



Friends of Kutumb Ltd.

SAFEGUARDING INDIVIDUALS POLICY

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Safeguarding Individuals Policy

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Safeguarding Individuals Policy

PART A - INTRODUCTION

1 POLICY

1.1 Policy Statement

Friends of Kutumb Ltd. (the charity) recognises that 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. Therefore, *Friends of Kutumb Ltd.* 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 harm.

We have no tolerance for abuse, neglect or exploitation and we take a survivor-centric approach in all that we do.

1.2 Policy Purpose

The purpose of this policy is to:

- Help protect people that interact with, or are affected by *Friends of Kutumb Ltd.*
- Define the key terms we use when talking about protecting people or safeguarding.
- Set out and develop the way *Friends of Kutumb Ltd.* manages safeguarding risks.
- Set out the specific roles and responsibilities of persons working in and with *Friends of Kutumb Ltd.*
- Facilitate the safe management of incidents.
- To support a positive and effective internal culture towards safeguarding.

1.3 Breach of Policy

If a breach of this policy is identified, it can be reported with reference to the organisation's 'Complaints Handling Policy Including Whistleblower Protections'.

2 MANAGING SAFEGUARDING RISK

2.1 Approach

The way *Friends of Kutumb Ltd.* manages the risks of safeguarding will be:

- **Holistic.** *Friends of Kutumb Ltd.* and its stakeholders will work to prevent, detect and take action on incidents.
- **Risk-based and proportionate.** *Friends of Kutumb Ltd.* will regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.
- **Survivor-centric.** *Friends of Kutumb Ltd.* will put survivors at the heart of its approach to safeguarding.
- **Lawful.** *Friends of Kutumb Ltd.* will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.

2.2 Strategies

Friends of Kutumb Ltd. will manage the risk of safeguarding by:

- Having up-to-date and documented risk assessments
 - Risk Management Policy: Risk Register
 - Board Charter: Board Calendar Part 3. Risk Committee Role of Board
- Being aware of the charity's legal obligations for safeguarding and workplace health and safety in all the jurisdictions in which it operates
 - Safeguarding Individuals Policy: Section 6.2 Legislation
 - Board Charter: Section 3 Regulatory Context
- Having an action plan that sets out how it will manage safeguarding
 - Safeguarding Individuals Policy: Part C – Incident Response Plan
- Adhering to this Safeguarding Policy and its Code of Conduct
 - Safeguarding Individuals Policy: Section 6.4 Administration of this Document
 - Board Charter: Board Calendar bi-annual review
- Doing due diligence checks of staff, volunteers and third parties
 - Safeguarding Individuals Policy: Section 8.2 Child Protection
 - Board Charter: Part C – Structure of the Board and Membership
- Implementing policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents
 - Safeguarding Individuals Policy: Part B – Incident Prevention Plan
- Conducting awareness-raising for stakeholders on risks, expectations, and individual responsibilities
 - Safeguarding Individuals Policy: Section 8.4 Awareness Raising
- Maintaining two reporting processes: the confidential reporting process, and the overt reporting process
 - Safeguarding Individuals Policy, Section 13.2 Phase Two: Reporting a Suspicion
 - Privacy and Confidentiality Policy
- Having an incident response plan
 - Safeguarding Individuals Policy: Part C – Incident Response Plan
- Monitoring and reviewing the effectiveness and proportionality of its safeguarding approach
 - Safeguarding Individuals Policy: Section 13.5 Phase Five: Concluding the Response to a Suspicion
 - Board Charter: Board Calendar bi-annual review

3 SCOPE

This policy applies to:

- All directors, managers, staff and volunteers;
- All operations carried out by third parties that are funded by *Friends of Kutumb Ltd.* in part or in full;
- All incidents of suspected abuse, neglect or exploitation.

Failure to follow this policy may be considered a serious disciplinary matter.

4 ROLES AND RESPONSIBILITIES

While the responsibility to protect people is shared by all who work with *Friends of Kutumb Ltd.*, some individuals have specific obligations with which they must comply.

4.1 Board of Directors

The members of the board of *Friends of Kutumb Ltd.* are responsible for:

- Protecting all people that interact with, or are affected by, *Friends of Kutumb Ltd.*
- Ensuring that there are appropriate and effective ways for the charity to do this;
- Ensuring that *Friends of Kutumb Ltd.* observes all relevant laws relating to safeguarding;
- Ensuring that *Friends of Kutumb Ltd.* takes a survivor-centric approach.

4.2 Chairperson

The chairperson of *Friends of Kutumb Ltd.* must:

- Ensure *Friends of Kutumb Ltd.* has effective and appropriate ways to manage safeguarding and legal compliance;
- Ensure the appointment of a Safeguarding Manager with appropriate skills and competency, or take on the role of Safeguarding Manager if none is appointed;
- Ensure that, within the charity's approach, reasonable steps are taken to protect people;
- Ensure that reports to external parties are made where required.

4.3 Safeguarding Manager

The Safeguarding Manager must:

- Manage reports of abuse, neglect or exploitation;
- Ensure that all staff, contractors, and volunteers are aware of relevant laws, policies and procedures, and the charity's Code of Conduct;
- Ensure that all staff, contractors and volunteers are aware of their obligations to report suspected incidents of abuse, neglect or exploitation;
- Manage reports of abuse, neglect or exploitation;
- Provide support for staff, contractors and volunteers in undertaking their responsibilities.

4.4 Directors

All directors of *Friends of Kutumb Ltd.* must:

- Promote a positive culture towards safeguarding;
- Implement this policy in their area of responsibility;
- Ensure that the risks of incidents have been considered in their area of responsibility;
- Ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
- Facilitate the reporting of any suspected abuse, neglect or exploitation;
- Take a survivor-centric approach to potential incidents and ensure that any incident is dealt with transparently and accountably.

4.5 Volunteers

All volunteers of *Friends of Kutumb Ltd.* must:

- Familiarise themselves with the relevant laws, the Code of Conduct, policies and procedures for safeguarding;

- Comply with all 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.

4.6 Partners and Contractors

All partners and contractors of *Friends of Kutumb Ltd.* must:

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

5 DEFINITIONS

5.1 Safeguarding

'Safeguarding' means protecting the welfare and human rights of people that interact with, or are affected by *Friends of Kutumb Ltd.*, particularly those that might be at risk of abuse, neglect or exploitation. This refers to any responsibility or measure undertaken to protect a person from harm.

5.2 Abuse, Neglect or Exploitation

'Abuse, neglect or exploitation' means all forms of physical and mental abuse, exploitation, coercion or ill-treatment. This might include, for example:

- Sexual harassment, bullying or abuse;
- Sexual criminal offences and serious sexual criminal offences;
- Threats of, or actual violence, verbal, emotional or social abuse;
- Cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
- Coercion and exploitation;
- Abuse of power.

5.3 Reasonable Grounds to Suspect

'Reasonable grounds to suspect' is a situation where a person has some information that leads them 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:

- 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.
- 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.

5.4 Survivor-centric Approach

A 'survivor-centric approach' means considering and lawfully prioritising the needs, rights and wishes of survivors.

5.5 Staff

In the context of this policy, 'staff' refers to members, directors, volunteers or others who enact or engage in activities on behalf of *Friends of Kutumb Ltd.*

6 REFERENCES AND REVIEW

6.1 Organisational Policies

Other organisational policies, as listed in the Board Charter Policy Framework, are supported by, or expand upon, aspects of this policy.

6.2 Legislation

There are legislative requirements governing the charity's approach to safeguarding. These requirements will be met in parallel with the actions of this policy and will take precedence.

Relevant legislation includes:

- [Australian Charities and Not-for-profits Commission Act 2012](#)
- [Public Health Act 2005 – Sections 191 and 192](#)
- [Child Protection Act 1999](#)
- [QLD Government Department of Communities \(Child Safety Services\)](#)
- [Privacy Amendment \(private sector\) Act 2000](#)
- [QLD Anti-Discrimination Act 1991](#)
- [QLD Work Health and Safety Act 2011](#)

6.3 Development Resources

This document has been developed with reference to:

- ACNC
<https://www.acnc.gov.au/for-charities/manage-your-charity/governance-hub/governance-toolkit/governance-toolkit-safeguarding>

6.4 Administration of this Document

Any information regarding the effectiveness and performance of this document must be passed to the Safeguarding Manager.

This document will be made available to the public through the charity's website and will be reviewed every two years, as per the Board Calendar.

PART B - INCIDENT PREVENTION PLAN

7 PURPOSE

This incident prevention plan ensures that *Friends of Kutumb Ltd.* safeguards individuals by preventing or reducing the risks to people associated with the charity.

This will be achieved by:

- Undertaking due diligence checks of staff, volunteers and third parties;
- Implementing policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents; and
- Conducting awareness-raising for stakeholders on risks, expectations, and individual responsibilities.

8 STRATEGIES

8.1 Code of Conduct

Staff members and general volunteers are required to adhere to the charity's Code of Conduct as a condition of their association with Kutumb.

8.2 Child Protection

Where an associate of *Friends of Kutumb Ltd.* will be working with children then the 'Blue Card' screening mechanism is used to reduce the likelihood of engaging people who may be unsuitable for child-related work.

The only people exempt from the 'Blue Card' screen check are those registered as a teacher or police officer in Queensland, who will provide *Friends of Kutumb Ltd.* with suitable documentation. This may be an exemption card or a copy of their current professional registration.

It is mandatory for any person working in, or seeking to work in *Friends of Kutumb Ltd.* to declare in the application process that they are not a person who has been convicted of a serious sex offence or child-related personal violence offence.

8.3 Awareness Raising

Awareness raising opportunities are provided to the staff and associates of *Friends of Kutumb Ltd.* from time to time, as appropriate and as determined by the board.

8.4 Monitoring Third Party Conduct

At the heart of its purpose, *Friends of Kutumb Ltd.* has an ongoing partnership with *Kutumb Samajothan Avam Punarwash Sanstha* (Kutumb). *Friends of Kutumb Ltd.* therefore has a responsibility to ensure that Kutumb has policies and implements procedures to ensure they are safeguarding the individuals they support.

This is achieved through:

- site visits; and
- the Memorandum of Understanding between *Friends of Kutumb Ltd.* and Kutumb, which includes exchanging copies of all policies

PART C - INCIDENT RESPONSE PLAN

9 PURPOSE

This incident response plan ensures:

- *Friends of Kutumb Ltd.* manages risks to people when there is reasonable suspicion that an incident has taken place, is taking place, or will take place;
- *Friends of Kutumb Ltd.* manages the risks that come from its response to an incident;
- *Friends of Kutumb Ltd.* takes opportunities to improve its safeguarding approach.

10 PRIVACY AND DATA PROTECTION

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. *Friends of Kutumb Ltd.* will protect personal information as outlined in the charity's 'Privacy and Confidentiality Policy'.

11 MANAGING INCIDENTS

11.1 Organisational Actions

Harassment, abuse, neglect and exploitation are all serious misconduct and *Friends of Kutumb Ltd.* reserves the right to:

- Take disciplinary action against those it believes are responsible, which may include dismissal;
- Take civil legal action;
- Report the matter to law enforcement.

11.2 Reporting Suspected Incidents

All staff, volunteers and third parties must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place.

They can do this through direct reporting to:

- The chairperson;
- Any member of the board;
- The Safeguarding Manager;
- Their Manager or Supervisor (if relevant).

A person may make a report confidentially and with anonymity, if they wish.

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

11.3 Responding to Suspected Incidents

All suspected, perceived, potential or actual incidents will be managed through the incident response plan.

11.4 External Reporting

Friends of Kutumb Ltd. will:

- Report any suspicion of a criminal offence to the police or the relevant criminal judicial body;
- Meet all donor requirements regarding the reporting of incidents;
- Report any qualifying matter to the ACNC.

12 DEFINING AN INCIDENT

A definition and examples of abuse, neglect or exploitation are detailed in section 5.2.

For the purposes of this plan, an incident begins when there are reasonable grounds to suspect that actual, potential, or perceivable cases of abuse, neglect or exploitation may have occurred, may be occurring, or could occur in connection with *Friends of Kutumb Ltd.* or its work.

13 RESPONDING TO A SUSPICION

Friends of Kutumb Ltd. will follow this workflow for all incidents and follow a survivor-centric approach in all cases.

Friends of Kutumb Ltd. may refer the incident to the police or relevant criminal judicial authority at any point, particularly if there is suspicion of imminent harm to a person.

13.1 Phase One: Forming a Suspicion

The safeguarding policy defines 'reasonable grounds to suspect' an incident and creates a requirement for managers, staff, volunteers and third parties to report that suspicion.

Failure to report instances, allegations, disclosures or concerns about safeguarding will be viewed as a serious matter that may, depending on the circumstances, result in disciplinary action or dismissal.

13.2 Phase Two: Reporting a Suspicion

The safeguarding policy creates two means by which someone may report a suspicion:

- **Overtly:** directly reporting to any member of the Board, the Safeguarding Manager, or their Manager or Supervisor.
- **Confidentially:** reporting can be done electronically, by phone or in writing to *Friends of Kutumb Ltd.*

The person receiving the report of a suspicion must notify the Safeguarding Manager, who will be responsible for managing the incident.

When receiving a report:

- Use active listening, be calm, supportive and reassuring with any potential victim or witness. Concentrate on making the person providing information feel that they are doing the right thing and that you are there to help them.
- Explain what you will do with the information.
- Explain that you are required to pass the information to *Friends of Kutumb Ltd.* and that the charity will take the matter seriously.
- Get as much information as possible from the source of the concern, if appropriate in the circumstances.

When receiving a report:

- Do not make promises to any person, except to say that *Friends of Kutumb Ltd.* will take the matter seriously.
- Do not investigate the matter yourself.
- Do not disclose the information to people other than those you are required to tell.
- Do not approach the suspect about the incident, challenge the suspect or share information about the incident with the suspect.
- Do not make judgements about the validity, credibility or veracity of the information.

13.3 Phase Three: Managing the Charity's Response to a Suspicion

Upon being notified of the incident, the Safeguarding Manager will:

- Ensure that all people, especially any survivors, are safe;
- Seek further information to help make decisions
- Initiate a rule that states the information will only be made available to people who need to know.

If there is suspicion of imminent physical harm, including sexual abuse, notify the police immediately.

The Safeguarding Manager will convene an Incident Committee to work with them to resolve the incident. The members of this committee will include at least one other director. The chairperson may also invite one or more other people on to the committee, as appropriate.

The purpose of the committee is to provide accountability and guidance to the Safeguarding Manager, as well as knowledge and experience across different areas of the charity to help successfully manage an incident.

All incidents require investigation. If a matter has not been referred to the police then, depending on the nature of the matter, the Incident Committee will be guided by the principles of independence and competence:

- What is the best way to carry out an internal investigation independently and objectively?
- What resources are available, internally or externally, to carry out an investigation to the correct level of competence and fairness?

During the course of this plan, survivors must receive support from *Friends of Kutumb Ltd*. This support must make the survivor feel safe and feel that their needs are being prioritised.

Similarly, any person under suspicion must be treated lawfully and with due regard for their own safety, security and needs.

In both cases this includes providing the person with updates, keeping in mind the need for confidentiality.

13.4 Phase Four: Taking Action Following a Suspicion

The Incident Committee will consider the outcomes following an investigation. Possible outcomes may include:

- No further action,
- Disciplinary action,
- Seeking criminal prosecution, civil action or referral to law enforcement.

Following every incident, *Friends of Kutumb Ltd*. will document the lessons learned with the aim of improving the way it manages incidents. This will take a holistic approach, framed by the following questions:

- How will *Friends of Kutumb Ltd*. better deter persons from behaving in this way again?
- How could *Friends of Kutumb Ltd*. better detect an incident like this again?
- How could *Friends of Kutumb Ltd*. better manage an incident like this again?

The Incident Committee will be responsible for meeting any obligations to report to an external body.

13.5 Phase Five: Concluding the Response to a Suspicion

To close an incident, the Safeguarding Manager must be satisfied that:

- There are records of the incident that show:
 - How the incident arose and how it was handled
 - The details of the original concern and other relevant information;
 - The details of the decisions that were made
 - The evidence collected
 - The details of the actions taken
 - External reporting of the incident (if required).
- Lessons have been documented and used to improve the way *Friends of Kutumb Ltd*. manages incidents in the future.