

# Safeguarding Vulnerable People: Policy and Code of Conduct

## **1. Preamble: Palms Australia's commitment to the protection of vulnerable people.**

Palms Australia is strongly committed to creating and maintaining an environment that promotes and protects the rights and dignity of vulnerable people and prevents all forms of abuse and exploitation of vulnerable people.

Vulnerable people can include:

- children and seniors
- people with impaired intellectual or physical functioning
- people from a low socio-economic background
- people who are Aboriginal or Torres Strait Islanders
- people who are not native speakers of the local language
- people with low levels of literacy or education
- people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.

All staff, volunteers, directors, interns and contractors engaged by Palms Australia are expected to uphold the dignity of all with whom we work and abide by Palms Australia's Policy and Code of Conduct for the Safeguarding of Vulnerable People.

Palms Australia strongly condemns all forms of abuse and exploitation, including physical, sexual, emotional and psychological abuse of vulnerable people. Abuse and sexual exploitation constitute acts of gross misconduct and are therefore grounds for termination of employment. The protection of vulnerable people is always paramount and all relevant legal steps will be taken corresponding to the legal and social conditions of the local situation.

## **2. Rationale**

This Policy for Safeguarding Vulnerable People has been developed to clearly articulate:

- Palms Australia's strong commitment to the protection of vulnerable people;
- Palms Australia's strong condemnation of all forms of abuse or exploitation of vulnerable people and,
- Practical steps to be taken to ensure vulnerable people are kept safe.

It provides guidance to staff and others on how to work respectfully and effectively with vulnerable people. It is intended to provide all stakeholders, including staff, volunteers and others with a safe working environment.

Palms Australia is obliged to adhere to local and international criminal laws, which prohibit the abuse and exploitation of vulnerable people. These include local laws where Palms Australia's programs exist, and international laws and conventions in relation to all forms of abuse and exploitation, including: child sex tourism, sex trafficking, exploitation of labour and child pornography.

### 3. Guiding Principles

- Palms Australia does not tolerate any form of vulnerable person abuse or exploitation.
- All vulnerable people have rights, outlined in the UN Convention on the Rights of the Child, including the right to be safe at all times.
- Palms Australia believes in the empowerment and participation of vulnerable people and aims to create environments in which vulnerable people feel confident to contribute to discussions and decision-making. In such an environment, vulnerable people will be more able to raise their concerns for their own safety and wellbeing.
- Palms Australia's Policy is consistent with the UN Convention on the Rights of the child and DFAT's Child Protection Policy and the ACFID Code of Conduct. Nothing in this policy should be taken as a repudiation of the concepts and principles outlined in these documents or of any civil law related to the rights and protection of vulnerable people.
- All staff, volunteers, directors, interns and contractors engaged by Palms Australia are expected to read this policy and the related Palms Australia Child Protection Code of Conduct. Adherence to these documents is mandatory for all staff, Program Participants and others who may be seen as representatives of the organisation.

### 4. Definitions

Palms Representative, for the purposes of this policy, refers to all Palms Australia staff, program participants, office volunteers, interns, directors, state representatives, in-country representatives, contractors or others operating under the auspices of Palms Australia, in Australia or abroad, or who may be seen to be representing the activities and/or values of Palms Australia.

#### Child or young person

In accordance with the United Nations Convention on the Rights of the Child, Palms Australia defines child or young person as any person below the age of 18 years regardless of local laws or other definitions. Notwithstanding this definition, Palms Representatives may have additional obligations under local laws where a higher adulthood threshold is applied.

#### Vulnerable Adult

The Australian Department of social Services defines a vulnerable adult as an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

Bullying is the inappropriate use of power by an individual or group, with an intent to injure either physically or emotionally. It is usually deliberate and repetitive. The bullying may be physical or psychological (verbal and non-verbal).

- Physically, bullying includes pushing, hitting, punching, kicking or any other action causing hurt or injury.
- Verbal bullying includes insults, taunts, threats and ridicules.
- Psychological bullying includes physical intimidation and ostracism.

Abuse can be physical abuse, emotional abuse, neglect or sexual abuse.

Both boys, girls, men and women can be the victims of abuse, and abuse can be inflicted on a child by men and women, as well as by young people themselves.

- **Physical abuse** occurs 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.

- **Emotional abuse** occurs when a vulnerable person 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 vulnerable person's physical and emotional growth.
- **Neglect** is the persistent failure or the deliberate denial to provide a vulnerable person with clean water, food, shelter, sanitation or supervision or care to the extent that the vulnerable person's health and development are placed at risk.
- **Sexual abuse** occurs when an adult, more powerful child or adolescent uses his or her power to involve a vulnerable person in sexual activity. That coercive power can be physical, verbal or emotional. Sexual abuse is prohibited regardless by the age of majority or age of consent locally. Neither a mistaken belief in the age of a child, nor consent, amounts to an excuse or defence to such situations.

Safeguarding Vulnerable People is the term used to describe the responsibilities and activities undertaken to prevent or stop vulnerable people being abused or maltreated.

Child Sex Tourism is defined (by ECPAT International) as:

*'... the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone aged under 18 years of age.'* (ECPAT International, 2006)

Particularly vulnerable people refers to those who may be at heightened risk of abuse within or external to the family situation, including at institutions, at work, on the streets, in war zones or in emergencies. In an emergency or crisis situation, vulnerable people are extremely vulnerable when they become part of a displaced or traumatised population.

Vulnerable people may also experience heightened vulnerability to abuse as a result of other factors, such as a disability or loss or absence of caregivers.

Particularly vulnerable people may experience greater difficulty in reporting abusive situations.

## 5. Context

Palms Australia recruits, prepares, sends and supports program participants to mentor counterparts with the aim to sustainably reduce poverty. These programs occur in a number of countries, including Australia, and operate in collaboration with local partner organisations.

All Program Participants are over the age of 18, though some may be accompanied by their own vulnerable people to Palms Australia's preparation and re-entry courses in Australia and to their placements, either in Australia or abroad. Program Participants are placed for an average period of two years in local communities and work directly for a local partner organisation. Placements are scoped by Palms Australia staff, in line with Palms Australia's Quality Assessment Framework and Field Trip Policy and Procedures.

Palms Australia Program Participants will often live in a local community where vulnerable people are present or may work in roles which require them to work directly with vulnerable people, for example as teachers, youth workers or in hospitals.

Palms Representatives may also be involved in education or fundraising programs in Australia which may involve vulnerable people, particularly at schools or churches.

## 6. Scope of the policy

This policy applies to all Palms Representatives as defined above. While recognising the different laws related to vulnerable people in different national contexts, all must abide by the Palms Australia Child Protection Code of Conduct in all contexts.

## 7. Safeguarding Vulnerable People

### 7.1 Code of Conduct

All Palms Representatives must sign the Palms Australia ***Safeguarding Vulnerable People Code of Conduct*** prior to being engaged in activities connected to Palms Australia which involve, or may involve, vulnerable people.

The Palms Australia Vulnerable People Code of Conduct provides a simple articulation of the responsibilities and obligations of Palms Representatives in their interactions with vulnerable people. The Code of Conduct is designed to establish clear professional boundaries, and to protect everyone involved from misunderstandings or violations of professional standards.

The following guidelines are included in the Vulnerable People Code of Conduct that must be signed by all Palms Representatives.

Palms Representatives must:

- treat all vulnerable people with respect
- not use language or behaviour towards vulnerable people that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage vulnerable people in any form of sexual intercourse or sexual activity, including paying for sexual services
- wherever possible, ensure that another adult is present when working near vulnerable people
- not invite unaccompanied vulnerable people into private residences, unless they are at immediate risk of injury or in physical danger
- not sleep close to unsupervised vulnerable people unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensure that another adult is present if possible (noting that this does not apply to an individual's own children)
- never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass vulnerable people, or access child exploitative material through any medium [see social media sharing guidelines]
- not use physical punishment on vulnerable people not hire vulnerable people for domestic or other labour: which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury
- comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- immediately report concerns or allegations of child exploitation and abuse and policy noncompliance in accordance with appropriate procedures
- immediately disclose all charges, convictions or any outcomes of an offence that relates to exploitation and abuse of vulnerable people, including those under traditional law,
- be aware of behaviour and avoid actions or behaviours that could be perceived by others as exploitation and abuse of vulnerable people

These behaviours are not intended to interfere with normal family interactions.

## **7.2 Use of vulnerable people' images**

### **When photographing or filming a vulnerable person, or using their images for any purpose:**

- take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a vulnerable person.
- before photographing or filming a vulnerable person obtain their informed consent and the informed consent of the parent or guardian of the vulnerable person. An explanation of how the photograph or film will be used must be provided.
- ensure photographs, films, videos and DVDs present vulnerable people in a dignified and respectful manner and not in a vulnerable or submissive manner. All should be adequately clothed and not in poses that could be seen as sexually suggestive.
- ensure images are honest representations of the context and the facts.
- ensure file labels, meta data or text descriptions do not reveal identifying information about a vulnerable person when sending or publishing images electronically or otherwise.

## **8. Abuse reporting processes**

It is mandatory for Palms Representatives to report concerns or allegations of vulnerable person abuse connected with Palms Australia or a Palms Representative.

All instances or concerns should be reported immediately to the Executive Director, or if occurring overseas to the relevant Country Program Coordinator. The individual receiving the report will acknowledge its receipt immediately.

Concerns which must be reported immediately include:

- any disclosure or allegation by a vulnerable person that he or she has been harmed, or fears being harmed, by a Palms Representative
- concerns expressed by a partner organisation, government representative, other international NGO, or other person about the behaviour of a Palms Representative
- any observation or reasonable concern of inappropriate behaviour by a Palms Representative which breaches the Palms Australia Child Protection Code of Conduct
- Inappropriate use of Palms Australia's photography or computer equipment for the purposes of child pornography
- Suspicious behaviour of a Palms Representative in regard to sexual exploitation, trafficking or abuse of vulnerable people

Palms Australia advises prudence in reporting incidents to local authorities. Many countries do not have sufficient vulnerable person protection services, and may not be able to effectively protect the vulnerable person in question. Palms Australia recommends considering the "best interests of the vulnerable person" as a measure of appropriate action. In any case, Palms Australia recommends discussing such incidents initially with Palms Programs and Placements Coordinator or Palms Australia's Executive Director.

Palms Australia will treat all reported concerns seriously. All reports made in good faith will be viewed as being made in the best interests of the vulnerable person regardless of the outcome of any investigation. Palms Australia will ensure that the interests of anyone reporting abuse in good faith will be protected; however Palms Representatives making intentionally false or malicious claims will face disciplinary action.

### Confidentiality

Palms Australia will ensure that the concern is handled with utmost care and confidentiality, including protecting the identities of the reporting individual, the person against whom allegations or suspicions have been raised, and the victim or potential victim of abuse. Details will only be released on a “need to know” basis or when required by relevant local or Australian law, or a notification to police or relevant child protection authorities is made. The Executive Director may, at his/her discretion, seek advice from another staff member or Director before deciding how to proceed.

## **9. Risk management**

All Palms Australia programs should be designed utilising the principles outlined in Palms Australia’s Risk Management Matrix.

Specific steps related to mitigating risk in matters of safeguarding vulnerable people include:

- The acquisition of criminal record checks for all Palms Australia Program Participants
- At least two verbal or written references will be required for each Program Participant
- The employment of a specialist childcare worker at all Palms Australia courses attended by one or more vulnerable people where parental supervision is not possible at all times
- The purchasing of travel insurance for all Program Participants and their dependents
- The inclusion of vulnerable people of Program Participants, where possible and appropriate, in Palms’ pre-departure preparation and re-entry programs

## **10. Educating staff and others for safeguarding vulnerable people**

Palms Australia is committed to educating all Palms Representatives on the principles of safeguarding vulnerable people, appropriate behaviour and their obligations related to the reporting of abuse. This Policy and the accompanying Child Protection Code of Conduct make up part of the Palms Australia *Induction Kit* that will be provided to all new staff and board members within their first month.

Palms Australia will endeavour to keep staff abreast of the latest standards in protection of vulnerable people and will organise professional development for staff when necessary.

## **11. Policy Review**

Palms Australia commits to reviewing the Vulnerable People Policy and Code of Conduct every 12 months. A special committee of the Palms Australia Board will be responsible for this process and will engage staff and other stakeholders as necessary.