## Introduction

### Policy Statement

All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background, have equal rights to protection from abuse, neglect, or exploitation.

The Brotherhood of St. Laurence (BSL) commits to promoting and protecting the welfare and human rights of people that interact with, or are affected by, our work - particularly those that may be at risk of abuse, neglect, or exploitation.

BSL will also take active steps to make sure that Aboriginal people and people with culturally and linguistically diverse backgrounds feel that their culture and identity is respected, that they feel safe to be themselves and to express their culture in their own way.

BSL has zero tolerance for abuse, neglect, or exploitation. We will take a survivor-centred approach by prioritising the rights, needs and wishes of the survivor, to ensure they have access to appropriate, accessible and quality services to support their recovery.

All staff, volunteers, contractors, partners and third parties of BSL share responsibility for protecting vulnerable people from abuse, neglect, or exploitation. Beyond this, certain people have specific responsibilities, and they must carry out their duties without exception.

BSL has a process for managing incidents that must be followed when one arises.

This Policy is underpinned by the four principles of BSL’s [Safeguarding Framework](https://bslau.sharepoint.com/sites/WorkingAtBSL/SitePages/FWK_Safeguarding.aspx) which articulates our organisational commitment to safeguard children, young people and vulnerable adults and their wellbeing. The Framework guides our work to implement all legislative requirements to protect service clients from harm.

### BSL Safeguarding Framework Principles



### Scope

Everyone we work with must be committed to the safety of BSL service clients.

This policy applies to all people who conduct work for or are affiliated with BSL in a paid or unpaid capacity. This includes Board members, executive leadership, management, staff, volunteers and interns, trainees, contractors, and consultants.

### Compliance

We take the safety and wellbeing of all BSL service clients seriously. There are consequences for failing to keep vulnerable people safe.

Compliance with this policy is mandatory for all persons to whom it applies. Non-compliance with this policy may constitute a breach of employment or contractual obligations, misconduct, harassment, discrimination, or some other contravention of the law.

Failure to comply with this policy may result in counselling, training, disciplinary action or, in serious cases, termination of the person’s employment or engagement.

### Our Commitment

The safety and wellbeing of all children and all adults participating in BSL’s programs and activities is paramount to our work and vision. We are committed to all children and adults being safe, protected and empowered through BSL’s programs, activities, management, and governance.

BSL has zero tolerance for sexual misconduct, sexual exploitation abuse and harassment. We are a child safe organisation and comply to the 11 Victorian Child Safe Standards (National Principles).

**We live out this commitment by:**

* Having a clear and accessible policy on safeguarding
* Allocating adequate resources, leadership, and authority to manage the risks
* Making sure that all staff, volunteers, and partner organisations understand and apply our safeguarding obligations

**And specifically, through:**

* Educating and training leaders to model respectful and non- discriminatory behaviour
* Providing channels for disclosure and reporting of safeguarding concerns
* Promoting a culture of openness where concerns for the safety of children and adults can be raised and managed
* Prioritising gender equality and the rights of diverse women and girls within our programs and at all levels of the organisation to shift the gender and power inequalities that are at the root of sexual exploitation, abuse, and harassment.
* Providing safe programs and environments by identifying and managing risks
* Screening, training, and guidance to all persons within the scope of this policy

## PART 1 - Child Safety & Wellbeing

This section explains our responsibilities as a Child Safe Organisation

* 1. Overview

This section specifically details our commitment and approach to ensuring the children and young people we work with are safe, included, respected, and heard. The Brotherhood of St. Laurence (BSL) directly engages with children and young people in multiple ways, including:

* Adult & Youth Transitions
* Early Years Children & Families
* HIPPY program
* Service Development & Practice
* National Disability Insurance Scheme (NDIS)
* Advocacy and community consultation (SPARC)

BSL is committed to the safety and wellbeing of all children and young people. Child abuse is preventable, and all adults have a responsibility to help protect children and young people.

In our work to implement the 11 Victorian Child Safe Standards (National Principles), we strive to demonstrate leadership in child safety and the deep respect for children’s rights that underpins our work and is in line with The Convention of the Rights of the Child

* 1. Compliance

We take child safety seriously and are committed to building workforce capability to comply with the Child Safe Standards and Commission for Children & Young People (CCYP) implementation guidelines.

Compliance with this policy is mandatory for all persons to whom it applies. Non-compliance with this policy may constitute a breach of employment or contractual obligations, misconduct, harassment, discrimination, or some other breach of the law.

Failure to comply with this policy may result in counselling, training, disciplinary action or, in serious cases, termination of the person’s employment or engagement.

There can be also organisational consequences for failing to keep children and young people safe by reporting concerns or incidents of harm which include legal action and fines.

* 1. What is child abuse and/or a child safety concern

Everyone at BSL is responsible for reporting child safety concerns and child abuse and must know how to make a report. We encourage anyone with concerns about the behaviour of our people in relation to a child to contact our [Safeguarding Unit](mailto:safeguarding@bsl.org.au?subject=child%20safety%20concern).

#### Child abuse

* Emotional and psychological abuse

Emotional and psychological harm may involve conveying to a child that they are worthless, unloved, inadequate, or rejected, or causing a child to frequently feel frightened or in danger. Emotional or psychological abuse often diminishes a child’s sense of identity, dignity and self-worth, and the impact can be chronic and debilitating.

* Physical abuse

Physical abuse can occur when a person intentionally or recklessly uses physical force against, with or in the presence of a child without their consent, which causes, or could cause, the child harm. Physical abuse can also occur when someone intentionally or recklessly causes a child to believe that physical force is about to be used against them without their consent. Physical abuse can include hitting, punching, kicking, pushing, or throwing something that strikes a child. It also includes threatening behaviour, such as words or gestures, that causes a child to believe that they are about to suffer physical abuse.

* Sexual abuse

Sexual abuse encompasses a broad range of behaviours involving a sexual element that are committed against, with or in the presence of a child. Behaviour that could amount to sexual abuse spans a broad range of behaviours from sexual misconduct to a sexual offence. A sexual offence will generally encompass any sexual encounter that involves a child. This abuse may involve contact, like touching or penetration. It also includes behaviours that do not involve contact like ‘flashing’, possessing child abuse material or grooming.

* Sexual misconduct

Sexual misconduct includes a variety of sexualised behaviours with or towards children. This could include inappropriate conversations of a sexual nature, comments that express a desire to act in a sexual manner, or in some cases, behaviour that crosses a professional boundary such as having or seeking to establish an inappropriate or overly familiar relationship with a child.

* Neglect

Neglect is a failure on the part of a caregiver to provide sufficient attention, responsiveness and protection that is appropriate to the basic needs of a child to ensure that these needs are met. Neglect includes failure to provide adequate health care, supervision, clothing, nutrition, or housing, as well as failing to meet a child’s physical, emotional, social, educational and safety needs.

* Grooming

Grooming is when an adult person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. It may include a combination of actions, including gift giving, inappropriate special attention, close physical contact, or controlling behaviour that makes a young person fearful of reporting unwanted behaviour.

The Safeguarding & Family Violence Lead is BSL’s Child Safety Officer. If the Safeguarding & Family Violence Lead is on leave or unavailable, the role of Child Safety Officer will be fulfilled by the Head of Quality & Safeguarding.

If risks or concerns relate to the conduct of the Child Safety Officer, these should be reported to the Executive Director or Chief Services Officer.

* 1. Roles and responsibilities for child safety

Every person, at every level, has a role and responsibility in creating a child safe environment at BSL. This section explains the different child safety responsibilities that people have at BSL

Our workforce is responsible for building and maintaining our child safe culture, taking steps to prevent child abuse, and operating in a manner consistent with our Child & Adult Safeguarding Policy and procedures. Expectations are as follows:

#### All staff, volunteers & contractors

* Report all concerns of child abuse about our staff (including executive staff and Board members), contractors or volunteers
* Uphold our zero tolerance of child abuse approach
* Actively support and abide by BSL’s Child & Adult Safeguarding Policy, Behavioural Protocols, our Code of Conduct, and related procedures
* Support and participate in the building and maintenance of BSL’s child safe culture
* Prioritise the safety of children in all work
* Identify and act on personal child safety learning needs

#### Managers – additional responsibilities

* Champion zero tolerance of child abuse
* Model best practice as a child safe organisation
* Prioritise the safety of children in all decisions
* Ensure policies and procedures are current, address the risks of child abuse in our programs and activities and ensure these are communicated to staff
* Advise workforce of their obligations to comply with BSL’s Child & Adult Safeguarding Policy, Behavioural Protocols, Code of Conduct, and related procedures
* Monitor for workforce compliance with the policy and procedures and report if violations are identified
* Advise new staff and volunteers of their roles and responsibilities during the induction process
* Coach workforce to understand and manage child safety risks
* Monitor staff contact with children and young people and use supervision to confirm professional boundaries and child safe practice
* Support workforce to develop their understanding of cultural safety
* Ensure appropriate child safety screening is undertaken in all recruitment processes.

**Child Safety Officer**

* Facilitate learning on a risk informed approach to child safety
* Inform BSL leadership and divisions about the child safe standards
* Provide advice and guidance on policy and procedures related to child safety to support continuous improvement.
* act on reports of child safety concerns
* Determine and take action to protect child safety

**Executive Director – additional responsibilities**

As Head of Organisation, act on reports of child safety concerns, including:

* receiving reports from any source
* timely reporting Reportable Conduct allegations to the Commission for Children & Young People (CCYP)
* enquiring into, investigating allegations, or commissioning an investigation
* deciding and taking action to protect child safety

#### Executives – additional responsibilities

Lead the BSL child safe culture:

* Model best practice as a child safe organisation
* Champion inclusive, non-discriminatory environments and activities which encourage children and young people to celebrate their identity
* In the event of concerns or allegations of child safety concerns regarding the Executive Director, receive and act on concerns raised.
* Act in relation to breaches of the Code of Conduct.

#### The BSL Board

The Board must take reasonable steps to protect all people who come into contact with the organisation from harm:

* adopt a Safeguarding Policy and Code of Conduct
* set risk appetite and ensure effective monitoring and internal reporting
* support cultural changes within the organisation to address safeguarding issues
* invest in adequate and effective training and development
* ensure governance systems are in place for timely external reporting and meeting legislative requirements
  1. Commitment to child safety

We express our commitment to child safety in words and in practice so our staff, volunteers and contractors know what is expected of them, and others know what they can expect from us.

1. We have zero tolerance of all forms of child abuse, including physical abuse, sexual abuse, emotional and psychological abuse, sexual misconduct including grooming and neglect of any kind.
2. We are committed to taking the necessary steps to protect children and young people from harm by adopting a preventative, proactive and participatory approach to child safety.
3. We undertake to continuously develop and strengthen our child safe approach.
4. We uphold our child safe responsibilities across all our work environments, whether office-based, off-site or at home.
5. We take any concerns of child abuse seriously and prioritise the safety of children in our response. We know that children face increased vulnerabilities in particular contexts, considering their diverse backgrounds and circumstances.
6. We seek to foster inclusive, non-discriminatory environments and activities that encourage children and young people to celebrate their identity.

**The table below provides an overview of our commitment in practice to child safety across BSL portfolios:**

| **Child Safe Standard** | **Our Commitment** | **Our commitment in practice** |
| --- | --- | --- |
| **Child Safe Standard 1** – Organisations establish a culturally safe environment in which the diverse and unique identifies and experiences of Aboriginal children and young people are respected and valued. | We are committed to ensuring our organisation is a place where Aboriginal children feel safe, respected, and valued. | We provide all BSL staff with knowledge of the strengths of Aboriginal cultures, for staff to appreciate the role of culture in the wellbeing and safety of Aboriginal children and young people. |
| **Child Safe Standard 2** – Child Safety and wellbeing is embedded in organisational leadership, governance, and culture. | We commit to consider the safety and wellbeing of children in everything we do. | Child safety is considered the leading priority by staff across the whole organisation.  We adhere to our legal obligation to promote the best interests of children and young people.  Child safety matters are regularly discussed at staff meetings, management meetings and governance meetings.  Our leadership demonstrates commitment to child safety.  Our Safeguarding Advisors support divisions to build capacity and capability with child safety  We have Child Safe Champions across the organisation who support resource specific resource development to prevent report and respond to child safety at BSL |
| **Child Safe Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously. | We commit to engaging with children and young people in the design of key policies and directions and co-developing an ongoing engagement framework to inform and enrich our work.  We commit to developing and sharing child friendly information and pathways for children in our programs to contact and engage with BSL. | The planning, design and delivery of our programs provides practical ways to include the voices of young people.  We regularly engage directly with children and young people to hear their views and take these views into account across our work.  We seek consent to share the views of children and young people involved in our programs and activities. |
| **Child Safe Standard 4** – Families and communities are informed and involved in promoting child safety and wellbeing. | We commit to communicating with families and communities about our child safety and wellbeing operations and child safe organisation culture. | We regularly provide our service clients and their families with communications that speak directly about our interest in child and young person safety and wellbeing. |
| **Child Safe Standard 5** – Equity is upheld and diverse needs respected in policy and practice. | We are committed to understanding the diverse circumstances of children and young people and working to ensure this knowledge informs everything we do. | We educate our workforce about the diverse circumstances of children and young people.  We build a culturally safe environment for Aboriginal children and young people.  We develop communications that are accessible and easy to understand for children and young people. |
| **Child Safe Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. | We commit to regularly reviewing and continuously improving our human resource practices in line with best practice, to:   * prevent, report, and respond to unsuitable people working or volunteering at BSL: * ensure that our workforce understand and perform their responsibilities to support the safety of children * identify and take action to address behaviours and practices that place children at risk of abuse. | Robust recruitment and screening practices are in place.  All relevant staff, contractors and volunteers must have a cleared and current National Police Check before being permitted to work for the BSL and a WWCC.  We screen for appropriateness to engage with children and young people as part of recruitment processes including asking questions of applicants and speaking to referees.  We supervise our workforce in their engagement with children and young people.  We provide training on induction and ongoing for staff and volunteers to build a child safe culture at BSL.  We continuously refine our child safe policy and procedures.  We have a dedicated incident management system for managing risk of child abuse. |
| **Child Safe Standard 7** – Processes for complaints and concerns are child focused. | We commit to having clear procedures to inform our workforce of their obligation to report child safety concerns and processes to do so.  We respond to disclosures and allegations of abuse in a trauma informed way that removes the barriers to disclosure and manages the risks of further harm to children. | Our Procedure for responding to and reporting suspected child abuse guides our workforce.  When engaging with children and young people, we provide them with child-friendly information about how to raise a safety concern or complaint.  We report potential child abuse to the appropriate authorities.  We have a **nominated Child Safety Officer** and a **Safeguarding Unit** to receive and respond to any child safety concerns in relation to our workforce.  We have **Child Safety Champions** across the organisation to share resources and raise awareness of the child safe standards  We educate our workforce about trauma informed practice |
| **Child Safe Standard 8** – Staff and volunteers are equipped with the knowledge, skills, and awareness to keep children and young people safe through ingoing education and training. | We commit to ensuring our workforce has the skills to keep the safety of children and young people at the centre of everything they do. | Our workforce receives regular training and support to implement BSL’s Child & Adult Safeguarding Policy and its child safety and wellbeing practice and operational requirements |
| **Child Safe Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. | We commit to ensuring our online environment is used in accordance with our Child & Adult Safeguarding Policy and practices, Behavioural Protocols and the BSL Code of Conduct.  We commit to identifying and mitigation risks to the safety of children and young people in all our operations. | Our procurement policies ensure the safety of children and young people.  The BSL online environment is used in accordance with the Code of Conduct and Child & Adult Safeguarding Policy and procedures.  We routinely conduct risk assessments for all our programs and before any new activities involving children and young people. |
| **Child Safe Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved | We are committed to ensuring our policies and procedures are regularly reviewed and updated and appropriate learnings and actions shared with staff, volunteers, and service clients. | We will review the implementation of the Child Safe Standards every two years and update according to feedback gathered from stakeholder concerns and safety incidents, research, and current legislation. |
| **Child Safe Standard 11 –** Policies and procedures document how the organisation is safe for children and young people | We are committed to ensuring our policies and procedures are clearly documented and accessible | Our policies and procedures will be regularly reviewed and updated.  Our workforce will be made aware of where our organisations policies and procedures are kept for easy access |

## PART 2 – Safeguarding Behavioural Protocols & Responding to Concerns (Incident Management)

### Safeguarding Behavioural Protocols

This section explains the types of behaviours by BSL staff, volunteers and contractors that are acceptable and unacceptable.

* 1. Overview – Behavioural Protocols

BSL staff, volunteers and contractors must behave in ways that safeguard all children and vulnerable people everywhere and prevent any other intentional or unintentional harm to the people BSL serves or works amongst.

Rules of behaviour are based on appropriate interactions with children and vulnerable adult service clients, their families, and carers.

* 1. Acceptable Behaviour – BSL employees, volunteers, and contractors:

1. create and maintain an environment which prevents abuse and harm and promotes the implementation of these Behaviour Protocols;
2. are careful about perception and appearance in their language, actions and relationships with children and adults within BSL programs and activities. Their behaviour— including in person and on digital platforms, both online and offline— demonstrates a respect for children and adults and their rights;
3. ensure that all physical and online contact with child and adult clients is appropriate and is in line with the BSL Code of Conduct;
4. use positive, non-violent methods to manage children’s behaviour;
5. accept responsibility for personal behaviour and actions as a representative of the organisation;
6. are always accountable for their response to a child’s behaviour, adults avoid being placed in a compromising or vulnerable position with children;
7. where possible and practical, follow the ‘two-adult’ rule while conducting BSL work, wherein two or more adults supervise all activities that involve children, and are visible and present at all times;
8. comply with safeguarding-related investigations (internal and external) and make available any documentary or other information necessary for the completion of the investigation;
9. immediately report through established reporting mechanisms any known or suspected safeguarding incident or breach of this Policy by a BSL employee, volunteer, or affiliate.
10. immediately disclose to BSL all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, or sexual exploitation abuse and harassment;
11. are to be aware of behaviour and avoid actions or behaviours that could be perceived by others as exploitation and abuse;
12. will declare any pre-existing relationship with a BSL client
    1. Unacceptable Behaviour – BSL employees, volunteers and contractors do not:
    2. behave in an inappropriate physical manner or develop a sexual relationship with a child. This includes consenting or condoning the above behaviour and includes behaviour that could be seen as grooming a child for a future inappropriate relationship;
    3. sexually exploit or abuse any BSL client, their families, or carers.
    4. exchange money, employment, goods, or services for sex (including sexual favours, other forms of humiliating, degrading, or exploitative behaviour) or other exploitative demands.
    5. communicate with a child in a BSL program via digital platforms (ie Facebook, Twitter), via mobile technology (ie texting, WhatsApp, Skype), or online without consent and knowledge of their parent/carer and BSL Management.
    6. fondle, hold, kiss, hug or touch any child, or any adult client in an inappropriate or insensitive way;
    7. use inappropriate or abusive language with a child or adult client or their family/carers, for example language that causes shame or humiliation, or is belittling or is degrading.
    8. spend time alone with a child or adult client, away from others or behind closed doors or in a secluded area;
    9. condone or participate in behaviour which is illegal, unsafe, or abusive; including harmful traditional practices, spiritual or ritualistic abuse;
    10. hit or use other corporal punishment against a child;
    11. take a child alone in a vehicle for BSL work, unless it is absolutely necessary, and only with parental/carer and management consent;
    12. misuse or be careless with personal data about individual children or adult service clients;
    13. stay silent, cover up, or enable any known or suspected safeguarding incident or breach of Safeguarding Policy by a BSL employee, volunteer or contractor;
    14. provide child or adult clients, their families or guardian with any alcohol or illegal drugs;
    15. provide gifts or inappropriate attention to any child or adult client;
    16. engage in any form of sexual misconduct or harassment;

**The above list provides concrete examples but is not exhaustive of all behaviours that constitute a violation of this Policy.**

* 1. Disciplinary Action

The following are grounds for discipline, up to and including termination of the employment or other affiliation with BSL:

* 1. Failure to follow BSL Safeguarding Behaviour Protocols;
  2. Failure to follow any other part of the BSL Child & Adult Safeguarding Policy;
  3. Other inappropriate behaviour toward any child or adult client;
  4. Failing to report a known or suspected safeguarding incident committed by a BSL workforce; or
  5. Interference with any investigation or inquiry into a possible policy violation. Individuals who have been found to have breached this Policy may have “Do Not Rehire” placed on their personnel file.

Partners and Contractors may have “Do Not Re-engage” placed on their file based on the nature of the case.

### Reporting Safeguarding concerns (Incident Management)

Everyone at BSL is responsible for reporting child safety concerns and child abuse and must know how to make a report. We encourage anyone with concerns about the behaviour of our people to contact our [Child Safety Officer.](mailto:melinda.gregory@bsl.org.au?subject=Safeguarding%20concern)

* 1. Overview

Everyone at BSL is responsible for reporting incidents of harm regarding vulnerable service clients and must know how to make a report. All staff, volunteers and contractors must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place.

**This section explains how to report any safeguarding concern or incident in relation to the actions and/or behaviour of BSL staff and volunteers toward a vulnerable client.**

**If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.**

* 1. BSL defines safeguarding incidents using three categories:

**Category 1**

An allegation of harm or abuse to any child or vulnerable person engaged in a BSL program or activity by a BSL staff member, volunteer, or affiliate ​

**Category 2**

Any violation of the Child & Adult Safeguarding Policy that puts a child or vulnerable adult client at risk of potential harm, but where no actual harm is believed to have occurred

**\*Category 3**

Abuse of or harm to a **child** in a BSL program that is **not committed by a BSL staff, volunteer or affiliate​ (Mandatory Reporting)**

#### How to report an allegation or concern:

Any concerns about the conduct of BSL staff, volunteers or contractors or any immediate risks to vulnerable people in our programs must be reported to BSL’s Child Safety Officer or BSL Safeguarding Unit (Cat 1 & Cat 2)

If a Category 3 suspected mandatory reporting incident is to be reported, follow the Department of Families, Fairness and Housing (DFFH) Child Protection reporting procedure at <https://providers.dhhs.vic.gov.au/making-report-child-protection>.

* 1. Safeguarding Reports and concerns can be made via:

1. The BSL incident reporting page - here
2. Contacting the Safeguarding & Family Violence Lead (Child Safety Officer) – Melinda Gregory - here (mobile 0491 156 089)
3. Contacting the BSL Safeguarding Unit – here
4. Independent Whistleblower hotline - Phone Stopline on 1300 304 550 or email BSL@stopline.com.au

**And, through direct reporting to:**

* 1. Any member of the Board;
  2. The Executive Director;
  3. Their Manager or Supervisor
  4. Responding to suspected incidents

All allegations of incidents will be managed through the incident response plan.

* 1. External reporting

BSL will:

* 1. Report any suspicion of a criminal offence to the police or the relevant criminal judicial body;
  2. Meet all funding and legal requirements regarding the reporting of incidents (ie Mandatory Reporting);
  3. Report any qualifying matter to the ACNC (the Australian Charities and Not-for-profits Commission).
  4. Managing incidents

Harm abuse, neglect and exploitation are all serious misconduct and BSL reserves the right to:

* 1. Take disciplinary action up to and including termination of employment for any breach of BSL Child & Adult Safeguarding Policy;
  2. Take civil legal action;
  3. Report the matter to law enforcement;
  4. Terminate the contracts of independent contractors and other non-employees who are found to have breached this policy.

## PART 3 - Working with Vulnerable Adults

* 1. Overview

Our Duty of Care to BSL service clients is to take a risk based approach and reasonable measures to protect them from all forms of harm.

* 1. BSL’s Duty of Care

Part of BSL’s primary Duty of Care is to safeguard the welfare and human rights of people that are, in some way, connected with BSL Services – particularly people that may be at risk of abuse, neglect or exploitation.

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.

Vulnerable people are not limited to a BSL’s services and clients. They can include our staff, volunteers, suppliers, contractors, and partners.

Being able to recognise vulnerability in its various forms is important and is the first step towards being able to protect vulnerable adults from harm.

**Incidents of harm may include:**

* sexual harassment, bullying or abuse
* serious sexual offences, such as rape
* threats of violence or actual violence
* verbal, emotional or social abuse
* cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crimes
* coercion and exploitation
* abuse of power

Any allegations of harm or abuse to a BSL service client by a BSL staff, volunteer or contractor can be reported - [**here**](https://bslau.sharepoint.com/WorkingAtTheBrotherhood/YoureSafe/Pages/Reporting-an-Incident.aspx)

* 1. Roles & responsibilities for working with vulnerable adults

At BSL, every person, at every level, has a role and responsibility in creating a safe environment for all service clients.

#### Staff and Volunteers

* Familiarise themselves with the relevant laws, the Code of Conduct, policies, and procedures for Safeguarding.
* Comply with all policy requirements;
* Report any incident to the appropriate authority when it is reasonable to suspect that a person’s safety or welfare is at risk
* Report any suspicion that a person’s safety or welfare may be at risk to the appropriate authority; and
* Provide an environment that is supportive of everyone’s emotional and physical safety.
* Empower and encourage clients to report if they feel unsafe or concerned.

#### Partners and contractors

* Implement the provisions of this policy and BSL’s procedures in their dealings with BSL;
* Report any suspicion that an incident may have taken place, is taking place, or could take place.

#### Managers

* Ensure that all staff, contractors, volunteers, and affiliates are aware of relevant laws, policies and procedures, and BSL’s Code of Conduct; and are aware of their obligations to report suspected incidents of abuse, neglect or exploitation;
* Ensure that the risks of incidents have been considered in their area of responsibility;
* Support any investigation into allegations of harm
* Ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
* Take a survivor-centred approach to potential incidents and ensure that any incident is dealt with promptly, transparently, and accountably.
* Advise new staff of their roles and responsibilities during the induction process

#### Child & Adult Safeguarding Lead

* Facilitate learning on a risk informed approach to safeguarding service clients at BSL
* Inform BSL leadership and divisions regarding relevant legislation and standards
* Act on reports of any safeguarding concerns

#### Executive Director

* Ensure BSL has effective and appropriate ways to manage safeguarding and legal compliance;
* Ensure the appointment of a Safeguarding Manager (Safeguarding & Family Violence Lead) with appropriate skills and competency);
* Ensure that reasonable steps are taken to protect people;
* Ensure that reports to external parties are made where required.

#### Executives

* Champion inclusive, non-discriminatory environments and activities which encourage all service clients to celebrate their identity
* Ensure the Child & Adult Safeguarding Lead is appropriately trained and equipped to respond to child safety concerns.
* Take action in relation to breaches of the Code of Conduct.

#### The BSL Board

The Board must take reasonable steps to protect all people who come into contact with the organisation from harm:

* adopt a Safeguarding Policy and Code of conduct
* set risk appetite and ensure effective monitoring and internal reporting
* support cultural changes within the organisation to address safeguarding issues
* invest in adequate and effective training and development
* ensure appropriate governance systems are in place for timely external reporting and meeting legislative requirements

All staff, volunteers and contractors are responsible for building and maintaining our safeguarding culture, taking steps to prevent abuse and harm to clients, and operating in a manner consistent with our Child & Adult Safeguarding Policy and procedures. Expectations are as follows:

* 1. Managing safeguarding risk

This section explains how we work to protect service clients in BSL programs and activities.

The way BSL manages the risks of safeguarding will be:

**a. Holistic**

BSL and its stakeholders will work to prevent, report, and respond to all incidents of harm

**b. Risk-based and proportionate**

BSL will regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.

**c. Survivor-centred**

BSL will put survivors at the heart of its approach to safeguarding.

**d. Lawful**

BSL will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.

#### BSL will manage the risk of safeguarding by:

* 1. Having current and documented risk assessments
  2. Maintaining a register of BSL’s legal obligations for safeguarding and workplace health and safety in all the jurisdictions in which it operates
  3. Having a current workplan that sets out how it will manage safeguarding
  4. Adhering to this Safeguarding Policy, the Behavioural Protocols and Code of Conduct
  5. Ensuring Child Safe Recruitment best practice and process due diligence.
  6. Conducting awareness-raising for stakeholders on risks, expectations, and individual responsibilities g. Maintaining direct and confidential reporting processes, including:

Independent Whistleblower reporting process (Phone Stopline on 1300 304 550 or email [BSL@stopline.com.au](mailto:BSL@stopline.com.au) )

Our governance approach to risk sits under ***Enterprise Risk 2 – Harm to client and participants*** and is managed in accordance with our obligation of zero tolerance to any form of abuse or harm to our clients.

* 1. Privacy and data protection

All client personal information will be collected and managed according to BSL’s Privacy Policy and Australian Privacy Principles and information security policies. All personal data about individual children or adult service clients is stored, maintained and transferred in a secure, confidential manner.

## Definitions

#### Aboriginal

The term ‘Aboriginal’ in this policy is inclusive of Aboriginal and Torres Strait Islander peoples.

#### Child

The words ‘child’ and ‘children’ in this guide refer to children and young people up to the age of 18 years. This definition is consistent with the national framework, Creating Safe Environments for Children – Organisations, Employees and Volunteers, the Commission for Children and Young People Act 2012, the Child Wellbeing and Safety Act 2005 and the Children, Youth and Families Act 2005.

#### Child Safety Officer

The BSL Child Safety Officer is a nominated senior executive with the responsibility, authority, knowledge, and training to receive and act on any child safety concerns in relation to the BSL’s staff, volunteers, and contractors.

#### Cultural and linguistic diversity

The term ‘cultural and linguistic diversity’ refers to the range of different cultural and language groups represented in the population who identify as having particular cultural or linguistic affiliations. The term acknowledges that diversity may arise from a range of circumstances including place of birth, ancestry or ethnic origin, religion, preferred language, or language spoken at home.

#### Disability

Disability means:

* the total or partial loss of a body part or a bodily function (such as mobility, sight, or hearing)
* the presence in the body of organisms that may cause disease
* malformation or disfigurement
* a mental or psychological disease or disorder; or
* learning difficulties.

Disability may be permanent, non-permanent or an increased chance of developing a disability in future. Disability also includes behaviour that may be a symptom or expression of disability even if that disability is not formally diagnosed.

BSL recognises that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

#### Mandatory Reporting

Mandatory Reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.

<https://providers.dffh.vic.gov.au/mandatory-reporting>

#### Safeguarding

‘Safeguarding’ is the term used to describe measures to protect the health, wellbeing, and human rights of individuals. This allows children, young people, and vulnerable adults to live free from abuse, harm, neglect, or exploitation. Safeguarding includes preventing, reporting, and responding to harm or abuse of vulnerable people involved with BSL activities by BSL employees and affiliates.

#### Vulnerable (at-risk) Adult abuse is any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or risk of harm to a vulnerable adult. This might, for example, include:

* 1. Inflicting harm or failing to act to prevent harm
  2. Threats of, or actual violence, verbal, emotional or social abuse;
  3. Cultural or identity abuse, such as racial, sexual or gender-based discrimination or violence;
  4. Coercion – the practice of persuading someone to do something by using force or threats;
  5. Sexual Exploitation – actual or attempted abuse of someone’s position of vulnerability, differential power, or trust, to obtain sexual favours, including but not only, by offering money or other social, economic advantages. It includes trafficking and prostitution.
  6. Abuse of power – improper use of a position of influence, power, or authority against another person.

#### Reasonable grounds to suspect

‘Reasonable grounds to suspect’ is a situation where a person has some information that leads them to believe that abuse, neglect, or exploitation has taken place, is taking place, or may take place. It comes with a low burden of proof (in fact, no proof is needed at all), but is based on some information.

Questions that may help a person to determine whether they have ‘reasonable grounds to suspect’ might include:

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

#### Roles and Responsibilities

While the responsibility to protect people is shared by all who work at or with BSL, some individuals have specific obligations with which they must comply.

#### Survivor-centred approach

A ‘survivor-centred approach’ means considering and lawfully prioritising the needs, rights and wishes of survivors to support their recovery.

## Associated Documents

Safeguarding Incident Response Plan

Respect @ Work Framework

Privacy Policy

Risk Management Policy

Staff Recruitment Procedure

Induction and Orientation Procedure

Screening Procedure

Code of Conduct

Whistleblower Policy

Privacy Policy

### Relevant Legislation

Children Youth and Families Act 2005

Child Safety and Wellbeing Act 2005

* Victorian Child Safe Standards

## Appendix A:

United Nations Convention on the Rights of the Child The United Nations Convention on the Rights of the Child is summarised below. The full Convention can be found at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

* Every child has the inherent right to life, and states shall ensure to the maximum extent possible child survival and development.
* Every child has the right to a name and nationality from birth.
* Children shall not be separated from their parents, except by competent authorities for their wellbeing.
* States shall facilitate reunification of families by permitting travel into, or out of, their territories.
* Parents have the primary responsibility for a child’s upbringing, but states shall provide them with appropriate assistance and develop childcare institutions.
* States shall protect children from physical and mental harm and neglect, including sexual abuse or exploitation.
* States shall provide parentless children with suitable alternative care. The adoption process shall be carefully regulated, and international agreements should be sought to provide safeguards and assure legal validity if and when adoptive parents intend to move a child from his or her country of birth.
* Children with disability shall have the right to special treatment, education, and care. · Children are entitled to the highest attainable standard of health. States shall ensure that health care is provided to all children, placing emphasis on preventative measures, health education and reduction of infant mortality.
* Primary education shall be free and compulsory. Discipline in schools shall respect the child’s dignity. Education should prepare the child for life in a spirit of understanding, peace, and tolerance. · Children shall have time to rest and play, and shall have equal opportunities for cultural and artistic activities.
* States shall protect children from economic exploitation and from work that may interfere with their education or be harmful to their health or wellbeing.
* States shall protect children from the illegal use of drugs and involvement in drug production or trafficking.
* All efforts shall be made to eliminate the abduction and trafficking of children.
* Capital punishment or life imprisonment shall not be imposed for crimes committed before the age of 18.
* Children in detention shall be separated from adults; they must not be tortured or suffer cruel or degrading treatment.
* No child under the age of 15 shall take any part in hostilities; children exposed to armed conflict shall receive special protection.
* Children of minority and indigenous populations shall freely enjoy their own culture, religion, and language.
* Children who have suffered mistreatment, neglect or exploitation shall receive appropriate treatment or training for recovery and rehabilitation.
* Children involved in infringements of the penal law shall be treated in a way that promotes their sense of dignity and worth and aims at reintegrating them into society.
* States shall make the rights set out in the Convention widely known to both adults and children.

The Victorian Charter of Human Rights and Responsibilities is available at <https://www.humanrights.vic.gov.au/for-individuals/human-rights/> and includes, among other rights, the right to the protection of children and the particular rights of children in the criminal process

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