

Safeguarding

Policy #: 1.2

Category: Regulatory Compliance

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Purpose:	To demonstrate Mary MacKillop Today's commitment to protect children, its staff, partners and primary stakeholders (beneficiaries) from harm that may be caused by them coming in contact with Mary MacKillop Today staff and associated personnel, or our programs. This policy <u>does not</u> cover: (1) Sexual Harassment in the workplace (see Policy 1.1 Anti-Discrimination and Prevention of Harassment) or (2) Safeguarding concerns in the wider community not perpetrated by anyone within the scope of this Policy (see Feedback & Complaints).
Additional Authority:	Australian Council for International Development, Department of Foreign Affairs and Trade, and Catholic Professional Standards, all applicable laws in our countries of operation.
Scope:	(1) All Mary MacKillop Today personnel including staff, volunteers, and Directors and (2) associated personnel engaged in work or visits related to Mary MacKillop Today programs including contractors; visitors; volunteers; partner organisation representatives; and any other individuals or groups that have contact with the organisation including suppliers both in Australia and overseas. All annexures form part of this Policy.
Responsible Party:	Safeguarding focal points

Policy

Commitment

Mary MacKillop Today is committed to the safety and wellbeing of all people who come into contact with our organisation and our programs, especially children and vulnerable adults. Mary MacKillop Today is committed to the rights and protection of all people regardless of their age, gender, nationality, religion or political beliefs.

We explicitly prohibit all forms of harmful behaviour including sexual exploitation, abuse and harassment of any kind against any persons, adult or child. We also prohibit exploitative, neglectful or emotionally abusive treatment of children. Mary MacKillop Today recognises our duty of care to take reasonable steps to ensure people are safe from harm (including victims/survivors and whistle-blowers).

We are committed to demonstrating ongoing and effective leadership, communication, and to providing ongoing training and guidance to all persons within the scope of this Policy in the promotion and implementation of this policy.

Mary MacKillop Today is committed to creating an open and aware environment where concerns for the safety of children and vulnerable adults can be raised and managed in a fair and just manner to protect the rights of all.

Policy

What is Safeguarding?

Safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. This means protecting people, particularly children and vulnerable adults, from harm that arises from engaging with our staff or programs.

Child Safeguarding describes the specific actions that are taken to promote the welfare of children and protect them from harm. This encompasses protecting children from abuse and maltreatment, preventing harm to children's health or development, and ensuring children grow up with the provision of safe and effective care that enables them to have optimum life chances and enter adulthood successfully.

For further definitions see *Annex 3: Definitions*.

Guiding Principles

This Policy is underpinned by the following key principles:

- 1. Zero tolerance of exploitation, abuse and harassment:** Mary MacKillop Today prohibits all forms of exploitation, abuse and harassment against children and adults. We recognise our duty of care to take all reasonable steps to ensure all people are kept safe from harm. The abuse, exploitation or harassment of any person, particularly children and vulnerable adults, will attract civil, criminal and disciplinary action.
- 2. Zero tolerance of inaction:** It is mandatory for all persons within the scope of this policy to report any Safeguarding concerns or allegations or breaches of the Safeguarding policy. Reports of Safeguarding incidences often increase as people become better informed and attitudes change, as safeguards improve and as reporting procedures become more accessible and embedded. The reporting of incidents may therefore indicate that Safeguarding risks and incidents are being properly managed. Zero tolerance to inaction therefore does not mean zero reports, but rather means that every report or allegation is acted upon.
- 3. Strong leadership to promote Safeguarding:** The leadership of Mary MacKillop Today is committed to ensuring that Safeguarding becomes central to the culture of the organization. Leaders are expected to model positive behaviours, set clear expectations for the organisation and support survivors and/or whistle-blowers to feel safe when reporting unacceptable behaviour. Mary MacKillop Today recognises the importance of a diverse and inclusive organisation in Safeguarding, especially in leadership roles. This is embedded through strong human resources policies, inclusion of

Safeguarding as an agenda item at Board meetings, the appointment of Safeguarding focal points and promoting gender equality in senior roles.

4. **Victim/survivor-centred approach:** Any actions taken to address Safeguarding must adopt a ‘do-no-harm’ approach that prioritises the rights, wishes and needs of the victim/survivor while ensuring procedural fairness to all parties. In all actions concerning children, the best interests of the child must be the primary consideration. A survivor-centred approach means:
 - Treating the victim/survivor with dignity and respect
 - Ensuring the immediate safety and protection needs of the victim/survivor are met as far as possible
 - Involving the victim/survivor in decision making
 - Providing the victim/survivor with comprehensive information throughout any response or investigation
 - Practicing non-discrimination on the basis of gender, age, race/ethnicity, ability, sexual orientation, or other characteristics
 - Considering the need for counselling and health services to assist the victim/survivor with their recovery
 - Protecting privacy and confidentiality, and promoting fair and expedient reporting and investigation
5. **Promoting gender equity, child rights and minimising power imbalances:** Mary MacKillop Today recognises that where there are significant power imbalances at play (based on inequities relating to gender, age, ability, authority, social and economic status) the potential for exploitation, abuse and harassment is increased. This is particularly true where one or more drivers of inequality intersect (for example gender and disability). Mary MacKillop Today is committed to engaging with all people, particularly primary stakeholders, with respect for diversity, the promotion of gender equality, social inclusion and a commitment to ‘do-no-harm.’ Where programs work with children or vulnerable adults, spaces for participation and feedback must be built into program design.
6. **Robust risk management:** Mary MacKillop Today is committed to robust Safeguarding risk management. While it is not possible to eliminate all risks, Mary MacKillop Today is committed to identifying, mitigating and managing risks in all activities (see the ‘Risk Management’ section below).
7. **Safeguarding is a shared responsibility:** Safeguarding is the responsibility of all staff, partners and others engaging in work or actions relating to Mary MacKillop Today. Genuine change requires collaboration, and Mary MacKillop Today is committed to working with all stakeholders to improve their capacity to prevent, report, and respond to Safeguarding concerns.
8. **Strong reporting for improved accountability and transparency:** Mary MacKillop Today is accountable to our primary stakeholders and their communities, our staff, partners, donors and all those who come into contact

with our organisation. Strong reporting leads to better monitoring, improved understanding of risk, and improved safeguards.

Safeguarding focal points

The CEO shall appoint at least one staff member in Mary MacKillop Today's office in Sydney and at least one staff member in our office in Dili to be the Safeguarding focal points for the organisation. If either of these focal points are at a senior management level, the CEO must appoint a second focal point. These focal points will promote this important aspect of our work through activities such as staff training, policy revision, and tool development. The Sydney office focal point/s report to the Safeguarding Committee, and the Dili focal point/s report to the Timor-Leste Country Director. The focal points have responsibility for working with staff and partners to ensure reports are responded to and managed in line with the Reporting Procedures outlined within this policy, and for maintaining records including the maintenance of the Safeguarding Incident Register. The focal points can be consulted for any clarifications or concerns related to the implementation of this Policy.

Safeguarding Committee

The Chairperson shall appoint two Directors to form a Committee with the CEO and the Safeguarding focal points to promote this aspect of our work. This Committee oversees the effective ongoing implementation of safeguarding practices, including the Safeguarding Policy and related procedures and practices. The Committee will oversee the response to any Safeguarding investigations and report to the Board of Directors. All committee members are provided with professional development and ongoing support in Safeguarding as required.

Safeguarding risk management

Mary MacKillop Today adopts a risk-based, proportional approach to safeguarding of children and adults. Mary MacKillop Today assesses the level of risk at the activity level through its Risk Management Tool. It then builds safeguarding risk management into its broader risk management approaches via the Risk Framework. These risks are monitored regularly to ensure risk management approaches are adequate.

Mary MacKillop Today assesses and mitigates safeguarding risks in the physical environments under its control, including offices. If Mary MacKillop Today staff are aware of any person (other than staff or others as defined in this policy's Scope) attending any Mary MacKillop Today activities who poses a risk to children or vulnerable adults, Mary MacKillop Today will manage this risk appropriately.

Managing Risk of Sexual Exploitation, Abuse and Harassment (SEAH) of adults

All activities are assessed for potential risk of SEAH occurring. Activities considered higher risk (for example activities that require staff to travel or work remotely, or activities working with vulnerable populations) are required to have more stringent safeguards in place. As Mary MacKillop Today is a DFAT accredited agency, these safeguards must include the proportionate application of DFAT's PSEAH minimum standards as required by the risk-level.

Managing Child Safeguarding Risk

All activities are assessed for potential Child Safeguarding risks. Programs classified as ‘contact with’ or ‘working with’ children are considered higher risk, and therefore require more stringent Safeguarding procedures. Programs that work directly with children who may have additional indicators of vulnerability including children in institutional care, children with disability, children from culturally and linguistically diverse backgrounds, Indigenous children such as those of Aboriginal and Torres Strait Islander descent, LGBTI children, children who are unable to live at home, and children in conflict or disaster affected areas should be considered higher risk. However, as children are part of every community in which we work, we are always mindful of potential risks. Risks are monitored and managed at all stages of an activity or project. As Mary MacKillop Today is a DFAT accredited agency, safeguards must include the proportionate application of DFAT’s Child Safeguarding minimum standards as required by the risk-level.

Recruitment

Mary MacKillop Today is committed to rigorous recruitment screening practices as outlined in the Recruitment Policy. These practices aim to recruit the safest and most suitable people to work in our programs and are extended to the appointment of suppliers and contractors, as well as all partner staff working directly on Mary MacKillop Today project activities. Any person may be prevented from working with children if they pose an unacceptable risk to children.

Employment contracts must contain provisions for the prevention of a person from working with children if they present an unacceptable risk to children; and dismissal, suspension or transfer to other duties for any employee who breaches the Safeguarding Policy and Code of Conduct.

All staff will be vetted for any sexual abuse, exploitation, and harassment or other serious misconduct in their previous role through their verbal referee checks.

When recruiting for positions classified as ‘Working with Children’ or ‘Contact with Children’:

- Interview questions must include at least two behavioural based questions that refer to the roles and responsibilities of the candidate in relation to their work with children; and
- Verbal referee checks must include an assessment of the candidate’s suitability to be in a role where they come into contact with children.
- The applicant will be requested to disclose if they have been charged with child exploitation offences

Responses must be documented and filed.

Newly recruited staff with jobs classified as ‘Working with Children’ or ‘Contact with Children’ need to provide criminal checks for each country in which the respective individual has lived for 12 months or longer over the last 5 years, and for the individual’s countries of citizenship. All staff classified as ‘Working with Children’ as well as those deployed overseas, in leadership roles, and service provider roles require an annual criminal check, whereas staff classified as ‘Contact with Children’ require a criminal check on recruitment. For a comprehensive list of Mary MacKillop

Today's Child Safeguarding recruitment and staffing practices, please refer to the Child Safe Recruitment Checklist in the Human Resources Manual and the Recruitment Policy.

In limited circumstances it may prove impossible to obtain a reliable criminal record check a statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted instead.

Training

The Safeguarding Policy and related procedures are communicated to and signed by all staff and others (as defined in this Policy's scope) as part of their induction. Staff and others (as defined in this policy's Scope) receive periodic refresher trainings and pre-deployment training for any person travelling overseas or to visit a Mary MacKillop Today project site. Staff classified as 'Working with Children' or 'Contact with Children' will be trained in identifying potential signs of harm and actively supporting children to raise concerns, as well as recognising the nature and indicators of child abuse, including harmful behaviours by a child towards another child, and responding and supporting those bringing forward concerns, disclosures, and allegations of child abuse.

Extension to Partners

We recognise that Partners play a valuable role in consulting with communities, raising awareness of the policy and responding to complaints and concerns. Partners' networks are also vital in establishing referral pathways for victim/survivors. Mary MacKillop Today is committed to strengthening and learning from our Partners' Safeguarding Practices through ongoing training and capacity building.

All Mary MacKillop Today implementing partner representatives involved in the delivery of Mary MacKillop Today activities (including but not limited to the governing body, staff, volunteers and visitors) are included in the scope of this policy. Compliance with this policy and related recruitment and reporting requirements are included in all Partnership Agreements with implementing partners. A copy of this policy is provided to all partners prior to signing the Agreement.

All implementing partners are required to have an equivalent Safeguarding policy, Code of Conduct and reporting procedures that meet the standards outlined within the Mary MacKillop Today policy and that are consistent with the ACFID Code of Conduct, DFAT's Child Protection and PSEAH Policies & Minimum Standards, and the Catholic Professional Standards. Partners may choose to have a Child Safeguarding Policy and a PSEAH Policy or combine the two policies into a Safeguarding Policy. The CEO or equivalent must appoint at least one focal point. If this focal point is in a senior management role, the CEO must appoint a second focal point. Focal points report to the implementing partner's CEO or Director.

If Mary MacKillop Today partners or staff work with downstream partners, our partners or staff must ensure that these downstream partners have a Safeguarding Policy that aligns with the Mary MacKillop Today Policy. If they do not, our partners or staff must ensure that downstream partners sign an agreement stipulating that

staff working on any Mary MacKillop Today-funded project must adhere to Mary MacKillop Today's Safeguarding Policy. This is a requirement within our Partnership Agreement.

Partners' Safeguarding policies and procedures are appraised through the Organisational Capacity Assessment. Where a partner does not have equivalent policies and procedures in place, Mary MacKillop Today will work with the Partner to develop and operationalise their own documents that meet the above standards. All partner representatives working directly on the Mary MacKillop Today funded activity are required to read, sign and uphold the policy and the organisation must comply with these standards until an equivalent Partner policy can be developed.

Mary MacKillop Today undertakes a safeguarding risk assessment at the Partner level and actively monitors Partners' compliance with the Safeguarding policy via project reports, regular monitoring visits and annual compliance assessments. Failure to respond to or correct serious or ongoing breaches of the Safeguarding policy may be cause for suspension or termination of the partnership agreement.

Communicating the Policy

All people who come into contact with our organisation, including primary stakeholders (beneficiaries), partners and staff, will be informed of the expected behaviour of Mary MacKillop Today representatives and others working on or visiting Mary MacKillop Today projects, and will be informed of how they can report suspected or alleged misconduct. This information should be in accessible formats and translated into appropriate languages. The Safeguarding Policy will be made available on the Mary MacKillop Today website.

Mary MacKillop Today understands that there are barriers that prevent children and vulnerable adults from disclosing abuse and barriers for adults recognising and/or responding to disclosures. These barriers include a fear of not being believed, concern that reporting an incident might make it worse for the child or vulnerable adult, concern about repercussions of the accused, and fear of being incorrect in the report. These barriers can be reduced by educating personnel, with particular attention to children's cultural contexts, languages, cognitive capabilities and communication needs.

Participation of Primary Stakeholders

Mary MacKillop Today recognises that effective safeguarding requires collaboration with, and input from, primary stakeholders particularly children and vulnerable adults. We are committed to engaging with primary stakeholders in identifying and managing safeguarding risks, and in the development of safeguarding approaches.

Mary MacKillop Today is committed to child and youth participation. We will do this by providing opportunities for children and young people be heard and incorporate their views into our policies and programs.

In projects where Mary MacKillop Today is 'Working with Children' or has 'Contact with Children':

- Children will be asked for their feedback about staff and services.

- Children will be informed, through child-friendly material, about their right to be safe from abuse and who to contact if they are at risk of abuse, have concerns about a Mary MacKillop Today member of staff or another representative in the organisation, have been abused, or are concerned about another child.
- Children will be consulted about decisions that affect them
- Children will be consulted about what makes them feel safe and how this can be recognised by Mary MacKillop Today
- Where appropriate and feasible within the project scope, children will be provided with age-appropriate information about safe and respectful peer relationships, including through social media
- Where relevant, children will be provided with information, access, and/or referral to appropriate abuse prevention programs appropriate to the child's age, development ability, and level of understanding

Use of images/video/voice of children and vulnerable adults

Mary MacKillop Today's Communications Policy outlines our approach to ensuring our communications do not put people at risk. Mary MacKillop Today will at all times portray children and vulnerable adults in a respectful, appropriate and consensual way.

Our guidelines on the use of images are:

- Any person appearing in photos, videos, or voice recordings should always be portrayed in a dignified and respectful manner and not in a vulnerable or submissive manner. They should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Any person appearing in photos, videos, or voice recordings must always be asked for prior informed consent for the use of their images, videos, or voice recordings. When asking for consent to use the image, video, or voice recording, details should be given as to how and where this photo, video, or voice recording will be used, noting that people who are vulnerable may be placed at risk if their story or image is shared. Adults must provide written consent, and children will provide written consent where possible. A parent or guardian must provide written consent for the use of a child's photo, video, or voice recording.
- People must be given the opportunity to decline the use of their image and/or decide what personal information is shared publicly.
- Local cultural traditions should be assessed regarding restrictions for reproducing personal images.
- When sending images electronically, file labels should not reveal identifying information.
- All photographers will be screened for their suitability, including police checks where appropriate.
- Images should be an honest representation of the context and the facts.
- There should be no identifying information of children or vulnerable adults used in the publication of images, videos, or voice recordings with their location.
- Any photos, videos, or voice recordings of children should ensure they are portrayed as part of their community.

Breach of Policy

Breaches of the Safeguarding Policy and Code of Conduct constitute gross misconduct and is grounds for termination. Depending on the nature and severity of the breach, disciplinary action for breaches of this policy include:

- Referral to law enforcement where behaviour constitutes a criminal offence
- Referral to the Australian Federal Police
- Internal or external investigation
- Suspension pending investigation
- Performance management, formal warning and monitoring
- Termination of employment or transfer of duties

Malicious or false reporting

This Policy protects any person who, in good faith, reports a Safeguarding incident or any person who has cooperated with a Safeguarding investigation. Malicious or false reporting of incidents with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action which is detailed in the Human Resources Procedures Manual. This is distinct from reports made in good faith based on the judgment and information available at the time of the report, which may not be confirmed by an investigation.

Policy Review

This Policy is reviewed every two years at a minimum or more frequently if required due to changes in relevant legislation or sector standards. Children and vulnerable adults will be consulted in the review of the Safeguarding Policy and will be asked to contribute to the Code of Conduct regarding what they consider to be appropriate and inappropriate behaviours.

Annex 1: Safeguarding Code of Conduct

Mary MacKillop Today's Safeguarding Code of Conduct provides clear behavioural guidelines and expectations designed to protect all people who come into contact with our organisation from harm, particularly children and vulnerable adults. All Mary MacKillop Today staff and associated personnel working on or visiting a Mary MacKillop Today office or program are required to adhere to the Safeguarding Code of Conduct. The code is as follows:

General Safeguarding Behaviours

I will:

- Conduct myself in a manner that is consistent with the values of Mary MacKillop Today and the Safeguarding Policy
- Maintain a professional role and establish clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship.
- Model appropriate behaviours to ensure a positive culture of respect is maintained.
- Be aware of and respect the cultural differences, sensitivities, and expectations of the communities in which we work, and refrain from any form of behaviour that would be deemed inappropriate in that setting
- Provide a welcoming, inclusive, trusted, and safe environment for all children, young people, parents, staff and volunteers that promotes the implementation of this Policy.
- Be aware that sexual behaviour is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
- Comply with the guidelines on the use of images
- Take responsibility for ensuring I am accountable and do not place myself in positions where there is a risk of allegations being made.
- Be transparent in my actions and whereabouts.
- Speak up when I observe concerning behaviours of colleagues
- Immediately report any concerns of behaviour that contradicts the standards of behaviour outlined in the Code of Conduct.
- Follow the reporting processes below to report and/or respond to concerns in relation to safeguarding
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, or sexual, exploitation abuse and harassment, including those under traditional law, which occurred before or occurs during association with Mary MacKillop Today

I will not:

- Use any communication device including computers, mobile phones, video cameras, cameras or other technology inappropriately, or to sexually exploit or

harass adults or children, or access or disseminate exploitative material through any medium, including social media.

Child Safeguarding Behaviours

I will:

- Treat all children and young people in our program with respect.
- Use appropriate language and communication with children at all times.
- Encourage open communication between all children, young people, parents, staff and volunteers and have children and young people participate in the decisions that affect them.
- Self-assess my behaviours, actions, language and relationships with children.
- Conduct one-on-one interactions with children in either an open space or line of sight of another adult

I will not:

- Engage in behaviour that is intended to shame, humiliate, belittle or degrade children.
- Use inappropriate, offensive or discriminatory language when speaking with a child or young person.
- Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes.
- Take children to their own home/hotel or sleep in the same room or bed as a child.
- Smack, hit or physically assault children or use any form of physical punishment.
- Supply children with alcohol or drugs or take alcohol or drugs in the course of delivering Mary MacKillop Today activities.
- Develop sexual relationships with children or relationships with children that may be deemed exploitative or abusive (even in a country where the age of majority or the age of consent is lower than 18 years).
- Behave provocatively or inappropriately with a child.
- Condone or participate in, behaviour of children that is illegal, unsafe or abusive.
- Act in a way that shows unfair and differential treatment of children.
- Photograph or video a child without the consent of the child and his/her parents or guardians.
- Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- Seek to make contact and spend time with any child or young person outside the program times.
- Hire minors as domestic labour or any other form of 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
- Provide gifts to children participating in Mary MacKillop Today programs.
- Use Mary MacKillop Today's online environment to access inappropriate sites such as child pornography.

Prevention of Sexual Exploitation Abuse & Harassment Behaviours

I will:

- Immediately inform my line manager if I become engaged in a personal relationship which may be perceived as inappropriate or sexually exploitative; and/or where real or perceived unequal power dynamics exist e.g. if there is a reporting relationship; and/or if I am unsure if my relationship falls into this (SEAH) category.

I will not:

- Engage in sexual relationships with program participants or beneficiaries as such relationships are based on inherent power imbalances which have high risk of exploitation
- Use my position of trust and/or authority to request any service or sexual favour from partners or beneficiaries of Mary MacKillop Today programs, be they adults, children or others in the communities in which Mary MacKillop Today works, in return for protection or assistance; and/or coerce a person to engage in sexual intercourse or any sexual activity.
- Exchange or withhold, from beneficiaries of Mary MacKillop Today programs, funds services or support of any kind for sex or sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Engage in transactional sex when travelling for or undertaking Mary MacKillop Today business even if it is legal in that respective state or country.
- Use Mary MacKillop Today or partner organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to Mary MacKillop Today offices or programs.
- Procure sex for others or use a third party to do so.
- If I am a non-national staff person, fraternise with in-country staff or partners while engaged in any work or actions related to Mary MacKillop Today.

Name: _____

Address: _____

I have read and understood the Mary MacKillop Today's Safeguarding Code of Conduct, and I will comply with it.

Signed: _____

Print name: _____

Date: _____

Annex 2: Safeguarding Reporting Guidelines and Procedure

Guidelines

Mary MacKillop Today provides a safe and supportive environment for reporting Safeguarding concerns. All people who come into contact with our organisation, including primary stakeholders (beneficiaries), partners and staff, will be informed of the expected behaviour of Mary MacKillop Today representatives and others working on or visiting Mary MacKillop Today projects, and will be informed of the reporting mechanisms in place.

All reports will be handled professionally, confidentially and expediently. The rights and welfare of the victim/survivor is of prime importance. Every effort must be made to protect the rights and safety of the victim/survivor throughout the reporting process. To ensure that the reporting mechanisms are accessible and appropriate to each context in which we work, Mary MacKillop Today will consult with primary stakeholders, partners and locally engaged staff in the implementation and review of these procedures.

Principles in Safeguarding Reporting

Mary MacKillop Today will take all reports of safeguarding concerns seriously and act on these reports immediately. We will ensure that all parties will be treated fairly, and the principles of natural justice and protection of all parties will be a prime consideration. All reports will be handled professionally, confidentially and expediently.

All reports made in good faith will be viewed as being made in the best interests of the child or vulnerable adult regardless of the outcomes of any investigation. Mary MacKillop Today will ensure that the interests of anyone reporting behaviour that contradicts the standards in the Code of Conduct in good faith are protected. Any employee who intentionally makes false and malicious allegations will face disciplinary action.

The Safeguarding Incident reports and register are maintained by the Safeguarding focal points and accessible only to members of the Safeguarding committee. All information in these files is treated with confidentiality. Individuals have the right to access, amend, or annotate records about themselves.

Procedures

Who can report

Any person can make a report, including but not limited to staff, Partners, volunteers, primary stakeholders (beneficiaries) and concerned members of the community.

It is mandatory for all Mary MacKillop Today staff and others (as defined in this policy's Scope) to immediately report suspicions, concerns or allegations reported to them related to Safeguarding.

It is mandatory for staff in service provider roles of Mary MacKillop Today to report any suspected child abuse, including physical abuse, sexual abuse, emotional abuse, neglect, and exposure to family violence, to relevant local authorities. For staff working in NSW, this is outlined in the Children and Young Persons (Care and Protection) Act 1988. Staff in service provider roles are also required to report any safeguarding incidents to Mary MacKillop Today in line with this Annex.

What to report

The following Safeguarding concerns must be reported:

- Any actual, suspected, or alleged cases of sexual exploitation, abuse, or harassment of an adult or child perpetrated by a Mary MacKillop Today staff person or others covered within the scope of this policy
- Any actual, suspected or alleged neglect, emotional abuse or exploitation of a child or any other child protection/child safety issues concerning a Mary MacKillop Today staff person or others covered within the scope of this policy
- Any other alleged breaches of the Safeguarding policy and/or Code of Conduct by a Mary MacKillop Today staff person or others covered within the scope of this policy
- Any concerning or suspicious behaviour exhibited by a Mary MacKillop Today staff person or others covered within the scope of this policy
- Any incident that presents a reputational risk to the partner, service provider or Mary MacKillop Today (e.g. if a senior representative has been implicated).

For concerns and incidents outside the scope of this policy (i.e. alleged incidents perpetrated by someone not covered by this policy for example a member of the community or another organisation) please see the Feedback & Complaints Policy.

If you suspect an incident is a Safeguarding concern but you are not sure if it falls within the scope of this policy, report it.

How to report a safeguarding incident or concern

Reports can be made verbally, in person, or in writing via email, letter or using the Mary MacKillop Today Safeguarding Incident Report Form available on the Mary MacKillop Today website and at our offices.

Where possible reports should be made directly to a Mary MacKillop Today Safeguarding Focal Point:

Safeguarding Focal Point, Sydney Office

Email: safeguarding@marymackilloptoday.org.au

Phone: +61 2 8912 2777 (ask for Safeguarding Focal Point)

Postal Address: PO Box 1646 North Sydney NSW Australia 2059

Safeguarding Focal Point, Timor-Leste Office

Email: safeguarding@marymackilloptoday.org.au

Phone: +670 3317422

Postal Address: Avenida Becora, Dili, Timor-Leste

All of Mary MacKillop Today's Partners have a Safeguarding contact in their office that you can report to.

If you are not able to or do not feel comfortable reporting to the Safeguarding Focal Point(s), reports can be made to another representative, including any member of the Safeguarding Committee, or a member of the Mary MacKillop Today Leadership Team including the CEO, your Mary MacKillop Today point of contact if you work in a Partner organisation or a representative of a Partner Organisation.

Anyone wishing to make a report anonymously can do so without revealing your identity, however, to assist with further investigation it is preferred that you provide your name and contact details.

When to report

We encourage immediate reporting from members of the public who have concerns about or have witnessed misconduct of Mary MacKillop Today staff or any other person within the scope of this policy.

It is mandatory for all Mary MacKillop Today staff and others (as defined in this policy's Scope) to report Safeguarding concerns immediately (within no more than two working days).

Responding to a Safeguarding Concern or Allegation

1. Responding to Disclosure

If any person discloses that they have experienced sexual exploitation, abuse and harassment, or if a child reports any form of child abuse, exploitation or neglect you should:

- Listen carefully and respectfully, reassure the person that they are right to share this with you
- Explain that you would like to take notes because it is important for you record as many details as possible
- Maintain a calm appearance, do not make comments that pass judgement on the victim/survivor, the incident or the alleged perpetrator
- Accept that the person will only disclose as much as they are comfortable with, recognise their strength for sharing something that it difficult to talk about, do not push for additional details. Allow them to share in their own words.
- Do not make promises that you cannot keep. Explain that you have the responsibility to escalate the report to the Safeguarding Focal Point and/or Committee.
- Inform the person reporting of how their report will be managed, how their information be shared and with whom, and how they will be kept informed of the outcome of any subsequent response
- Explain that you will work with the Safeguarding Focal Point to help meet any protection and health needs including referring the victim/survivor to appropriate support services where available
- Do not confront the alleged perpetrator.

If the person making the complaint is a child, special procedures should be followed. These should include: a parent or caregiver should also be present; the child should

be supported and reassured that they are safe, and their complaint is confidential (noting that confidentiality is distinct from secrecy); and the complaint can be in any form including (but not limited to) written, verbal, and drawn complaints. Support and care should be provided to the child and other affected parties.

2. Internal Response

2.1 Inform the Safeguarding Focal Point

If any Mary MacKillop Today staff person other than the Safeguarding Focal Point(s) is informed of an allegation, concern or suspicion it must be immediately reported to the Safeguarding Focal Point or another member of the Safeguarding Committee. This report can be made verbally or email in the first instance, and then a written Safeguarding Incident Report must be submitted within 2 working days.

2.2 Inform the Safeguarding Committee, Board of Directors, and Sisters of St Joseph

The Safeguarding Focal Point will immediately inform the Safeguarding Committee. The Safeguarding Committee will de-identify the information and escalate the report to the Chair and the Board of Directors along with details of any immediate response.

The CEO will de-identify the information and escalate the report to the Secretary General of the Congregational Leadership Team of the Sisters of St Joseph along with details of any response within one week of the initial report.

2.3 Determine appropriate response

The CEO, in consultation with the other Safeguarding committee members and the staff member who received or made the report, will discuss the allegations and then decide upon the next step. The immediate protection and health needs of the victim/survivor should be met as far as possible including through referral to appropriate services.

Once an allegation about the safety of a child has been made there should be an immediate response that protects the child from further potential abuse or victimisation. Where possible the child should remain in the place of residence or relevant program. Exceptions may be made where the child is deemed to be at risk of victimisation by peers as a result of the allegation or because the alleged abuse has occurred in home-based care. If the child is in immediate danger then arrangements should be made for the child to go to a safe place. There should be ongoing risk assessments for the child's safety throughout the investigation process.

The Safeguarding Committee will determine if the report needs to be escalated externally including reporting to Law Enforcement if this has not already occurred.

The best interest of the child may warrant the suspension of a staff member or volunteer, which will be decided upon by the CEO in discussion with the Safeguarding committee members and the staff members' manager. Any staff member suspended in this manner continues to receive full pay. This recognises that the staff member is entitled to a just process that does not pre-judge guilt or

innocence. Any volunteers who are suspended should similarly receive any reasonable reimbursement of costs.

3. External Escalation

3.1 Reporting to Law Enforcement

If the alleged incident involves criminal misconduct, and the alleged victim/survivor is an adult aged 18 years or over:

- The incident will be reported to local police where safe to do so and when in line with the wishes of the victim/survivor
- Concerns about people engaging in sex trafficking or any incident where the alleged perpetrator is an Australian citizen working overseas will be reported to the Australian Federal Police (Transnational Sexual Crimes Squad) where safe to do so and when in line with the wishes of the victim/survivor

If the alleged incident involves criminal misconduct, and the alleged victim/survivor is a child under the age of 18:

- Concerns that a child is being sexually abused by a staff member or volunteer in the organization will be reported to the state police or local equivalent.
- Concerns that a child is being sexually abused by someone external to the organization will be reported to the state police or local equivalent.
- Concerns about people engaging in child sex tourism, child sex trafficking and child pornography or any other incident where the alleged perpetrator is an Australian citizen working overseas it will be reported to the Australian Federal Police (Transnational Sexual Crimes Squad).
- If there is any doubt about who to report to, the concern will be reported to the state police or local equivalent

If the alleged incident has been reported to law enforcement, the alleged perpetrator will be suspended from duties for the duration of the investigation. Mary MacKillop Today will cooperate fully with any investigation.

3.2 Reporting to Child Protection Services

If the alleged incident does not involve criminal misconduct however there are concerns about the welfare of the child in relation to neglect, emotional abuse or any other child welfare concern it will be reported to the appropriate Child Safeguarding/Child Protection authorities.

3.3. Referral to appropriate support services

At all times, the health, protection and well-being of the victim/survivor should be central to our response. Regardless of whether the incident is escalated externally or managed internally, the survivor should have access to appropriate services to meet their needs through appropriate referrals.

3.4 Fulfilling Contractual Reporting Requirements

If the alleged incident or breach occurred within the delivery of a Grant Funded program (e.g. a DFAT funded activity), or any other activity with contractual reporting requirements, the incident must be immediately reported to the Funding Partner in line with the contract. For DFAT-funded activities alleged incidents must be reported within 2 working days of Mary MacKillop Today becoming aware of the incident. Breaches of the DFAT policy and Minimum Standards must be reported within 5 working days of becoming aware of the breach.

4. Investigation

4.1. Investigating Breaches of the Safeguarding Policy

Concerns that constitute a breach of the Mary MacKillop Today Code of Conduct that do not constitute a criminal offence will be dealt with as a disciplinary matter in line with the Performance Management Policy. Depending on the severity of the breach, the employee may be suspended or transferred to other duties for the duration of the investigation.

4.2. Investigating alleged criminal misconduct that cannot be reported to police

If the victim/survivor does not wish to report to the police, Mary MacKillop Today must respect their wishes. In this instance, the Safeguarding committee has the option of engaging an external independent investigator to undertake a balance of probability assessment. If the incident occurs within a partner organisation, the investigation may need to be undertaken at the cost of the partner. The employee under investigation will be suspended from duties for the duration of the investigation. Mary MacKillop Today's Performance Management Policy provides further guidelines on undertaking investigations. If the report finds that the balance of probabilities indicate that misconduct did take place, the disciplinary procedures set out in the Performance Management Policy will be followed (or the Partner equivalent if the incident occurred within a partner organisation). If the report is inconclusive, the matter will be taken up by the Safeguarding committee for a final decision.

4.3. Supporting Partner Investigations

If the alleged incident or breach occurs within a Partner organisation, Mary MacKillop Today will work with the Partner to manage the investigation in-line with their internal investigation procedures and develop an action plan to prevent similar breaches moving forward. Where a serious breach has occurred and the organisation does not take the necessary steps to address it, this may be cause for the suspension or termination of the partnership agreement.

5. Follow-Up Actions

5.1 Disciplinary Actions

Disciplinary action will be taken as necessitated by the findings of any investigation and in line with the Performance Management Policy.

5.2 Record Keeping

The Safeguarding focal points are responsible for ensuring the Safeguarding Incident Report and all related communication and documentation is filed in a secure folder accessible only to the Safeguarding committee (unless a member of the Committee is implicated in the incident in which case the Chairperson of the Board). Information is entered in an excel-based Safeguarding Incident Register which is maintained by the Safeguarding focal points.

Mary MacKillop Today adheres to the following in its record keeping:

- complete and accurate records are created and maintained for all incidents, complaints, responses and decisions;
- records are created at the time of, or as soon as practicable following, an incident, complaint, response or decision;
- records are titled, organised and filed logically;
- a master copy of each record is formally maintained to ensure duplicate records or multiple copies of the same record are kept to a minimum;
- records are maintained and disposed of in accordance with legislative and statutory requirements, or after a period of 50 years, whichever is higher;
- information and/or records are treated as confidential and records are appropriately secured;
- sharing or distribution of information and/or records is restricted to nominated personnel and is conducted in accordance with relevant legislative and statutory requirements; and
- individuals' rights to access, amend or annotate records about themselves are recognised to the fullest extent.

5.3 Risk Management

Mary MacKillop Today is committed to learning from any Safeguarding incidents or breaches of the Safeguarding Policy and/or Code of Conduct. Following all reports, the Safeguarding Committee will work with relevant staff and others to ensure appropriate safeguards and risk mitigation strategies are in place to reduce the risk of such incidents in the future.

Reports of Historic Child Abuse

If the concern is regarding a past criminal offence and the victim is no longer a child, Mary MacKillop Today will report the incident to the relevant law enforcement where safe to do so and when in accordance with the wishes of the victim/survivor. If the person making the report does not wish to report it to the police either in Australia or overseas, then an external investigation must be done. Mary MacKillop Today's Performance Management Policy provides further guidelines on undertaking investigations. The investigation's report will be submitted to the Mary MacKillop Today CEO and equivalent in-country staff member. This report will include a 'balance of probabilities', which will enable the CEO, in discussion with the Child Safeguarding Committee and any relevant staff member, to decide on the next steps regarding the alleged perpetrator.

Annex 3: Glossary

Bullying:	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). Physical 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 intimidation and ostracism.
Child:	In accordance with the United Nations Convention of the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, maturity is attained earlier. For the purposes of this Policy, Mary MacKillop Today considers a child to be a person under the age of 18 years.
Child abuse:	Includes physical, sexual, emotional, neglect, bullying, child labour and domestic violence. Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. In some cases, professionals and other adults working with children in a position of trust also abuse children.
Child and young person:	Regarded to be any person under the age of 18 years, unless a nation's laws recognise adulthood earlier.
Child-Sex Tourism:	ECPAT International defines child-sex tourism 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).
Child exploitation	The use of the child in work or other activities for the benefit of others that are to the detriment of the child's well-being. It includes, but is not limited to, child labour, child trafficking, child slavery, and child sexual exploitation.
Child safeguarding:	Actions, policies and procedures that create and maintain protective environments for children to protect them from

	exploitation and abuse of all kinds (from ACFID Child Safeguarding definition)
Contact with children:	Working on an activity or in a position that involves or may involve contact with children, either under the job description or due to the nature of the work environment.
Domestic violence:	Occurs when children and young people witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within intimate relationships (adapted from the Australian Medical Association definition).
Downstream partners:	Suppliers, individuals and organisations who are engaged by a Partner or work with a Partner to implement Mary MacKillop Today projects.
Duty of care:	A common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the organisation to protect children from all reasonably foreseeable risks of injury.
Emotional abuse:	This occurs when a child 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 child's physical and emotional growth.
Fraternisation:	Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.
Grant Funded Activity:	Any activity or project that is funded through an external funding partner with contractual compliance standards including the Department of Foreign Affairs & Trade (DFAT).
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.
Partner:	Any organisation with which Mary MacKillop Today enters into an agreement to deliver its programs.
Perpetrator:	A person (or group of persons) who commits an act of Sexual Exploitation, Abuse and Harassment (SEAH) or other type of crime or offence.
Physical abuse:	Occurs when a person purposefully injures or threatens to injure a child or young 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.

Safeguarding:	Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds. This encompasses protecting children and vulnerable adults from abuse and maltreatment, preventing harm to children or vulnerable adults' health or development, and ensuring children grow up with the provision of safe and effective care that enables them to have optimum life chances.
Senior management:	Any member of staff who fills the role of the most senior staff member in an office or the organisation
Sexual abuse:	The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, for the sexual stimulation or gratification of the perpetrator. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent is considered to be sexual abuse. This is regardless of the age of majority or age of consent locally. These can be contact or non-contact acts, including threats and exposure to pornography.
Sexual Exploitation:	Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
Sexual Harassment:	A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.
Transactional sex:	The exchange of money, employment, goods or services for sex, including sexual favours.
Victim/Survivor:	A person who is, or has been, sexually exploited, harassed or abused.
Vulnerable adults:	Those aged over 18 years who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts or any other factors, are deemed to be at risk. It also includes adults placed in

Working with Children:

a situation of vulnerability due to power imbalances, such as organisational hierarchies or partnerships. Being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity (adapted from DFAT definition). If in doubt, see DFAT Child Safeguarding Risk Assessment Tool.

LINKED POLICIES	
Policy #	Policy name
1.1	Anti-Discrimination and Prevention of Harassment
1.3	Disability Inclusion
2.1	Communications
2.2	Privacy
3.8	Risk Management
4.2	Working in Partnership
4.3	Effective Project Management
5.6	Recruitment
5.7	Code of Conduct

LINKED FORMS	
	Form name
	Child Safeguarding: Incident Report Form
	Photo Consent and Release Form
	Child Safeguarding Staff Acknowledgement Form
	Child Safe Recruitment Checklist