age;
- (g) political belief or activity;
- (h) trade union membership or union or industrial activity; or
- (i) responsibilities as a carer.

Unlawful discrimination can occur not only at the workplace, but at work related trips or functions or in any operational context. There are exceptions to the prohibition on unlawful discrimination which may apply in some situations, for example height due to the safety requirements of a particular job.

**USAID** means the US Government’s U.S. Agency for International Development.

**Values** means The Foundation’s values of integrity, empowerment, action and collaboration.

**Victim** is generally applied where the individual is still in an exploitative situation and/or is interacting with various systems that regard them as victims of crime.

**Victimisation** means unfavourable treatment or persecution of an employee during his/her employment or engagement because the employee has raised a Safeguarding Concern under this Policy or is the victim in a Safeguarding Concern raised by another.

**Vilification** means incitement of hatred, serious contempt or severe ridicule of a person or group of persons on the ground of an attribute such as age, race, gender or disability.

**Zero tolerance** means that consequences will apply if allegations are proven.

## CONTROL OF DOCUMENTATION

<b>Document Number</b>	ORG-003		
<b>Document Name</b>	Safeguarding People Policy		
<b>History</b>	This is a three year policy refresh and includes updates to incorporate modern slavery		
<b>Date Created</b>	1/12/2007		
<b>Author(s)</b>	People & Organisational Development Director / Legal Governance Risk & Compliance Director		
<b>Master document location</b>	FredNet		
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<b>Division</b>	Business Operations		
<b>First Review</b>	ELT		
<b>Second Review</b>	Governance & Nominations Committee		
<b>Approval Body</b>	Board		
<b>Version Date</b>	31/08/2022	<b>Version Number</b>	6
<b>Next review date</b>	30/08/2025	<b>Review Period</b>	3 years
<b>Related Policies</b>	ORG-010 Speak-Up Policy; ORG-072 Human Rights, Equity & Inclusion Policy; ORG-057 Environmental Sustainability Policy; ORG-001 Financial Crime Policy; ORG- 024 Communications & Transparency Policy		

## ANNEXURE 1 - SAFEGUARDING CODE OF CONDUCT

The Fred Hollows Foundation has zero tolerance for and strongly condemns all forms of Harm to people, including Abuse, Bullying, Exploitation, Harassment, Unlawful Discrimination, Victimization and Vilification, and categorically states that it is unacceptable in any circumstance. We are committed to ensuring a safe environment and culture for those with whom we come in contact during the course of our work, Projects and activities including children, vulnerable adults and all other people.

I commit to abiding by the standards set out in this Code of Conduct which requires me to act as follows:

### Culture

1. Uphold a culture that supports Safeguarding People and the provision of a safe and inclusive workplace, Projects and activities where all are treated with dignity, courtesy and respect.
2. Be respectful of people's rights, background, culture and beliefs and treat them equally regardless of gender, race, religious or political beliefs, age, physical or mental health, sexual orientation, family and social background and culture or economic status.
3. Safeguard people and The Foundation's reputation, interests and resources.

### Prevention

4. Not cause any person Harm including by way of Abuse, Bullying, Exploitation, Harassment, Unlawful Discrimination, Victimization or Vilification.
5. Treat individuals associated with The Foundation with respect.
6. Respect the privacy and confidentiality of personal information so that dignity and safety is not compromised.
7. Refrain from using language that is inappropriate, harassing, abusive, sexually provocative, discriminatory, demeaning or culturally inappropriate.
8. Not accept, receive or give inappropriate benefits, gains or gifts.
9. Follow The Foundation's Safeguarding People Policy and any associated procedures.
10. Not commit any criminal acts and follow relevant local, state and national law relating to Safeguarding People, Child Protection and labour.
11. Not participate in or in any way encourage or support Modern Slavery.
12. Not attend work or our Projects while adversely affected by drugs or alcohol, including when driving a motor vehicle, and not smoke on Foundation premises or in Foundation vehicles.

### Empowerment

13. Conduct myself in a manner consistent with my position as a representative of The Fred Hollows Foundation and as a positive role model to children including adhering to The Foundation's Values of integrity, action, collaboration and empowerment.
14. Use any computers, mobile phones, video cameras, cameras and social media appropriately and never to Harm people or children nor access exploitative material through any medium.
15. Refrain from photographing people or using their photographs including in Project or promotional materials, social media or otherwise without their prior informed consent, and I must:
  - (a) Obtain informed and documented consent of the child and his/her parents or guardians before photography/filming.
  - (b) Provide an explanation on how the photograph/film will be used.

- (c) Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not as vulnerable or submissive. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- (d) Ensure images are honest representations of the context and facts.
- (e) Ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.
- (f) Take care to ensure the local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child or adult.
- (g) If taking or using photos, always follow The Foundation's Photo Collection Storage and Use procedure (provided on request).

### **Protection**

- 16. Take all reasonable steps to protect children and adults from Harm.
- 17. Ensure my response to any Safeguarding Concern is victim/survivor-centred.
- 18. In addition, ensure that in any dealing with children during the course of my work or visit, I:
  - (a) Do not hit, mistreat or cause other Harm to children.
  - (b) Refrain from any sexual act or behaviour towards children, including using sexually suggestive language and paying for sexual services or acts.
  - (c) Wherever possible, ensure that another adult is present when working near children.
  - (d) Refrain from inappropriate physical contact or provocative behaviour with children including not to hold, kiss, cuddle or touch a child in an inappropriate or culturally insensitive way.
  - (e) Do not seek to make contact or spend time with any child outside the Project times.
  - (f) Do not develop relationships with children that may be deemed exploitative or abusive.
  - (g) Avoid acting in ways that shame, humiliate, degrade or otherwise perpetrate any form of psychological harm against a child including the use of language that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
  - (h) Refrain from sleeping in the same room or bed as a child and do not invite unaccompanied children into my home/hotel or other private location, unless they are at immediate risk of injury or in physical danger.
  - (i) Refrain from developing relationships with children that could be deemed exploitative or abusive in any way (including using or supporting the use of child labour such as hiring children for domestic labour).
  - (j) Refrain from providing children with, or exposing them to, alcohol, tobacco or illegal drugs.
  - (k) Not show favouritism to the exclusion of others including through the provision of gifts or inappropriate attention nor act in a way that shows unfair or differential treatment of children.

Nor will I encourage, support or condone the above conduct in others.

### **Partners**

- 19. Collaborate with and build the capacity of our Implementing Partners to uphold a culture that supports Safeguarding and the provision of a safe and inclusive workplace, Projects and activities where all are treated with dignity, courtesy and respect.

### Accountability and Transparency

20. Confirm there are no charges, convictions or other outcomes of an offence that relate to Abuse, Exploitation or any other Harm by me. If such confirmation cannot be provided, immediately disclose to The Foundation any such charges, convictions or outcomes.

### Report and Respond

21. Immediately report any Safeguarding Concern including suspected or actual breaches of this Safeguarding Code of Conduct, the Safeguarding People Policy or the law by either myself, any Personnel, Implementing Partner, Representative or any other person to:

- (a) [speak-up@hollows.org](mailto:speak-up@hollows.org) / +61 418 814 609;
- (b) the Safeguarding Officer;
- (c) the Whistleblower Protection Officer;
- (d) the Child Protection & PSEAH Officer; or
- (e) your local Safeguarding Focal Points as listed on The Foundation's intranet [FredNet](#) or as otherwise identified to you,

within 24 hours (noting The Foundation has external reporting obligations within 48 hours depending on the nature of the breach).

Personnel may also use the online Safeguarding Concern Reporting Form on [FredNet](#).

Implementing Partners and visitors including Donors may report through their relationship manager at The Foundation or use any of the other avenues above.

*I have read and understand the Safeguarding People Policy and this Code of Conduct and agree to abide by it at all times to protect the people I may come into contact with through my work for and/or association with The Fred Hollows Foundation.*

**Signature:**

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**Name:**

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**Organisation:**

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**Date:**

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## ANNEXURE 2 – SAFEGUARDING PEOPLE RECRUITMENT

### 1. During standard recruitment

- (a) Job advertisements will include reference to The Foundation’s Safeguarding People Policy and Code of Conduct, stating that all candidates will be required to comply.
- (b) A minimum of two verbal reference checks will be required for preferred candidates. These will include specific questions about suitability for contact with children and vulnerable people.
- (c) Candidates will be required to disclose any and all allegations, charges, convictions and other outcomes of any offence which relates to Harm, specifically noting child Abuse and Exploitation.
- (d) A police check will be undertaken on the preferred candidate. Information received will be considered by the People & Organisational Development Director as to relevance. If a candidate has spent more than one year overseas in a particular country in the last five years, a police check will be conducted in that country as well as any country of citizenship. If police checks are not available in a country, a statutory declaration will be required of the preferred candidate disclosing any charges and spent convictions related to Safeguarding People.
- (e) Offers may be made to candidates who will not work with children prior to the checks being completed. However, in these cases the contract will explicitly state that employment will be terminated if the checks are unsatisfactory and additional supervision will be put in place until the check is finalised.
- (f) Contracts will contain provisions for the prevention of a person from working with children if they present an unacceptable risk to children and dismissal, suspension or transfer to other duties for any employee who breaches the Safeguarding Code of Conduct as commensurate.

### 2. Additional requirements for recruitments to positions identified as ‘working with children’

- (a) Candidates will be appropriately qualified and experienced and screened through behavioural-based questions during the job interview.
- (b) If a specific child protection check is required by law in the jurisdiction or country in which the position will work, for example a Working With Children Check in New South Wales, this will be done in addition to the standard police check and check of professional registers.
- (c) The preferred candidate must not commence until the results of these checks are available.

### 3. After recruitment

- (a) For positions requiring contact or working with children:
  - (i) specific attention will be paid to the individual’s suitability to work with children; and
  - (ii) Child Protection is included in the performance review.
- (b) For all positions, police checks will be repeated every five years for existing employees.
- (c) Individuals receive introductory, periodic refresher and where appropriate to the role more intensive in-person training on Safeguarding People, including Child Protection.
- (d) On occasion, positions may change such that a check referred to in 2.2 (b) becomes required. This will be carried out before the activity commences, for example an Ochre Card is required for Personnel visiting Projects in the Northern Territory of Australia.

### 4. Accountability

Accountability for the above rests with the People and Organisational Development Team, the Country Manager and (in certain circumstances) the CEO.

## ANNEXURE 3 – SAFEGUARDING CONCERN REPORTING PROCESS AND FORM

### Part A – Safeguarding Concern Reporting Process

1. In all situations first make sure the child or adult is safe. Arrange medical attention as needed.
2. Any Personnel or Representatives of The Foundation that become aware of or suspects Harm to a child or adult within the activities of The Foundation, our Implementing Partners or otherwise while at work or any other breach of the Safeguarding Code of Conduct must within 24 hours notify The Foundation’s Safeguarding Officer (**SO**) ([speak-up@hollows.org](mailto:speak-up@hollows.org) / +61 418 814 609). If outside Australia this should also include the relevant Safeguarding Focal Point (**SFP**).<sup>1</sup> Reporting can also be done anonymously under The Foundation’s [Speak-up Policy](#) as a whistle-blower.
3. Part B sets out the Safeguarding Concern Reporting Form. Implementing Partners, Donors and visitors must notify either the SO directly or their partner relationship manager at The Foundation.
4. The Safeguarding Officer (**SO**) will notify the CEO and General Counsel (**GC**) immediately.<sup>2</sup> If the matter involves a child the SO will also notify the Child Protection & PSEAH Officer (**CPO**).
5. If the concern or allegation relates to activities receiving institutional funding, the CEO will inform the institutional Donor. For example, for DFAT this is within 48 hours depending on the nature of the Safeguarding Concern. Other Donor notification requirements including FCDO and USAID will also be checked on a case by case and followed strictly.
6. The SO, CEO, GC and where relevant CPO will jointly consider the nature of the alleged offence, and decide on the next steps, including any further action needed to ensure the safety and wellbeing of the victim/survivor, and calling in advice from relevant staff . For example, for Project related allegations this may include the Director of Programs, SFP and Country Manager. Next steps may involve an investigation by The Foundation’s People & Organisational Development Director, the internal auditor or an external expert depending on the nature of the Safeguarding Concern.
7. The GC will support the SO and CPO to ensure that relevant laws are followed in relation to investigation, reporting and sanctions including that if the alleged incident is a breach of law the SO and CPO will report it to the relevant authorities (unless reporting poses a significant risk to survivors, is against their wishes or raises another risk of material concern). For example, in Australia this would be by the SO to the Australian Federal Police. In other countries the SFP and CM will support the GC to determine the appropriate authority.
8. The SO, working with the SFP and CPO where relevant, will inform the relevant stakeholders of the result of the investigation. This may include the person who made the report, the adult or child involved if different, and the person against whom the allegation was made against, if relevant. The CEO or SO will keep the institutional Donor apprised of developments as appropriate.
9. The SO and CPO will ensure that the fact each Safeguarding Concern has been raised is included in the Safeguarding register and the risk and incident section of the quarterly reporting presented to Board. Out of cycle escalation to Board Chair will occur for Major and Severe matters in line with The Foundation’s Risk Management Policy.
10. If any allegations are made suggesting that The Foundation itself as an organisation has committed an offence under any laws, then the SO must refer the allegation to the GC who will advise the CEO and/or the Board as appropriate in the circumstances.

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<sup>1</sup> If the allegation is about the CEO, the report should be escalated by the SO to the Chairman of the Board, if the SO, the report should go to the CEO who will inform the CPO in lieu of the SO (for others the CEO / SO will substitute as needs).

<sup>2</sup> No later than same day. Given the nature of the investigations, GC may ask external specialised counsel to advise.

## Part B - The Fred Hollows Foundation Safeguarding Concern Reporting Form

### ALL INFORMATION IN THIS FORM WILL BE TREATED CONFIDENTIALLY

Personnel, Representatives and Implementing Partners must report any behaviour that is suspected of causing Harm and any instances of Policy non-compliance. You can lodge this form online on FredNet or send to [speak-up@hollows.org](mailto:speak-up@hollows.org).

Information about you (optional for anonymous reporting)	
Name	
Position in FHF or in relation to FHF	
Telephone (incl. Mobile)	
E-mail	
Date	
Information about the child or adult alleged? Victim/s (if more than one affected, please include all)	
Name	
Victim request to remain confidential	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/>
Male <input type="checkbox"/> Female <input type="checkbox"/> Other <input type="checkbox"/> Prefer not to say <input type="checkbox"/>	Age
Current location of the victim (include who the person lives with if applicable)	
Any additional information about the victim, such as injuries, disability, general impressions.	
What actions have been taken to ensure the victim's safety at present?	
Information on the suspected Harm	
What happened?	
When did it take place (date and time)?	
Where did it take place?	
FHF Project (if any)	
Which institutional donors fund the Project?	
Were there witnesses? If yes – who are they and how can they be contacted?	
How did you become aware of this Safeguarding Concern?	
Who else has been informed about this Safeguarding Concern (include both internal and external e.g. police / doctors)?	
If applicable: Information about the suspected perpetrator/person(s) involved	
Name	Male <input type="checkbox"/> Female <input type="checkbox"/> Other <input type="checkbox"/> Prefer not to say <input type="checkbox"/>
Alleged perpetrator's relationship to victim	
Alleged perpetrator's relationship to FHF	
Is the alleged perpetrator Australian or living in Australia?	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/>
Current location	Contact details