



**Himalayan
Development
Foundation**
AUSTRALIA

Vulnerable Person Protection Policy

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Purpose of Policy

The Himalayan Development Foundation Australia (HDFA) is committed to safeguarding the vulnerable people it supports in Nepal against all forms of abuse, neglect and exploitation from any persons. Vulnerable people can include, but is not limited to, children and seniors, people with impaired intellectual or physical functioning or people with low levels of literacy or education¹. The disadvantages of poverty and illiteracy can make Nepalese women and girls, and also men and boys, vulnerable to human trafficking². UNODC say that Nepal reported the proportion of human trafficking victims who were children was about 50 per cent³. Sexual exploitation was the most frequent form of trafficking, although trafficking for forced labour or other forms of trafficking were also relatively frequent, and trafficking for organ removal was also reported⁴. Himalayan Development Foundation Australia is also aware of a practice of vulnerable families sending children to Kathmandu orphanages with the promise of education and a better life, when in fact the opportunities available may be significantly exaggerated, and the managers of the facilities may benefit unreasonably⁵.

HDFA considers any form of abuse and exploitation to vulnerable persons, unacceptable. HDFA believes it is important to have policies and procedures implemented which promote the safety and well-being of all children involved in our projects and activities. Most HDFA projects involve interaction with children and all of our projects impact children either directly or indirectly. This Vulnerable Person Protection Policy provides a framework for protecting vulnerable persons from exploitation and abuse in the delivery of HDFA’s projects.

¹ Vulnerable People, by Australian Charities and Not-for-profits Commission, Australian Government <https://www.acnc.gov.au/tools/topic-guides/vulnerable-people>

² Subedi, G. (2009). Trafficking In Girls And Women In Nepal For Commercial Sexual Exploitation: Emerging Concerns And Gaps. Pakistan Journal of Women's Studies, 16(1/2), 121–146.

³ United Nations Office on Drugs and Crime: Global Report On Trafficking In Persons 2012 p 70

⁴ http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf

⁵ Ibid p71

⁵ Nepal's Orphan Trade, by Evan Williams, SBS <http://www.sbs.com.au/dateline/story/about/id/601840/n/Nepal-s-Orphan-Trade>

HDFA staff and partner organisations must consider risks posed to vulnerable people in the delivery of our projects. HDFA recognise risks to vulnerable people are particularly high when:

- Activities involve one-to-one contact;
- Vulnerable people, such as children, who are very young, disabled, have been abandoned, displaced, are homeless and/or orphaned;
- The areas in which vulnerable people live are particularly isolated; and
- Staff are not screened or supervised adequately.

Particularly, child exploitation and abuse traumatises children and adversely affects their development and well-being. Children who are exploited and abused experience a greater likelihood of long-term consequences, including mental health issues, reduced educational outcomes, drug and alcohol abuse and increased likelihood of coming into contact with the law. At its core, child exploitation and abuse undermines a child's right to grow up safely.

Scope

This Policy and its related procedures apply to HDFA Board of Directors, HDFA staff (Nepal and Australia based), HDFA funded project staff in Nepal, partner organisations and their employees and sub-contractors, volunteers, visitors and consultants retained by HDFA engaged in HDFA-projects, collectively referred to from here on as 'HDFA associates'.

For the purposes of this Policy "vulnerable people" means people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm 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 not native speaks 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 labour⁶.

Procedures

The procedures HDFA follows in order to protect vulnerable people from potential risk are outlined below.

All HDFA associates will be provided with a copy of HDFA's Vulnerable Person Protection Policy, on commencing their association with HDFA, and all must abide by the policy. Volunteers and staff will be required to sign HDFA's Vulnerable Persons Protection Code of Conduct (Annex 1) and be familiar with HDFA Vulnerable Persons Abuse and Exploitation Response Principles (Annex 2).

Volunteers and staff will receive training on their responsibilities to protect vulnerable people and how to report concerns of exploitation or abuse towards vulnerable people. Breaches of the code of

⁶ Governance Toolkit: Safeguarding Vulnerable People, by Australian Charities and Not-for-profits Commission, Australian Government <https://www.acnc.gov.au/for-charities/manage-your-charity/governance-hub/governance-toolkit/governance-toolkit-safeguarding>

conduct may result in counselling for minor lapses, or dismissal, suspension or transfer to other duties for severe lapses, and may require referral to the authorities, in Australia or overseas. The HDFA Vulnerable Person Protection Policy will be made available on the HDFA website.

All HDFA associates must show respect to vulnerable people, staff, committee and members of the local community in the way they speak, dress and behave to ensure they act in a culturally sensitive manner at all times.

All HDFA associates will be required at all times to portray vulnerable people in a respectful and dignified way. For instance, a child, and where possible the child's family, must always be asked for consent when using their images, and provide details on how and where their image will be used. See code of conduct for more details (Annex 1).

Recruitment of Staff and Volunteers to work with children

HDFA has volunteers (predominantly from Australia) who go to Nepal to volunteer at its various projects. HDFA is committed to safeguarding the vulnerable people it supports in Nepal against all forms of abuse and exploitation from any persons. In accordance with this HDFA has clear policies and procedures that all volunteers, as well as staff, to any of HDFA's projects involving vulnerable people, with a particular emphasis on children, must adhere to.

HDFA recruitment processes will include stringent screening measures to ensure HDFA does not employ inappropriate people to work with vulnerable people. These include criminal record checks, referee checks, interviews with behavioural-based interview questions and background checks on successful candidates before they begin work. HDFA's employment/volunteer contracts contain provisions for dismissal, suspension or transfer to other duties for any employee who breaches the Vulnerable Persons Protection Code of Conduct.

A member of the HDFA Operations sub-committee reviews the Application, interviews each applicant and determines whether the volunteer is approved to assist HDFA or its projects in Nepal, and particularly assesses any risk to the protection of vulnerable persons.

All successful Applications and supporting Police Checks (or Working with Children Checks) are retained by HDFA and noted on a register. A copy of all of these can be accessed by the In-Country Director in Nepal, and must be updated every three years.

Visitors

Visitors to HDFA project sites are also required to comply with HDFA's Vulnerable Person Protection Policy.

Particularly, visitors' interactions with children must be supervised at all times and not under any circumstances be alone with a child at a project site.

HDFA's expectations of partner organisations and contractors

HDFA's partner organisations, staff and contractors are expected to act in accordance with the principles set out in this policy, and abide by other relevant international declarations, conventions and agreements.

We reserve the right to suspend or terminate an agreement or activity in whole or in part if an organisation does not take appropriate steps to manage and resolve an allegation of exploitation and abuse to any vulnerable person.

Local people in Nepal employed by partner organisations, working on projects funded by HDFA are required to abide by the partner organisations' relevant vulnerable person protection policies.

Reporting

If abuse and exploitation toward vulnerable people is observed or reported, the HDFA Vulnerable Persons Abuse and Exploitation Response Principles will be followed (Annex 2).

Approval, compliance and review

HDFA's Board of Directors is to approve and assess the Policy's effectiveness every three years, after any incident and otherwise as necessary or determined by the Board.

Responsibility for monitoring compliance with the Vulnerable Person Protection Policy resides with the In-Country Director and Chairman of the Operations Sub-Committee.

In addition, as often as is reasonably necessary, HDFA will consider the ACNC's:

- [Governance toolkit: Safeguarding vulnerable people](#); and
- [External Conduct Standard 4: Protection of vulnerable individuals](#),

to ensure that HDFA is aware of the recommended best practice for the protection of vulnerable individuals, and will amend its practices as necessary.

Associated forms and documents

- Volunteer and Staff Application forms
- Police Check / Working with Children Check (depending on relevant jurisdiction)
- Staff and Volunteer Contracts including HDFA Vulnerable Persons Protection Code of Conduct
- HDFA Vulnerable Persons Protection Policy Register

Annex 1 - HDFA Vulnerable Persons Protection Code of Conduct

I, _____[insert name], acknowledge that I have read and understand HDFA's *Vulnerable Person Protection Policy, December 2022* and agree that in the course of my association with HDFA, I must:

- treat vulnerable people with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- not use language or behaviour towards vulnerable people that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts
- wherever possible, ensure that another adult is present when working in the proximity of children
- not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger
- not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present
- use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass vulnerable people or access exploitation material through any medium the subject of vulnerable people
- not use physical punishment on vulnerable people
- not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- immediately report concerns or allegations of exploitation and abuse toward vulnerable people and policy non-compliance in accordance with appropriate procedures
- immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with HDFA that relate to exploitation and abuse of vulnerable people.

When photographing or filming a child or using children's images for work-related purposes, I must:

- assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child
- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used
- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in a posture that could be seen as sexually suggestive
- ensure images are honest representations of the context and the facts

- ensure file labels, metadata or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.
- I understand that the onus is on me, as a person associated with HDFA, to use common sense and avoid actions or behaviours that could be construed as exploitation and abuse of vulnerable people.

What happens if you breach this Code of Conduct

If you breach this Code of Conduct you will face disciplinary action, which may include termination of employment or cessation of engagement with the organisation and referral to local and/or Australian organisations for criminal prosecution as appropriate to the level of breach.

Signed:

Date:

Annex 2 – HDFA Vulnerable Persons Abuse and Exploitation Response Principles

HDFA will ensure that action is taken to support and protect vulnerable people where concerns arise regarding possible abuse. Note that these actions may not be taken consecutively.

1. Reporting:

As soon as any associate of HDFA is alerted to any kind of abuse or exploitation toward vulnerable people by anyone associated with HDFA or its partner organisations, she or he must inform the HDFA In-Country Director AND the Secretary of the Board, both of whom must inform the board and ensure timely appropriate action. Initial reports may be via telephone or by meeting in person, but must be supported in writing as soon as possible.

2. Distance the alleged perpetrator:

The best interests of the vulnerable person may warrant the standing down of a staff member or volunteer while an investigation commences. Staff members stood down receive full pay and are entitled to a just process that does not pre-suppose guilt or innocence.

3. Confidentiality:

Confidentiality is crucial to a fair and effective reporting procedure. It is unacceptable and potentially defamatory for concerns of abuse toward vulnerable people (and abusers) to be spread throughout the organisation rather than being directed through a formal complaints process. Individuals must be given the opportunity to report anonymously which may be done by reporting the incident to the HDFA In-Country Director or a board member. All participants must understand the importance of following the set reporting lines when concerns arise. Confidentiality protects the vulnerable person, the notifier, the respondent and the organisation, and ensures a fair and proper process.

4. Reprisal:

HDFA will not tolerate any form of coercion, intimidation, reprisal or retaliation against any employee who reports any form of abuse or exploitation, provides any information or other assistance in an investigation.

5. Investigation of complaints:

Physical and/or sexual abuse of a child is a crime. The Board, or In-Country Director may be required to notify authorities when there are reasonable grounds for reporting abuse. Allegations made overseas will need to consider national legislation or internal procedures to investigate and address the allegations.

6. Information collection and privacy:

The In-Country Director (or Operations Chairman) must record and store securely relevant information including:

- date(s) of incident(s)
- name of organisation(s) involved, including any HDFA program partner
- alleged offender's details, including name, nationality and occupation
- details of alleged incident(s)
- whether local law enforcement authorities or Australian Federal Police have been informed
- details of what the organisation(s) proposes to do
- any other relevant information.