



Leaders of Change Foundation Ltd

Policy for the Protection of Vulnerable Persons

Version 1 – September 2020

1. Purpose

The purpose of this policy is to ensure that the Charity will seek to operate in a manner that protects the vulnerable persons accessing its programs and so foster compliance with the ACNC's ECS 4 as set out in section 50.35 of the ACNC Regulation.

The Charity recognizes that in its work (and through its funded and resourced programs and projects), it will engage with vulnerable persons.

The Charity does not directly conduct projects and activities but will make grants to partner organisations and international non-government organisations to fund projects and activities to further our charitable purposes. This funding model allows us to leverage the expertise, scale, knowledge and location of these partner organisations and so maintain best practice whilst having greater impact in the fulfilment of our charitable purposes.

This policy sets out our minimum requirements for our Charity and for the projects or activities funded by us. We require our partner organisations to have their own compliance policies and procedures which incorporate, and are in addition to, the requirements of this policy.

2. Scope of the Policy

This policy sets out our commitment to the safety and wellbeing of all vulnerable persons in our care or to whom we have contact, and to protecting them from harm, abuse and exploitation in any form (including physical and emotional/psychological abuse, neglect, sexual abuse and exploitation) and provides guidance to our personnel as to our beliefs and values as a Charity and how to engage with vulnerable persons.

This policy applies to and imposes obligations on:

- (a) all our personnel;
- (b) all our partner organisations involved in implementing our programs or projects, and
- (c) relevant other parties including visitors to programs and projects.

This policy will be imbedded within our organizational culture, values, practices and procedures. This policy applies to all funded or supported programs and activities whether operated in Australia or as part of operations outside Australia.

3. Definitions

In this policy unless a contrary intention appears:

ACNC means the Australian Charities and Not-for-profits Commission.

ACNC Act means the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) and includes any regulations made under the ACNC Act and any rulings or requirements of the Commissioner made under the ACNC Act having application to the charity.

ACNC Regulation means the *Australian Charities and Not-for-profits Commission Regulation 2013* (Cth)

arrangement means, as set out in section 995.1 of the *Income Tax Assessment Act 1997* (Cth), any arrangement, agreement, understanding, promise or undertaking, whether express or implied, and whether or not enforceable (or intended to be enforceable) by legal proceedings.

Charity means Leaders of Change Foundation Ltd (ABN 52 632 437 917).

ECS means the ACNC's external conduct standards made under Division 50 of the ACNC Regulation.

partner organisation(s) means a third party as defined in section 4 of the ACNC Regulation as an entity (other than another ACNC registered charity) that formally or informally collaborates with the Charity for the purpose of advancing the Charity's purpose(s), and includes:

- (a) an entity with which the Charity has some form of membership, association or alliance; and
- (b) an entity that has an arrangement with the Charity.

personnel means the Charity's board/committee members, employees, volunteers, contractors and consultants.

policy means this Policy for the Protection of Vulnerable Persons.

vulnerable person(s) means a vulnerable individual as defined in section 4 of the ACNC Regulation as:

- (a) a child, an individual who is under the age of 18 years; or
- (b) an individual who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation.¹

4. Policy Position

- (a) The Charity believes that placing the safety and wellbeing of any vulnerable persons at risk of any form of harm, abuse and exploitation is unacceptable.
- (b) The Charity is committed to the safety and wellbeing of vulnerable persons and to protecting them from harm, abuse and exploitation regardless of their race, color, sex, language, disability, religion, political or other opinion, national, ethnic, tribal or other origin, birth, marital, economic or other status.
- (c) The Charity believes that the protection of vulnerable persons is a shared responsibility, and in the context of the work we fund and resource, we will exercise our duty of care and relevant legal obligations to protect vulnerable persons and take all reasonable steps to uphold and promote their rights and dignity.

5. Responsibilities under this Policy

5.1 Risk Management

The Charity recognizes that there can be a number of potential risks to vulnerable persons in the delivery of programs or projects that we fund or resource.

¹ Section 4 of the ACNC Regulation provides the following example: An individual may be unable to take care of, or protect, themselves by reason of age, illness, trauma or disability.

We will, where relevant:

- (a) take proactive steps, and put procedures and guidelines in place, to ensure the safety of vulnerable persons:
 - (i) being provided with services or accessing benefits under programs or projects provided by us (whether directly or through our partner organisations); or
 - (ii) engaged by us, or our partner organisations on our behalf, to conduct or in connection with our programs and projects.
- (b) proactively identify, assess and manage potential risks to the safety and wellbeing of vulnerable persons in connection with our programs and projects.
- (c) ensure that all personnel have applicable Working With Children check and Police Check.

5.2 Working with partners

The Charity is committed to increasing awareness of the protection of vulnerable persons and the observance of appropriate safe practices as relevant among our partner organisations, particularly those working directly with vulnerable persons.

In working with our partner organisations, we will take reasonable steps to ensure that:

- (a) each partner organisation has developed its own policy and procedures for the protection of vulnerable persons;
- (b) staff and volunteers of the partner organisation are trained in the protection of vulnerable persons, and
- (c) we are notified of any breach of this policy or reportable or protection incident occurring within the partner organisation.

Where a partner organisation does not have suitable policies and procedures for the protection of vulnerable persons, we will require them to abide by this policy or work with them to develop their own policies and procedures and we will actively monitor the implementation of agreed protection measures with the partner organisation on an ongoing basis, by way of project reports, provision of policies implemented, project visits and annual project audits.

5.3 Responding to and reporting concerns

The Charity will respond to and report vulnerable person protection concerns and incidents in the following ways:

- (a) The Charity will take seriously all concerns and reports of incidents and situations where the safety and well-being of any vulnerable persons is at risk and there is, or may be, any form of harm, abuse and exploitation of vulnerable persons and will act on and investigate these reports immediately.
- (b) It is mandatory that all our personnel and partner organisations report:
 - (i) any actual, suspected or alleged incidents of incidents and situations where the safety and wellbeing of any vulnerable person is at risk and there is any form of harm, abuse and exploitation of any vulnerable person or breach of this policy;

- (ii) any disclosure, concern or allegation from a vulnerable person, community member, staff or associate regarding the safety and wellbeing of any vulnerable person or any form of harm, abuse and exploitation of any vulnerable person, and
 - (iii) any observation or concerning behavior exhibited by any personnel that breaches, or is likely to breach, this policy.
- (c) If any personnel or partner organisation knowingly chooses not to report as required above, the Charity may take disciplinary action including terminating our engagement.
- (d) All concerns about safety and wellbeing of vulnerable persons being at risk or about any form of harm, abuse and exploitation of any vulnerable person should be raised immediately, both verbally and in writing to the Board of the Charity.
- (e) All reports will be handled professionally, confidentially and expediently. The rights and welfare of the vulnerable person will be of prime importance in how we handle every report. The Charity will take all reasonable efforts to protect the rights and safety of the vulnerable person in the way the Charity handles reports.
- (f) The Board of the Charity will consider the allegations and take appropriate protective or remedial action which may involve one or more of the following:
 - (i) investigating the matters in the report including, interviewing the person(s) who made the allegations and/or witnesses to gather more information about the allegation;
 - (ii) reporting to relevant authorities (including local police and/or child protection services);
 - (iii) reporting to the relevant cross-border authorities (including the Australian Federal Police) in cases of child sex tourism, child sex trafficking and child pornography;
 - (iv) providing reasonable support to all stakeholders as is necessary and appropriate; or
 - (v) handling the concern internally, through the discipline procedure found in the Charity's Constitution, if it is not a criminal matter.

6. Policy Review

The Board is responsible for reviewing this policy regularly and ensuring that it is implemented. Any updates and revisions to this policy must be approved by the Board.

7. Related Laws

- ACNC Act and Regulation, ACNC ECS 4
- *Criminal Code Act 1995* (Cth), sections 272.8-272.20, 471.24, 474.25A-474.25C, 474.26, 474.27
- Various State *Crimes Act* provisions relating to sexual offences against children

8. Related Policies

- [insert related policies/agreements]



9. Policy Control: Adoption & Review

Approved By:	Approval Date:	Version Number:	Review Date:
Board		1	