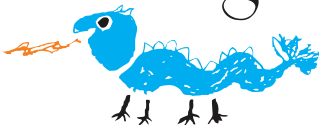




# YOUNG ADULT SAFEGUARDING POLICY

**blue dragon**



CHILDREN'S FOUNDATION

Last revised: December 2023



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# 1. INTRODUCTION

## 1.1. Background

### About Blue Dragon Children's Foundation

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

Blue Dragon is working toward a world free from human trafficking and slavery.

Based in Vietnam, we rescue people from slavery and help them return home or start a new life. We focus our effort on the major forms of trafficking affecting people, such as sex trafficking to neighboring countries and the trafficking of street children. Across the country, we assist people and communities to be safe from trafficking. We take action in the here and now, always with a long term view of the 'big picture': how to ultimately bring human trafficking to an end.

Our efforts are tailored to the situation in Vietnam, but what we learn can inform the region and other parts of the world on how to end human trafficking and slavery.

When it comes to rescuing people, we don't discriminate based on age: if someone calls for help, we will help. Therefore, this means that we have both highly vulnerable children 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, and 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 systems.

#### **Our Mission**

We're here to end human trafficking.

#### **Our Vision**

A world where every child grows up safe and loved;  
where we are all free from slavery and exploitation.

## 1.2. Blue Dragon's Commitment to the Safeguarding 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 that all young adults have the right to self-determination and 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 safeguarding concerns, and ensuring all staff and associated personnel understand the behaviour that is expected of them and respect the individual autonomy and dignity of those in our care.

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 people in Vietnam.

## 2. GUIDING PRINCIPLES

Blue Dragon's Young Adult Safeguarding 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.
- > Blue Dragon treats all young adults with **dignity and respect**, 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 and their right 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 young adults** and that **we do no harm**, while respecting his or her rights, opinion, will and preferences.
- > Blue Dragon recognises that respect for individual autonomy and the consideration of a young adult's best interests must be weighed against **the individual's own capacity, the individual's own safety and the safety of others**.
- > Blue Dragon believes that protecting the environment is an important part of safeguarding vulnerable people. We are committed to causing **the least harm to the environment** in our daily operations and in our work with children, young adults, families and communities to ensure a healthy planet where they can live safely in the future.

# 3. BLUE DRAGON'S YOUNG ADULT SAFEGUARDING POLICY

## 3.1. Purpose

This policy is intended to guide and educate all staff and associated personnel in preventing any abuse, exploitation and disempowerment of young adults within the organisation and its programs. This policy also guides all staff and associated personnel in ensuring that young adults interact safely with children within the organisation and its programs. 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 an individual's self-determination, rights, opinions, will and preferences.

This policy is accompanied by the Safeguarding Implementation Guide 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 Youth Law in Vietnam (Law No. 57/2020/QH14) defines young adults, or youth, as 16 to 30 years old. However, Blue Dragon defines young adults as 18 to 30 years old in order to remain 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). The UNCRC definition of a child is applied in Blue Dragon's Child Safeguarding Policy. 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 himself 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
- > a history of abuse or neglect
- > mental health issues
- > barriers to participation, including a disability, impairment or some form of discrimination or stigma
- > a lack of legal status
- > their 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 safe accommodation. These children and young adults are former street kids, people with disabilities, or people 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 involved young adult.

*(See detailed guidelines in the Safeguarding Implementation Guide)*

### 3.4. Scope of This Policy

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

- > contracted staff (full-time and part-time)
- > volunteers and associates
- > 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 Blue Dragon Young Adult Safeguarding Policy. In addition to these, the definitions outlined in the Blue Dragon Child Safeguarding Policy are also relevant to our understanding and actions of safeguarding and protecting young adults.

#### **Abuse**

Abuse happens to males and females of all ages, ethnicities and social backgrounds, abilities, sexual orientations, religious beliefs, and political persuasions. Abuse includes, but is not limited to, physical, sexual, and emotional abuse; 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 actions such as shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.
- > **Neglect:** the failure to provide access to appropriate health, social 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.

## Capacity

Capacity means the ability to use and understand information to make and communicate a decision. A person lacks capacity if their brain or mind is impaired or disturbed in some way, disallowing them from making a decision at that time. (Source: NHS)

## CEOs

The 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 BDI.

## 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; providing them with access to information and knowledge; and providing advocacy support.

## Exploitation

Exploitation refers to the use of a person 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 circumstances, could reasonably be expected to cause the victim to fear for their own safety — or for the safety of someone they know — 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.<sup>1</sup>

### Self-determination

Self-determination is an ethical principle in social work and refers to the rights and needs of a person to be free to make their own decisions and choices. Inherent in the principle is the requirement for the social worker/supporter to help the person to make an informed decision regarding their own life by supporting them to understand what resources and choices are available to them, and the impact of their decisions. (Source: Barker 2003)

### Sexual Exploitation

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

### Will and Preferences

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

## 3.6. Access to This Policy

All staff and associated personnel have access to a copy of this Young Adult Safeguarding Policy in both English and Vietnamese. The policy is posted on Blue Dragon's website, intranet and is also kept in all office and meeting spaces at Blue Dragon centres for access by staff, associated personnel, and families.

<sup>1</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>



## 4. CODE OF CONDUCT

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

*(Refer to Appendix 1: Code of Conduct)*

## 5. REPORTING AND INVESTIGATION PROCESS

### 5.1. Mandatory Reporting of Concerns

All staff members and associated personnel are mandatory reporters for any young adult safeguarding concerns. Staff and associated personnel do not need to have any proof of a breach; having a suspicion or concern is enough to warrant a report. All young adults can also report any suspicions or concerns to a staff member or associated personnel they trust. All staff and associated personnel must report their concern to a Child Protection Advisory Committee (CPAC) member or a Safeguarding Focal Point. If an allegation is against a CEO, they must report directly to the Chair of BDI. Regardless of the manner in which a report is made, it is mandatory to report any safeguarding concerns a staff member or associated personnel becomes aware of, whether the person of concern is a child or young adult.

The reporting procedures for young adult safeguarding concerns are identical to the Safeguarding Reporting Flowchart in our Child Safeguarding Policy. Similarly, every reported concern is treated in confidence and handled on a "need-to-know" basis only.

If a staff member or associated personnel has a young adult safeguarding concern or is aware of an incident and chooses not to 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 Safeguarding Policy and Code of Conduct, and as such, will be managed through Blue Dragon's Human Resources disciplinary procedures.

### 5.2. Investigation Procedures

In cases where a concern involves a staff member or associated personnel, CPAC is responsible for conducting an investigation and will call on external professional support if needed. The alleged person will always have the right to hear the concerns raised against them and respond; this is an important concept called 'procedural fairness'. If the concern is proven to have occurred, on the balance of probabilities, and depending on the severity of the breach, disciplinary measures will be taken in line with Blue Dragon's Human Resources Manual, up to and including dismissal. If the concern is determined to be a criminal matter, it will be referred to appropriate authorities.

If a protection concern happens to a young adult in the community which is not related to a Blue Dragon staff member or associated personnel but becomes known to us through our program work, self-referral or a community referral, 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 only on a “need-to-know” basis.

## 6. OTHER GUIDELINES

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

- i. Responsibilities and Delegations
- ii. Safer Recruitment Checklist
- iii. Induction and Training
- iv. Working with Blue Dragon’s Partners and Other Organisations
- v. Risk Assessment
- vi. Exceptional Circumstances.

## 7. REVIEW OF THIS POLICY

Blue Dragon’s Young Adult Safeguarding Policy is reviewed every 4 years by BDI’s Child Safeguarding Specialist Directors and CPAC. 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 CPAC reviews the implementation of this policy each year.

The policy can be updated at any time by the CEOs with input from the CPAC. All changes must be approved by the Board of BDI.

<b>First Adopted:</b>	February 2020
<b>Last Formal Review:</b>	December 2023
<b>Next Formal Review:</b>	December 2027

## Appendix 1

# CODE OF CONDUCT



The Blue Dragon 'Code of Conduct' should be read in conjunction with the Blue Dragon Child Safeguarding Policy and Young Adult Safeguarding Policy. All staff, board members, volunteers, associates, interns, and partners must read, sign and abide by the Code of Conduct. The Code of Conduct is intended to guide all staff and associated personnel in ethical decision making and responsible behaviour to ensure the safeguarding of children and young adults at all times (this includes inside and outside of working hours). Blue Dragon's ability to ensure the safeguarding 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 Safeguarding Policy and Young Adult Safeguarding 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 persuasion or other opinion; national, ethnic or social origin; 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 child sexual abuse material through any medium;
- > safeguard and use Blue Dragon's 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 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 are, or may be perceived as '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, undressing or going to the toilet;
- > condone or participate in the behaviour of children and young adults which is illegal, abusive or exposes them to harm;
- > 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 harm to their health, safety or morals;
- > hire young adults, aged 18 or older, 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 Safeguarding Focal Points, CEOs or Chair of BDI, as per Blue Dragon's Child Safeguarding 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 before photographing or filming from the child and parent or guardian of the child by explaining the possible uses of the photograph or film;
- > ensure photographs, films and videos present children in a dignified and respectful manner, 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 or 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 Blue Dragon's official social media.

## **I understand the requirements to report all safeguarding concerns:**

- > I am required to immediately report any safeguarding concerns to CPAC in accordance with Blue Dragon's Child Safeguarding Policy and Young Adult Safeguarding Policy and associated guidelines.
- > If I have a concern and I don't report the concern, I understand that not reporting is also a breach of the Code of Conduct and safeguarding policies.
- > I understand that knowingly and intentionally making a false report (e.g. for revenge, or to cause harm to a person's reputation) is also a violation of the Code of Conduct.

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

- > always report any concern to CPAC and my manager;
- > make myself aware of situations that may present risks and manage them accordingly. If I am unsure of whether or not a situation presents safeguarding risks, I will ask my supervisor for support;
- > participate in the Blue Dragon Child Safeguarding and Young Adult Safeguarding 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 which promotes the discussion of issues or concerns related to safeguarding;
- > talk to children and young adults about their contact with staff, volunteers and associates in order to build their knowledge and skills of protective behaviours and to help them better understand their rights to safeguarding from abuse and harm;
- > encourage and support children and young adults to raise any safeguarding concerns or incidents;
- > comply with all relevant local legislation and international conventions, including labour laws related to child labour and forced labour;
- > 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.

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, 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 CPAC or my manager to discuss any aspect of the Child Safeguarding Policy and Young Adult Safeguarding Policy that remains unclear.

**Name** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

For volunteers or interns 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, protection and safeguarding of children and young adults at Blue Dragon.**