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| <b><u>Policy Approver:</u></b> | <b>Board</b>                   |
| <b><u>Policy Owner:</u></b>    | <b>Chief Executive Officer</b> |
| <b><u>Policy Lead:</u></b>     | <b>Chief Legal Counsel</b>     |

## **Safeguarding Policy**

**Our policy on safeguarding children and other vulnerable individuals and preventing sexual exploitation, abuse and harassment.**

### **1 Introduction**

- (a) This policy, together with the Safeguarding Code of Conduct, sets out our commitment to:
  - (i) safeguarding vulnerable individuals, including children, we engage with or who are affected by our activities and work;
  - (ii) strongly encouraging safeguarding risks or incidents to be promptly identified and reported; and
  - (iii) routinely screening for and managing safeguarding risks to support and embed a positive and effective safeguarding culture.
- (b) This policy also provides a guide for our personnel on what to do if there is actual or suspected non-compliance.

### **2 Scope of the Policy**

- (a) This policy, together with the Safeguarding Code of Conduct, applies to:
  - (i) all our personnel (being our directors, employees, interns, students on vocational placement, volunteers and independent contractors and consultants);
  - (ii) all our partner organisations and their personnel involved in our activities and work; and
  - (iii) any official visitors.
- (b) The application of this policy to our partner organisations and official visitors is described further below in clause 4.3.
- (c) Where there is an overlap between this policy and our Workplace Behaviours Policy, this policy will take precedence to the extent of any inconsistency.

### **3 Policy Statement**

- (a) We are committed to acting with respect and upholding the human rights and dignity of all persons we employ, engage with or who are affected by our activities and work.
- (b) We have no tolerance for harm, exploitation or victimisation of any person.
- (c) We are committed to promoting and protecting the welfare and human rights of vulnerable individuals, including children, in particular:



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- (i) any vulnerable individuals who are affected by our activities and work;  
and
- (ii) any of our personnel who may be vulnerable individuals.
- (d) We are committed to preventing, deterring, detecting and responding to potential harm or exploitation in all our activities and places of work.
- (e) We will take a survivor-centric approach by considering and prioritising the needs, rights and wishes of survivors of harm or exploitation in a lawful way. This includes protecting against retaliation, maintaining confidentiality, respecting privacy and fair treatment in investigation and disciplinary procedures.
- (f) We will treat accused parties and witnesses appropriately and with respect.
- (g) We will ensure that all safeguarding risks are managed in the following manner:
  - (i) **Holistic:** All personnel will work to prevent, detect and take action on safeguarding incidents and we will ensure they are provided with regular, mandatory training in order to do so.
  - (ii) **Risk-based and proportionate:** Appropriate personnel (eg program or program leads) will assess the safeguarding risks in our activities and work to develop proportionate controls to mitigate those risks, for example:
    - (A) up-to-date and documented risk assessment(s);
    - (B) action plan(s) and/or safeguarding incident response plan(s) that set out how safeguarding will be managed and controls to reduce the likelihood and consequence of safeguarding incidents;
    - (C) due diligence checks of personnel involved in our activities and work (e.g., background checks during our recruitment process to prevent a person from working with children or vulnerable individuals if they pose an unacceptable risk to them); and
    - (D) at our discretion and depending on the circumstances, we may also undertake due diligence checks of official visitors involved in our activities and work.
  - (iii) **Lawful:** Appropriate personnel (eg human resources) will, where required by law:
    - (A) screen and undertake due diligence of personnel and official visitors involved in our activities and work; and
    - (B) report to external parties (including regulators and the police).



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- (iv) A register of applicable legal obligations relating to safeguarding will be established and maintained so that all personnel understand and comply with the law in our activities and work.
  - (v) **Supportive:** We take measures to provide appropriate support and care for survivors of any safeguarding incident.
  - (vi) **Effective:** Confidential reporting pathways (where required) are available for all personnel. Reports of harm or exploitation are managed appropriately, and support is provided to all personnel in undertaking their responsibilities under this policy.
  - (h) As a registered charity operating outside Australia and/or working with third parties that operate outside Australia, this policy outlines our commitment to ensuring the safety of vulnerable individuals outside Australia:
    - (i) who are, and to the extent they are, being provided with services or access to benefits from us under programs provided by us or a third party in collaboration with us; or
    - (ii) who are, and to the extent they are, engaged by us or a third party in collaboration with us to provide services or benefits on behalf of us or the third party.
  - (i) We will ensure that any of our personnel who is a vulnerable individual:
    - (i) has a role and responsibilities which are appropriate, taking into account the person's circumstances; and
    - (ii) is provided with support and leadership to enable the person to discharge their role and responsibilities.
- These will be matters for discussion and agreement with each person.
- (j) We are committed to ensuring that reports of safeguarding incidents are treated fairly, impartially, promptly and with due confidentiality. We are committed to responding to reports in a timely and appropriate manner and promptly addressing the recommendations of any investigation.
  - (k) Compliance with the Safeguarding Code of Conduct, this policy and the law are conditions of working or undertaking any form of business with or for us. Any breach of this policy or the Safeguarding Code of Conduct is a serious matter that may lead to harm to vulnerable individuals and compromise our status as a charity and/or our funding for our work. A breach of this policy or the Safeguarding Code of Conduct may result in disciplinary action (including dismissal) and/or termination of an agreement.



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## 4 Policy in Practice

### 4.1 What we mean in this policy

In this policy:

- (a) By “**activities and work**” we include:
  - (i) our programs and projects; and
  - (ii) activities resourced by us.
- (b) By “**child**” and “**children**”, we mean every human being under the age of 18 unless under the law applicable to the child, the age of majority is attained earlier. For the purposes of this policy, we consider a child to be a person under the age of 18 years.<sup>1</sup>
- (c) By “**downstream partners**”, we mean our implementing partners’ respective contractors, agents and sub-contractors that implement our activities and work.
- (d) By “**harm or exploitation**”, we mean any forms of physical and mental abuse, exploitation, coercion or ill-treatment, for example:
  - (i) sexual harassment, bullying or abuse;
  - (ii) sexual criminal offences and serious sexual criminal offences;
  - (iii) threats of, or actual violence, verbal, emotional or social abuse;
  - (iv) cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
  - (v) coercion (i.e., using threats or force) and exploitation (i.e., deliberate maltreatment, manipulation or abuse of power and control over another person or taking advantage of another person or situation whether for personal gain or otherwise); and
  - (vi) abuse of power.
- (e) By “**implementing partners**”, we mean a subset of partner organisations that deliver conservation and aid and development activities and work funded by, or through, us with a range of specific roles, responsibilities and obligations agreed to and monitored between us.
- (f) By “**official visitors**”, we mean anyone invited by us to participate directly in our activities or work or visit any of our offices or project sites. This includes

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<sup>1</sup> In accordance with the *United Nations Convention on the Rights of the Child*.



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but is not limited to donors, campaign ambassadors, grantee representatives and auditors.

- (g) By “**partner organisations**”, we mean:
- (i) any WWF offices or entities around the world;
  - (ii) third party contractors, sub-contractors and consultants; and
  - (iii) personnel (being directors, employees, interns, students on vocational placement, volunteers and independent contractors and consultants) of the above,
- that are involved in our activities and work.
- (h) By “**safeguarding risks**”, we mean the risks of harm or exploitation of vulnerable individuals;
- (i) By “**safeguarding incident**”, we mean an incident of harm or exploitation to a vulnerable individual; and
- (j) By “**vulnerable individual**” we mean a person who is often marginalised or particularly vulnerable to infringements of their rights because of their membership of a particular group or another reason. This includes any child or individual who is or may be unable to protect themselves against harm or exploitation regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background.
- (k) By “**victimisation**” we mean conduct intending to cause detriment to a person because that person has made (or plans to make) a complaint or provide information or evidence about a complaint.

## 4.2 Responsibilities

- (a) **Policy Approver:** accountable for approving this policy, including approving after formal reviews.
- (b) **Policy Owner:**
- (i) accountable to the Policy Approver for overseeing the implementation of and overall compliance with this policy;
  - (ii) ensures this policy is regularly reviewed (at least every two years or earlier if warranted); and
  - (iii) delegates the implementation, training, maintenance and monitoring of this policy to the Policy Lead.
- (c) **Executive team:** responsible for role modelling behaviour consistent with this policy.



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- (d) **Policy Lead:**
- (i) responsible for the implementation, maintenance and monitoring of the policy at an organisational level, including through appropriate procedures, training and reporting;
  - (ii) supports the Policy Owner to review this policy; and
  - (iii) manages risk and compliance issues related to this policy.
- (e) **All of our personnel:** must be familiar with, comply with and implement this policy and the Safeguarding Code of Conduct attached to this policy and manage safeguarding risks.
- (f) Detailed responsibilities can be found in our Policy Lifecycle Stages, Roles and Responsibilities (see Annexure A to the Policy Governance Framework).

#### 4.3 Partner Organisations

We will:

- (a) provide a copy of this policy including our Safeguarding Code of Conduct to each of our partner organisations and official visitors;
- (b) in relation to our implementing partners:
  - (i) require that our implementing partners and their personnel comply with the requirements under this policy, and pass the relevant requirements to downstream partners; or
  - (ii) alternatively, assess their equivalent policy in accordance with relevant processes or guidelines to satisfy ourselves that it is commensurate with this policy; and
- (c) in relation to all other partner organisations and official visitors, require them to:
  - (i) acknowledge the receipt of this policy, read and comprehend the policy, and understand that the activities resourced and/or supported by us must be implemented in accordance with this policy;
  - (ii) prevent any harm and risks related to this policy in their work with us;
  - (iii) notify us of any incident or credible allegation related to the activities that may constitute a violation of this policy or prevent its implementation, and the immediate steps taken in response;
  - (iv) adopt specific mitigation measures to address relevant risks raised by the activities; and



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- (v) at our discretion and depending on the circumstances, comply with the policy as if they were implementing partners.

#### **4.4 Reporting and Managing Incidents**

- (a) If any personnel believes that a vulnerable individual is at risk of immediate harm or the victim of a criminal offence, they must:
  - (i) in Australia dial 000, and in another country dial the equivalent emergency call number; and
  - (ii) report their concerns to the Policy Owner and the Policy Lead.
- (b) Subject to paragraph (a), if any of our personnel have reasonable grounds to suspect a safeguarding incident has taken place, may be taking place, or could take place, they must report it as soon as practicable and within 24 hours to the Policy Lead, comply with their directions and cooperate with investigations if required. The Policy Lead must inform the Policy Owner.
- (c) For allegations and events regarding child safeguarding, the Policy Lead must also report to the WWF International Director General or Executive Director, Operations and within 24 hours of the issue becoming known.
- (d) A report can also be made directly to the WWF Network Global Reporting channel and independent Whistleblowing mechanism - WhistleB: <https://report.whistleb.com/en/wwf>.
- (e) Every reported safeguarding incident must be:
  - (i) handled by the person who receives the report in a manner that is survivor-centric and maintains confidentiality and privacy (including compliance with privacy laws) unless otherwise required by law or there is a risk to someone's safety; and
  - (ii) to the extent appropriate, reported to the relevant authorities (including the police, the Australian Government's Department of Foreign Affairs and Trade (DFAT) (in any cases where suspicions or allegations of safeguarding that may involve DFAT funding) or other relevant government departments).

#### **4.5 Record Keeping**

We will ensure that accurate and complete records of reports, our reviews, any referrals and any investigations are securely retained for a minimum of 7 years after receipt of the report.

#### **5 Availability of this policy**

We will ensure that this policy is available to download on our website and intranet.



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**6 Relevant laws**

- *Australian Charities and Not-for-profits Commission Act 2012 (Cth) and Australian Charities and Not-for-profits Commission Regulations 2013 (Cth)*, in particular:
  - ACNC Governance Standard 3 (s 45.15 of the above Regulations)
  - ACNC External Conduct Standard 4 (s 50.35 of the above Regulations)
- *Privacy Act 1988 (Cth)*
- *Corporations Act 2001 (Cth)*, in particular Part 9.4 AAA – Whistleblowing

**7 Related policies:**

- Privacy Policy
- Speak up Policy
- Workplace Grievance Policy
- Workplace Behaviours Policy

**8 Revision History**

| <b>Action:</b>   | <b>Date of Board meeting:</b> |
|--|-------------------------------|
| Approval and adoption of policy by the Policy Approver | 31 October 2023               |
| Revision   | [insert]                      |





## Safeguarding Code of Conduct

This code sets out expectations in terms of behaviour and conduct of all our personnel (meaning our directors, employees, interns, students on vocational placement, volunteers, and independent contractors and consultants), implementing partners, downstream partners and official visitors.

All our personnel and official visitors are required to sign this Safeguarding Code of Conduct.<sup>2</sup>

In this Code:

- (a) By “**official visitors**”, we mean anyone invited by us to participate directly in our activities or work or visit any of our offices or project sites. This includes but is not limited to donors, campaign ambassadors, grantee representatives and auditors.
- (b) By “**personnel**” below, we mean our personnel and the personnel of implementing partners and downstream partners.
- (c) By “**vulnerable individual**”, we mean a person who is often marginalised or particularly vulnerable to infringements of their rights because of their membership of a particular group or for another reason. It includes any child or individual who is or may be unable to protect themselves against harm or exploitation regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background.

All personnel while on duty and off duty, and all official visitors visiting our office(s) or project site(s), must:

- (a) treat all vulnerable individuals with respect;
- (b) not engage in sexual relationships with:
  - (i) any persons participating in, or benefitting from, our work; or
  - (ii) other people where there is unequal power dynamics or potential for abuse of power;
- (c) not sexually exploit, sexually abuse or sexually harass any person, including not engaging in:
  - (i) sexual relationships with any vulnerable individual given their vulnerability, because such relationships are based on inherently unequal power dynamics and are likely to undermine the credibility and integrity of our work; or
  - (ii) any form of transactional sex with any vulnerable individual (meaning situations where money, employment, goods, or services are

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<sup>2</sup> For the avoidance of doubt, we do not require the individual personnel of implementing partners and downstream partners to sign unless specifically requested by us.



- exchanged for sex, sexual favours, including exchange of benevolence/assistance that is due to the people we serve);
- (d) not withhold assistance or give preferential treatment or gifts in order to solicit favours, gifts, payments or advantage of any kind;
  - (e) not provide any gifts, alcohol or drugs to any person under 18 years of age;
  - (f) not physically punish or discipline any person under 18 years of age (except the person's own children);
  - (g) not act in ways that may place a vulnerable individual at further risk of abuse, including:
    - (i) not giving due consideration to assessing and reducing potential risks to the person in our activities or work.
    - (ii) using inappropriate language or behaviour when dealing with a person;
    - (iii) bullying and harassing a person verbally or physically;
    - (iv) physical punishment; or
    - (v) exposing a child to pornography including on-line grooming and trafficking;
  - (h) ensure that another adult is present when staying in the same room or working in the proximity of vulnerable individuals. If this is not possible, consent must be obtained from the vulnerable individual and one of their parents or guardians (if applicable), with proper planning and risk mitigation undertaken prior to the unaccompanied interaction taking place;
  - (i) not invite unaccompanied vulnerable individuals into private residences, unless they are at immediate risk of injury or in physical danger;
  - (j) not use any computers, mobile phones, video cameras, cameras or social media to exploit or harass any vulnerable individual, or access exploitation material through any medium;
  - (k) not hire children for domestic or other labour, which:
    - (i) is inappropriate given their age or developmental stage; or
    - (ii) interferes with their time available for education and recreational activities; or
    - (iii) places them at significant risk of injury;
  - (l) comply with all applicable laws, including laws in relation to the protection of vulnerable individuals;



- (m) immediately disclose to us all charges, convictions and other outcomes of an offence (whether past or present) with respect to a failure to protect any vulnerable individual; and
- (n) only use and share data regarding children and vulnerable individuals in relation to our activities and work if and as they are approved to do so.
- (o) when photographing or filming a child for work-related purposes, our personnel must:
  - (i) before photographing or filming a child:
    - (A) assess and endeavour to comply with local traditions or restrictions for reproducing personal images;
    - (B) obtain informed consent from the child and/or a parent or guardian of the child (using accessible communication methods and after explaining how the photograph or film will be used);
  - (ii) ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner, including ensuring that children depicted are adequately clothed and are not depicted in sexually suggestive poses;
  - (iii) ensure images are honest representations of the context and the facts; and
  - (iv) ensure file labels, meta data or text descriptions do not reveal identifying and location information about a child when sending images electronically or publishing images in any form.

I, ..... (full legal name)

of ..... (name of organisation)

agree that I will comply with the Safeguarding Code of Conduct as set out above.

Signed: .....

Date: .....