



Young Adult Protection Policy

blue dragon



CHILDREN'S FOUNDATION

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TABLE OF CONTENTS

1. Introduction	1
1.1. Background	1
1.2. Commitment to the Protection and Self-determination of Young Adults	1
2. Guiding Principles	1
3. The Policy	3
3.1. Purpose	3
3.2. How Does Blue Dragon Define a “Young Adult”?	3
3.3. Young Adults and Children Interacting Safely Together	3
3.4. Scope of This Policy	3
3.5. Definitions in This Policy	3
4. Code of Conduct	5
5. Reporting and Investigation Process	6
5.1. Mandatory Reporting of Concerns	6
5.2. Investigation Procedure	6
6. Other Guidelines	6
7. Review of This Policy	7
Appendix	
Appendix 1: Code of Conduct	

1. Introduction

1.1. Background

Blue Dragon Children's Foundation (Blue Dragon) works with children in crisis throughout Vietnam, and is governed by an Australian Board, Blue Dragon Children's Foundation International (BDI).

When it comes to rescuing people, we don't discriminate on age: if someone calls for help, we will help. Therefore, this means that we have both highly vulnerable children¹ and young adults in our care. It is our responsibility to do everything in our power to ensure that both children and young adults are safe and cared for within our organisation.

Blue Dragon young adults are former street kids, people with disabilities, or survivors of human trafficking. We rescue young adults from danger and provide all the services needed for recovery and rebuilding of their lives.

Our work assists individuals, families, and whole communities; we take our insights from and experience of working with individuals to effect change to institutions, laws and system.

1.2. Commitment to the Protection and Self-determination of Young Adults

Blue Dragon believes all young adults have the right to protection from abuse and exploitation. Blue Dragon also believes in the right of all young adults to self-determination, to have as much control as possible over their lives whilst being safeguarded against unreasonable risks. Blue Dragon has a 'zero tolerance' approach to abuse and exploitation in which we take all possible steps to reduce the risk of harm to children and vulnerable young adults in our care. This involves promoting a safe environment at all times, responding immediately to any protection concerns, and ensuring all staff and associated personnel understand the behaviour that is expected of them and respect the individual autonomy and dignity of these young adults.

Blue Dragon is further committed to advocating for systemic change in government policies and laws for the rights and protection of all children and vulnerable peoples in Vietnam.

2. Guiding Principles

The policy is underpinned by the following principles:

- > Blue Dragon believes **all young adults** have the right to live in an environment that is **caring, safe, and free from abuse**, regardless of their background, gender, sexuality, religious or political views, economic status, criminal history, or ethnicity.
- > Blue Dragon has **zero tolerance** for any form of abuse or exploitation of young adults.

¹ A child is defined as anyone under the age of 18, as per the United Nations Convention on the Rights of the Child, to which Vietnam is a signatory. This is also the definition in the Blue Dragon Child Protection Policy.

- > Blue Dragon supports the **dignity and respect** of all young adults, and seeks to **empower them to make independent and informed choices** in all matters pertaining to their care and protection.
- > Blue Dragon respects the **privacy** of all young adults, to be free from unnecessary and disproportionate intrusion into their affairs.
- > Blue Dragon ensures that everything we do and are involved in is in **the best interests of the young adult**, while respecting his or her rights, opinion, will and preferences.
- > Blue Dragon nonetheless recognises that this respect for individual autonomy and consideration of the young adult's best interests has to be weighed against **the individual's own safety and the safety of others**.

3. The Policy

3.1. Purpose

This policy is intended to guide and educate all staff and associated personnel in preventing any abuse of young adults within the organization and its programs and ensure children and young adults interact safely together. As such, this policy provides guidance on what steps to take and how to respond when concerns arise regarding the safety and conduct of young adults in Blue Dragon's care, with particular respect to a young adults self-determination, rights, opinions, will and preferences.

This policy is accompanied by implementation guidelines to assist all staff and associated personnel in safeguarding and empowering young adults across all areas of the organisation's work.

3.2. How Does Blue Dragon Define a "Young Adult"?

The current Vietnamese Youth Law (Law No. 53/2005/QH11) defines young adults, or youth, as 16 to 30 years old. However, Blue Dragon defines young adults as 18 to 30 years old, to be consistent with the United Nations Convention on the Rights of the Child (UNCRC), which defines a child as "any person under the age of 18 years, regardless of whether a country's laws recognise adulthood earlier" (UNCRC, 1989). Vietnam is a signatory to the UNCRC.

A young adult is deemed to be vulnerable if he or she is, or may be, unable to protect him or herself against significant harm or exploitation. This may be due to a combination of:

- > Personal circumstances or those of their family
- > Experiences of trauma
- > History of abuse or neglect
- > Mental health
- > Barriers to participation including a disability, impairment or some form of discrimination or stigma
- > Lack of legal status
- > Level of education and development
- > Poverty

Please note: In Blue Dragon's rescue work, work with families and work with communities, Blue Dragon sometimes supports adults who are older than 30. This policy also applies to adults older than 30.

3.3. Young Adults and Children Interacting Safely Together

Blue Dragon has both children and vulnerable young adults in our programs and shelters. These children and young adults are former street kids, people with disabilities, or who are survivors of human trafficking. In this context of mixed beneficiary profiles, Blue Dragon is committed to providing personalised and age-appropriate support to children and young adults, which is achieved through comprehensive assessments and support plans for each individual. In a shared setting of children and young adults, the best interest of the child will always take priority. If there is any risk of harm, an alternative situation will be provided to the young adult.

(See detailed guidelines in the Implementation Guide: Child Protection and Young Adult Protection)

3.4. Scope of This Policy

This policy applies to all staff and associated personnel, who are required to abide by this policy both within and out of working hours. 'All staff and personnel' refers specifically to:

- > contracted staff (full time and part time)
- > volunteers
- > interns
- > board members
- > people on short term contracts, including consultants and contractors
- > visitors to Blue Dragon, including donors, researchers and media
- > partners of Blue Dragon

3.5. Definitions in This Policy

All definitions outlined below are specific to the Young Adult Protection Policy. In addition to these, the definitions outlined in the Child Protection Policy are also relevant to our understanding and actions of safeguarding and protecting young adults.

Abuse happens to males and females of all ages, ethnicities and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Abuse includes physical, sexual, emotional, neglect, and exploitation. Abuse can be committed by anyone, including people in a position of trust. Abuse can also be committed by other young adults and children, the general term for which is “bullying”.

Abuse

- > **Physical abuse:** the use of physical force that results in harm. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.
- > **Neglect:** the failure to provide access to appropriate health, social care or educational services. Neglect is a deliberate act of omission.
- > **Emotional abuse:** refers to inappropriate verbal or symbolic acts, or a pattern of failure over time to provide someone with adequate non-physical nurturing and emotional support.
- > **Sexual abuse:** an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal coercive conditions.
- > **Financial or material abuse:** including theft, fraud and exploitation, coercion in relation to a person’s financial affairs or arrangements, or the misuse or misappropriation of property, possessions or benefits. It can also include the deliberate withholding of finances or materials which are the rightful property of that person.

CEOs

Blue Dragon management structure utilises a co-CEO model with two appointed CEOs who have separate areas of responsibility. Both CEOs report to the Chair of Blue Dragon International.

Duty of Care

Duty of care refers to the responsibility of an organisation and individuals within an organisation to provide beneficiaries with an adequate level of protection against harm and abuse.

Empowerment

Blue Dragon’s definition of empowerment includes equipping vulnerable young adults with independent living skills, developing their decision-making capacities, raising their awareness of their rights, and providing them with access to information and knowledge, and providing advocacy.

Exploitation

Exploitation refers to the use of a vulnerable young adult in work or other activities for monetary, social, material or other benefit and to the detriment of the individual’s physical health, mental health, and/or development. Exploitation includes, but is not limited to, forced labour, trafficking and sexual exploitation.

Forced Labour

Forced labour is “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily” (*Source: International Labor Organisation*). It is when physical threats, psychological coercion, illegal methods, deception, or other coercive means are used to compel someone to work, and includes bonded labour to pay off debts or involuntary domestic servitude.

Grooming

Grooming occurs when someone builds an emotional connection with a person in order to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking. People can be groomed online or face-to-face, by a stranger or by someone they know - for example a family member, friend or professional.

Human Trafficking

Trafficking in persons involves the recruitment, transportation, harbouring and/or control of the movement of persons for the purpose of exploitation, typically for sexual exploitation or forced labour. Victims are required to provide (or offer to provide) their services or labour as a result of conduct that, in all the circumstances, could reasonably be expected to cause the victim to fear for their own safety — or for the safety of someone known to them — if they refuse to provide that service or labour. Victims suffer physical, sexual and/or emotional abuse and often live and work in horrific conditions.²

Sexual Exploitation

Sexual exploitation refers to the sexual abuse of a person through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money. Sexual exploitation includes creating pornography and sexually explicit websites against a person's knowledge, and without their will and consent.

Will and Preferences

Will and preferences refer to the recognition that young adults have rights and wishes which must direct decisions made in their lives. This is a shift from the standard of "best interests" applied in our approach with children, reflecting the principles of dignity, respect and empowerment in supporting young adults to make independent, informed choices. The young adult's will and preferences may be overridden if the young adult is acting in a manner which may cause harm to the child beneficiaries in our program, whose best interests are the first and foremost priority.

4. Code of Conduct

The Code of Conduct is mandatory for all staff to sign and adhere to. The Code of Conduct outlines the behaviour expected of all staff and personnel, and their interactions with all children and young adults. It is an integral part of this policy.

(Refer to Appendix 1: Code of Conduct)

² <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

5. Reporting and Investigation Process

5.1. Mandatory Reporting of Concerns

As per our Policy and Code of Conduct, all staff members and associated personnel are mandatory reporters for any young adult protection concerns. Staff and associated personnel do not need to have proof of a breach; it is enough for a person to report any suspicion or concern they may have. All young adults can also report any suspicions or concerns to a staff member they trust. All staff and associated personnel should report their concern to a Child Protection Advisory Committee (CPAC) member or a Child Protection Focal Point. If an allegation is against a CEO, staff must report directly to the Chair of BDI. The reporting procedures for young adult protection concerns are identical to the Reporting Process chart in our Child Protection Policy. Similarly, every reported concern will be treated in confidence, and handled on a “need-to-know” basis only. If a staff member has a young adult protection concern or is aware of an incident and decides to not report, they are putting vulnerable young adults at risk of potential or ongoing harm. Blue Dragon considers not reporting to be a breach of this Young Adult Protection Policy and Code of Conduct.

5.2. Investigation Procedure

If a protection concern happens to a young adult in the community and not related to a Blue Dragon staff or associated personnel, an important principle when dealing with the concerns is that the young adult has a right to express their desired outcome. Blue Dragon has a responsibility to advocate for the young adult and to advise them of the courses of action available to them which take into account their safety and wellbeing. All young adult victims of protection concerns should be treated in a sensitive manner, and should be assured that information on their case will be shared on a “need-to-know” basis only.

In cases where the allegations involve a staff member or associated personnel, CPAC is responsible for conducting an investigation and will call on external support if needed. The accused will always have the right to hear the concerns raised against them and respond; this is an important concept called ‘due process’. If the incident is reasonably proven to have occurred, and depending on the severity of the breach, disciplinary measures will be taken in line with the Human Resources manual, up to and including dismissal. If the concern is determined to be a criminal matter, it will be referred to the appropriate authorities.

6. Other Guidelines

Blue Dragon applies and follows the same principles and guidelines outlined in the Child Protection Policy and Implementation Guidelines in the following areas for working with young adults:

- i.** Responsibilities and Delegations
- ii.** Safe Recruitment
- iii.** Induction and Training
- iv.** Working with Partners and other Organisations
- v.** Risk Assessment
- vi.** Exceptional Circumstances

7. Review of This Policy

Blue Dragon's Young Adult Protection Policy is reviewed every 3 years by Blue Dragon International's Child Protection Specialist Directors. This review could involve speaking with staff, observing implementation, and comparing the policy to relevant compliance standards. The policy will be reviewed sooner if necessary — for example if there is a significant change in program or country operating context, or if a major breach or alleged breach of the Code of Conduct results in an investigation. This should be an automatic trigger for a quick policy review.

In addition, the Child Protection Advisory Committee reviews the implementation of this policy each year.

The policy can be updated at any time by a CEO, with input from the CPAC, and all changes must be approved by the board of Blue Dragon International.

WRITTEN: FEB 2020

NEXT REVIEW BY CPAC: DEC 2020

NEXT FORMAL REVIEW: DEC 2022

Appendix 1

CODE OF CONDUCT



The Blue Dragon 'Code of Conduct' should be read in conjunction with the Blue Dragon Child Protection Policy and Young Adult Protection Policy. All staff, board members, partners, interns and volunteers must read, sign and abide by the Code of Conduct. The Code of Conduct is intended to guide all staff and associated personnel in making ethical decisions and ensuring the protection of children and young adults at all times (this includes inside and outside of working hours). Blue Dragon's ability to ensure the protection of children and young adults that it works with depends on the commitment and ability of its staff and volunteers to uphold and promote the highest standards of care, best practice, ethical and professional conduct.

All people working with Blue Dragon in any capacity, paid or otherwise, must agree to and abide by the following:

I _____ am engaging with Blue Dragon Children's Foundation in the position of _____

I have read Blue Dragon's Child Protection Policy and Young Adult Protection Policy. I understand the responsibilities of all people when working with or around the children and young adults at Blue Dragon, and I will abide by this Code of Conduct at all times.

I understand I must always:

- > Treat children and young adults with respect regardless of gender, race, colour, language, sexual orientation, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- > Endeavour to provide an inclusive and safe environment for all children and young adults.
- > Avoid circumstances where my behaviours may be misinterpreted as hostile, neglectful or inappropriate to children and young adults.
- > Recognise that children and young adults have a right to make their own independent choices and to give or withhold consent to an activity or service.
- > Use computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or young adults, or access child exploitation or abuse material through any medium.
- > Safeguard and use Blue Dragon information and resources in a responsible manner which will not place children and young adults at any risk of harm.
- > Abide by Blue Dragon's confidentiality agreement to ensure the safety and privacy of beneficiaries and their information at all times.
- > Uphold the integrity of Blue Dragon by ensuring that my professional and personal conduct is, and is seen to be, of the highest standard at all times.

I understand that it is inappropriate to:

- > Spend excessive time alone with children and young adults away from other people.
- > Spend time with children and young adults outside of approved Blue Dragon activities or the requirements of my particular role in the organisation.
- > Take children and young adults to my home.

I understand I must never:

- > Use physical punishment on children and young adults such as smack or hit them.
- > Develop intimate or sexual relationships with children and young adults.
- > Develop relationships with children and young adults which could in any way be deemed exploitative or abusive.
- > Act in ways which may be 'grooming' a child or young adult for abuse, in ways which are abusive or which may place a child or young adult at risk of abuse.
- > Use language or behaviour towards children and young adults which is inappropriate, offensive, abusive, sexually provocative, demeaning or culturally inappropriate.
- > Sleep in the same room or bed with a child or young adult, unless absolutely unavoidable, in which case I must inform and receive approval from my Manager and CPAC first.
- > Do things for children and young adults of a personal nature which they, themselves, can do independently, for example, dressing and undressing or going to the toilet.
- > Condone, or participate in, behaviour of children and young adults which is illegal, abusive or exposes them to danger.
- > Act in ways intended to shame, humiliate, belittle or degrade children and young adults.
- > Discriminate against, or favour, particular children and young adults to the exclusion of others.
- > 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.
- > Hire young adults for domestic or other labour through physical threats, psychological coercion, illegal methods, deception or other coercive means.
- > Exert undue influence or coercion over a child or young adult's financial affairs or arrangements or misuse or misappropriate his or her property, possessions or benefits.
- > Release or discuss any personal or confidential information about suspected or proven child abuse or young adult abuse cases other than with the designated Child Protection Focal Points, CEO's or Chair of BDI as per Blue Dragon's Child Protection Policy.

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

- > Be informed and respectful of local traditions or restrictions before photographing or filming a child.
- > Obtain informed consent from the child and parent or guardian of the child by explaining the possible uses of the photograph or film, before photographing or filming.
- > Ensure photographs, films, and videos present children in a dignified and respectful manner and not in a vulnerable or submissive manner.

- > Ensure children are adequately clothed and not in poses that could be seen as sexually suggestive.
- > Ensure images are honest representations of the context and the facts.
- > Ensure file labels, data or text descriptions do not reveal identifying information about a child when sending images electronically and publishing images in any form.
- > Ensure all photos and videos are kept in a secure, password-protected folder or location, accessible only to those with permission to do so.
- > Never use photos or film of Blue Dragon beneficiaries for my personal use, including posting on my personal social media, except when resharing content from the official Blue Dragon social media.

To ensure my commitment to this Code of Conduct, I will:

- > Make myself aware of situations that may present risks and manage them accordingly. If I am unsure I will ask my supervisor for support.
- > Participate in the Blue Dragon Child Protection and Young Adult Protection induction training, and other mandatory training that is provided or organised by Blue Dragon.
- > Plan and organise my work and the workplace so as to minimise risks to children and young adults.
- > Ensure that, whenever possible, another adult is present when working within the proximity of children.
- > Contribute to a culture of openness to enable any issues or concerns to be discussed.
- > Talk to children and young adults about their contact with staff and volunteers, in order to build their skills in protective behaviours and understanding their rights to protection from abuse and harm.
- > Encourage and support children and young adults to raise any protection concerns or incidents.
- > Comply with all relevant local legislation and international conventions, including labour laws in relation to child labour and forced labour.
- > Immediately report any protection concerns or suspicions in accordance with Blue Dragon's Child Protection Policy and Young Adult Protection Policy and associated guidelines.
- > Immediately disclose all charges, convictions and other outcomes of an offence which occurred before or occurs during my association with Blue Dragon that relate to exploitation and abuse of children and young adults.
- > Ensure photographs, films, and videos present children in a dignified and respectful manner and not in a vulnerable or submissive manner.

I have fully disclosed to Blue Dragon any information that is relevant to an assessment of my suitability to work with or near children and young adults. I understand that the responsibility is on me, as a person associated with Blue Dragon Children's Foundation, to use common sense and avoid actions or behaviours which could be construed as exploitation or abuse of children and young adults. I understand that at all times I can contact Blue Dragon's Child Protection Advisory Committee or my manager to discuss any aspect of the Child Protection Policy and Young Adult Protection Policy that remains unclear.

Name

Signature

Date

For volunteers/staff who are aged under 18 at the time of application, the co-signature of a parent or guardian is required:

Name of parent/guardian

Signature

Date

Thank you for contributing to the care and protection of children and young adults at Blue Dragon.