

# SAFEGUARDING POLICY

*(Including prevention of sexual exploitation, abuse and harassment)*



<b>Policy number</b>	3	<b>Version</b>	5.0
<b>Updated by</b>	Deirdre Looney	<b>Approved by Board on</b>	25/05/2023
<b>Responsible person</b>	AMS Board	<b>Scheduled review date</b>	03/03/2024

## Introduction

Australian Marist Solidarity (AMS) is the international development arm of the Marist Brothers Star of the Sea Province and the Marist Association of St Marcellin Champagnat. It has a particular focus on empowering young people to transform their lives and community. Promoting the dignity of the human person, as safeguarded by internationally recognised human rights conventions, is a core value of AMS.

The care and protection of those who experience vulnerability, particularly children, is central to the philosophy, operation and action of Australian Marist Solidarity. AMS has an absolute and fundamental belief in, and commitment to, the principle contained in Article 19 of the UN Convention on The Rights of The Child that all children, wherever they may live and whatever may be their circumstances, have the right to be protected, nurtured and to be free from all forms of violence, abuse, neglect, maltreatment and exploitation. AMS also realises that it is not just children but also adults who, at the time they experience vulnerability, have the right to be protected. AMS strongly condemns all kinds of physical, sexual, emotional or psychological abuse and exploitation of those who are vulnerable. This policy affirms that all people in all circumstances have the right to feel and to be safe and to live free from harm, exploitation and abuse.

It is expected that all partner organisations adhere to this policy and/or have a similar policy in place and take their duty of care seriously. Additionally, all who operate under the auspices of AMS must adhere to statutory laws relating to child abuse and exploitation in Australia and in their country of operation.

AMS understands that our partners operate in diverse circumstances and that safeguarding needs to be adapted to suit the reality of the environment. However, AMS also recognises that our partners work with people who are, at the time, vulnerable and therefore at a higher risk of abuse. As such, AMS insists safeguarding procedures be put in place and monitored in all partner organisations.

## Commitment to safeguarding

AMS has a zero-tolerance approach towards the abuse of those who are vulnerable. AMS is committed to taking all necessary steps to ensure that all who are vulnerable with whom we work are provided with a safe environment at all times. The following list of expected behaviours applies to those referred to under the Scope section of this Policy:

- At all times, to act in a manner that upholds the values and good reputation of AMS;
- Undertake to create and maintain a safe and trusted environment that promotes the implementation of this Policy;
- Immediately report any concerns, suspicions or allegations of a breach of this Policy to the AMS Safeguarding Officer or Chief Executive Officer, and encourage and support others to do so. Refer to the AMS Complaints Handling Policy (<https://www.australianmaristsolidarity.net.au/about-us/policies/>) for further details.

## Policy

AMS places the highest priority on protecting those who are vulnerable from harm and protecting their rights. This policy has been developed in accord with the following key principles.

### a) The best interests of the vulnerable person are paramount

Consideration of what is in the best interests of those who are vulnerable is critical to any decision related to AMS work. AMS will be guided by appropriate laws but this policy may go beyond legislation in some

# SAFEGUARDING POLICY

*(Including prevention of sexual exploitation, abuse and harassment)*



circumstances. It is the intention of AMS that all responses are developed in a manner that balances respect for due process with a survivor-centred approach in which the survivor's wishes, safety, wellbeing, dignity and respect remain a priority in all matters and procedures.

## **b) Safeguarding and protecting those who are vulnerable is a shared responsibility**

It is the responsibility of all who operate under the auspices of AMS, including project partners, to maintain vigilance, report abuse, practise risk management, and promote optimum life opportunities for those who are vulnerable.

## **c) Harm minimisation and risk management**

AMS is committed to identifying and minimising preventable risks, and mitigating the impacts of unavoidable risks that might arise in the course of its activities.

## **d) Recognition of children's rights**

The UN Convention on the Rights of the Child underpins the AMS approach to decisions about safeguarding and protecting children and youth. AMS will promote children's rights to life; development; education; health; privacy; protection; non-discrimination; religious beliefs; identity and nationality. AMS also undertakes to ensure that those who are vulnerable are aware of their rights, including their right to be safe from abuse, and are informed of whom to contact if this right is taken away. This will be implemented by providing information in a child-friendly, simple and accessible format that our partners can use.

## Definitions

**Vulnerable Individuals:** people under the age of 18, or those who may be either unable to take care of themselves – due to their age, an illness, trauma, disability, or some other disadvantage – or unable to protect themselves against harm or exploitation. The vulnerability may be permanent (for example, an aged-related vulnerability) or temporary (for example, a woman forced to move to a shelter due to personal circumstances).

**Bullying:** intentional and aggressive behaviour occurring repeatedly against a victim where there is a real or perceived power imbalance, and where the victim feels vulnerable and powerless to defend themselves. The unwanted behaviour is hurtful: it can be physical, including hitting, kicking and the destruction of property; verbal, such as teasing, insulting and threatening; or relational, through the spreading of rumours and exclusion from a group, including the improper use of text messaging or other social media platforms.

**Child:** any person under the age of eighteen.

**Child abuse:** includes physical, sexual, psychological and emotional abuse and neglect, bullying, child labour, domestic violence and exploitation including commercial sexual exploitation. Both boys and girls can be the victims of child abuse. Child abuse can be inflicted by men, women or young people themselves.

**Child exploitation material:** material that is likely to cause offence to a reasonable adult, describes or depicts a person, or representation of a person, who is, or apparently is, a child under 18 years in a sexual or demeaning context or being subjected to abuse, cruelty or torture.

**Child labour** - work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

**Child pornography:** any activity which involves a graphic/visual depiction of a child or young person that is sexually explicit.

**Child protection:** is the term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated.

**Complaint:** a grievance, disclosure or report, whether or not made anonymously.

**Complainant:** the person who makes the complaint to AMS.

# SAFEGUARDING POLICY

*(Including prevention of sexual exploitation, abuse and harassment)*



**Confidential:** private information which shall be kept restricted from others and only be disclosed to an authorised person for legitimate reasons of AMS or because the disclosure is legally required.

**Contact with children:** working on an activity or in a position that involves or may involve children, either under the position description or due to the nature of the work environment.

**Corporal punishment:** any punishment in which physical force is used to cause some degree of pain or discomfort, however minimal the intention.

**Credible allegation:** based upon the facts and the circumstances, it appears that the accusation has substance and there is a high likelihood that an incident of abuse of a vulnerable person has occurred.

**Duty of care:** a common law concept that refers to the responsibility of the organisation to provide vulnerable persons with an adequate level of protection against harm. It is the duty of the organisation to protect vulnerable persons from all reasonably foreseeable risk of injury.

**Emotional abuse:** occurs when a vulnerable person is repeatedly rejected or frightened by threats, verbal abuse, or written abuse through social media platforms. This may involve name calling, being put down or continual coldness from parent or care giver; to the extent that it affects the vulnerable person's physical and emotional growth.

**Exploitation (including commercial or other exploitation) of a child:** the use of the child in work or other activities for the benefit of others that are to the detriment of the child's physical and mental health, education, or moral and social-emotional development. It includes, but is not limited to, child labour, child trafficking and child sexual exploitation.

**Grooming:** actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, or to lower a child's inhibitions in preparation for sexual activity with the child. It includes providing any alcohol, drugs or gifts to children, which is strictly banned. It also includes the act of obtaining sexually abusive material in relation to a child including photographic or audio-visual material.

**Person with a disability:** a person who has a long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

**Physical abuse:** when a person purposefully injures or threatens to injure a vulnerable person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

**Neglect:** 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.

**Other stakeholders:** refers to visitors to our programs, supporters (donors, sponsors, advocates, ambassadors), staff in partnership agencies, and any other individuals or groups that have been brought in contact with children (including their personal information and images) while working with/supporting AMS.

**Partner organisation:** any organisation that AMS has entered into partnership with. In most cases, this will be the organisation that operates in a developing country that is supported by AMS. The partnership begins when both partners sign a Memorandum of Understanding (MOU).

**Safeguarding:** actions, policies and procedures that create and maintain protective environments for vulnerable individuals to safeguard them from exploitation and abuse of all kinds

**Sexual abuse:** when a child, young person or vulnerable person is used by an older or bigger child, adolescent or adult for his or her own sexual stimulation or gratification - regardless of the age of majority or age of consent

# SAFEGUARDING POLICY

*(Including prevention of sexual exploitation, abuse and harassment)*



locally. These can be contact or noncontact acts, including sexualised language, sexually suggestive conversation, voyeurism, fondling genitals or breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object and exposing a child to, or involving a child in pornography.

**Sexual exploitation:** 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.

**Sexual harassment:** unwanted physical, verbal or non-verbal conduct, including on social media platforms, of a sexual nature that can include indecent remarks and sexual demands.

**Survivor:** a person who has suffered abuse, exploitation or harassment.

## Purpose

Overall, the policy will aim to protect those who are vulnerable by outlining systems and mechanisms for awareness raising, prevention, reporting and responding to safeguarding issues. The policy is also in place to guide AMS personnel, partners and other stakeholders by providing clear behaviour protocols.

## Scope

This policy applies to all Board and committee members, staff, project partners, contractors, consultants, volunteers, visitors, interns and other stakeholders who operate under the auspices of AMS.

## Context

The abuse of people who are vulnerable occurs across borders and cultures. Research shows that the likelihood of abuse increases with vulnerability. Factors that increase vulnerability include being a child, living in poverty, having a disability, being part of a minority group, lack of knowledge or fluency in the language that is used locally and not having a permanent home. AMS seeks to empower those who are vulnerable and, in doing so, partners with organisations that work with those in groups that are deemed to be at high risk of abuse. As such, it is vital that AMS partners with organisations who value and protect the rights of those who are vulnerable but also promotes safeguarding and capacity building in partners and their communities. While it is the partners who have direct contact with those who are vulnerable, AMS recognises their unique position to be able to guide and monitor partners who work with those most at risk from abuse.

As Marists, we follow in the example of St. Marcellin Champagnat who, even on his first day of school, was indignant when he witnessed the corporal punishment of a student. Marcellin's aversion to causing harm to children continued for his entire life, a stance that was well ahead of most people in that era. St. Marcellin founded the Marist Brothers who established schools and worked with young people. On several occasions, St. Marcellin became aware of allegations of sexual abuse. He reacted swiftly and decisively, removing a fellow priest and two postulants from their positions immediately, even going as far as to send one perpetrator out in the middle of the night.

Sadly, the Marist Brothers and the Catholic Church have fallen short of the example of St. Marcellin many times, with tragic consequences for those vulnerable children entrusted to their care. The culture of abuse, secrecy and cover-up cannot be excused or minimised. AMS is determined to not allow the mistakes of the past to be repeated. With St. Marcellin as our guide, we aim to ensure that all those who are vulnerable and in the care of our partners are safe from all forms of abuse. We acknowledge the pain caused by some under the Marist name, and seek instead to follow the example of our founder St. Marcellin.

## Implementation

The implementation of this policy will be guided by the AMS Operations Manual. This document includes expectations for communicating the policy with relevant partners, recruitment, training as well as the use of images and personal information.

# SAFEGUARDING POLICY

*(Including prevention of sexual exploitation, abuse and harassment)*



## Handling of Reported Incidents

Anyone from AMS, a partner organisation, external organisation or the community who suspects that an incident has occurred should immediately report it to the AMS Safeguarding Officer ([ams.projects@marists.org.au](mailto:ams.projects@marists.org.au)) or the Chief Executive Officer ([ams.ceo@marists.org.au](mailto:ams.ceo@marists.org.au)). Any reported incidents will be handled in accordance with the AMS Complaints Management Policy. The Complaints Management Policy can be found on the AMS website, [www.australianmaristsolidarity.net.au](http://www.australianmaristsolidarity.net.au), along with child-friendly and accessible posters on making a complaint.

## Monitoring and Review of Policy

The Safeguarding Policy is formally and comprehensively reviewed every three years by AMS staff and the Programs Committee and authorised by the Finance, Audit and Risk Committee and the Board. The processes for reviewing the policy include consulting with and incorporating advice from experts, children, families, carers and communities. An annual Child Protection Risk Self-Assessment Survey is completed by the CEO and Safeguarding Officer and a copy provided to the Programs Committee, as well as the Finance, Audit and Risk Committee. Any breach of the Safeguarding Policy is reviewed by the Programs Committee and analysed to identify systemic failures and inform continuous improvement.

Please note that this policy replaces the original AMS Child Safeguarding Policy (version 1), and subsequent updates (versions 2 and 3).

## Related Documents

- AMS Complaints Handling Policy
- AMS Risk Matrix
- AMS Images Policy
- AMS Social Media Policy
- AMS Delegations of Authority Policy and Schedule
- AMS Safeguarding Procedures Manual
- AMS Operations Manual
- AMS Safeguarding Code of Conduct
- AMS Safeguarding Reporting Flowchart

# SAFEGUARDING POLICY

*(Including prevention of sexual exploitation, abuse and harassment)*

## Authorisation



Michael Sinclair

Signature of Company Secretary

Name of Company Secretary

May 2023

Date of approval by the Board