

## SAFEGUARDING POLICY

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Drafted by	Davin Shellshear	Approved by Board on	10 March 2023
Responsible person	Irwan Freeman Wyllie	Scheduled review date	1 January 2025

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# 1 Definitions

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

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

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

**"Board"** refers to members of Dharma Care's (DCI's) Board.

**"CEO"** is the Chief Executive Officer.

**Manager** refers to a staff member with authority delegated by the CEO.

**"Natural Justice"** requires that everyone is entitled to a decision by a disinterested and unbiased adjudicator; the parties shall be given adequate notice of the case against them and the right to respond.

**'Safeguarding'** means protecting the welfare and human rights of people that interact with, or are affected by, DCI, 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.

**'Safeguarding Manager'** is the person specifically assigned responsibility for ensuring Safeguarding, and is currently the CEO

**"Staff"** includes employees, contractors and volunteers, but does not include *Stakeholders* (as defined in the Stakeholder Management Plan).

**"Stakeholders"** are defined in the Stakeholder Management Plan.

**"Occupants"** includes tenants, residents, guests and visitors.

**'Reasonable grounds to suspect'** is a situation where a person has some information that leads them to believe that abuse, neglect or exploitation has taken place, is taking place, or may take place. It comes with a low burden of proof (in fact, no proof is needed at all), but is based on some information. Questions that may help a person to determine whether they have 'reasonable grounds to suspect' might include:

- a. 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.
- b. 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.

**"Volunteer"** is a person who chooses "to give time or energy, a choice undertaken of one's own free will and a choice not motivated for financial gain or for a wage or salary." (Volunteering for All, Our National Framework, Scottish Government, 2019).

## 2 Policy Statement

- a. 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.
- b. Dharma Care Inc (DCI) commits to promoting and protecting the welfare and human rights of people that interact with, or are affected by, our work - particularly those that may be at risk of abuse, neglect or exploitation. We have no tolerance for abuse, neglect or exploitation. We will take a survivor-centric approach in all that we do.
- c. All staff, volunteers, partners and third parties of DCI share responsibility for protecting everyone from abuse, neglect or exploitation. Beyond this, particular people have specific responsibilities, and they must carry out their duties without exception.
- d. DCI has a process for managing incidents that must be followed when one arises.

## 3 Purpose

The purpose of this policy is to:

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

## 4 Roles and responsibilities

1. While the responsibility to protect people is shared by all who work at or with DCI, some individuals have specific obligations with which they must comply.
2. The members of the Board are responsible for:
  - a. Protecting all people that interact with, or are affected by, DCI;
  - b. Ensuring that there are appropriate and effective ways for DCI to do this;
  - c. Ensuring that DCI observes all relevant laws relating to safeguarding;
  - d. Ensuring that DCI takes a survivor-centric approach.
3. The CEO must:
  - a. Ensure DCI has effective and appropriate ways to manage safeguarding and legal compliance;
  - b. (If necessary) Ensure the appointment of a Safeguarding Manager with appropriate skills and competency;
  - c. Ensure that, within the charity's approach, reasonable steps are taken to protect people;
  - d. Ensure that reports to external parties are made where required.
  - e. Manage reports of abuse, neglect or exploitation;

- f. Ensure that all staff are aware of relevant laws, policies and procedures, and DCI's Code of Conduct;
  - g. Ensure that all staff are aware of their obligations to report suspected incidents of abuse, neglect or exploitation;
  - h. Manage reports of abuse, neglect or exploitation;
  - a. Provide support for staff in undertaking their responsibilities.
4. All Managers must:
- a. Promote a positive culture towards safeguarding;
  - b. Implement this policy in their area of responsibility;
  - c. Ensure that the risks of incidents have been considered in their area of responsibility;
  - d. Ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
  - e. Facilitate the reporting of any suspected abuse, neglect or exploitation;
  - f. Take a survivor-centric approach to potential incidents and ensure that any incident is dealt with transparently and accountably.
5. All Staff must:
- a. Familiarise themselves with the relevant laws, the Code of Conduct, policies and procedures for safeguarding;
  - b. Comply with all requirements;
  - c. Report any incident to the appropriate authority when it is reasonable to suspect that a person's safety or welfare is at risk
  - d. Report any suspicion that a person's safety or welfare may be at risk to the appropriate authority; and
  - e. Provide an environment that is supportive of everyone's emotional and physical safety.

## **5 Managing safeguarding risk**

### **5.1 Managing safeguarding**

#### **5.1.1 Holistically**

DCI and its stakeholders will work to prevent, detect and take action on incidents.

#### **5.1.2 Risk-based and proportionate**

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

#### **5.1.3 Survivor-centric**

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

#### **5.1.4 Legally**

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

## 5.2 Administration

- a. Have up-to-date and documented risk assessments;
- b. Maintain a register of DCI's legal obligations for safeguarding and workplace health and safety in all the jurisdictions in which it operates;
- c. Have an action plan that sets out how it will manage safeguarding;
- d. Adhere to this Safeguarding Policy and its Code of Conduct;
- e. Do due diligence checks of staff, volunteers and third parties;
- f. Implement policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents;
- g. Conduct awareness-raising for stakeholders on risks, expectations, and individual responsibilities;
- h. Maintain two reporting processes: the confidential reporting process, and the overt reporting process;
- i. Have an incident response plan;
- j. Monitor and review the effectiveness and proportionality of its safeguarding approach.

## 6 Managing incidents

### 6.1 Principles

Harassment, abuse, neglect and exploitation are all serious misconduct and DCI reserves the right to:

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

### 6.2 Reporting

- a. 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.
- b. They may do this through direct reporting to:
  - i. Any member of the Board;
  - ii. The CEO;
  - iii. Their Manager.
- c. If a person wants to report confidentially, including with anonymity, they may use the confidential reporting system, which is: incidents must be reported to their immediate supervisor via email or phone and if this is not appropriate, possible or comfortable, they should report via email or phone to the CEO, or if this is not appropriate, possible or comfortable, they should report via email or phone to the Board Chairman.
- d. If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.

### **6.3 Responding**

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

### **6.4 External reporting**

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

## **7 Privacy and data protection**

- a. All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. DCI will protect personal information.
- b. DCI's Privacy Policy applies.

## **8 Administration of this policy**

This Policy will be reviewed every two years. The next review will be completed by 1 January 2025.

## **9 Related policies and procedures**

- a. Incident and Emergency Management Plan, and
- b. Register of legal obligations.
- c. DCI Child Protection Policy
- d. DCI Anti-discrimination Policy
- e. DCI Equal Employment Opportunity Policy
- f. DCI Harassment and Workplace Bullying Policy
- g. DCI Sexual Harassment Policy
- h. DCI Health and Wellbeing Policy
- i. DCI Privacy Policy
- j. DCI Risk Management Policy
- k. DCI Code of Conduct Policy
- l. DCI Staff Induction Policy
- m. DCI Board Member Induction Policy
- n. DCI Incident and Emergency Management Policy
- o. DCI Record Management Policy
- p. DCI Volunteer Management Policy
- q. DCI Workplace Health and Safety Policy
- r. DCI Whistleblower Policy

- s. DCI Media Relations Policy
- t. DCI Cultural Management Policy
- u. DCI Compliance Management Policy
- v. DCI Board Confidentiality Policy

## 10 Approval

Approved by the Board of Dharma Care Inc.

**Davin  
Shellshear**

Digitally signed by Davin Shellshear  
DN: cn=Davin Shellshear,  
o=Management Drives Australia, ou,  
email=D.Shellshear@MDAust.com,  
c=AU  
Date: 2023.03.12 17:48:25 +10'00'

Davin Shellshear, Board Chairman

10 March 2023