



Policy Name: Safeguarding Reporting & Investigation Procedures

Policy Family: Safeguarding Policies

Issue Department: Human Resource

Release Date: 7 December, 2023

Approved By: Kelly Koch, Managing Director

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Scope: This policy applies to all staff, associates (consultants, contractors, volunteers, etc), trainees and partners of all KOTO organizations including KOTO Co., Ltd. and Know One Teach One JSC.

1. Purpose

The primary purpose of the Safeguarding Reporting & Investigation Procedures is to provide clear communications and instructions regarding how the organization will address allegations related to the safeguarding of its trainees, staff, associates or any other internal party.

This procedure establishes and documents the actions that staff must take to report any such allegations as well as the detailed process that KOTO management and governance will take to respond to any safeguarding allegations or complaints including the recording, notification, referral and ultimately the investigation of the incident. It also makes it clear that the organization takes a victim approach to ensure that to the highest level possible (and notwithstanding conflicting legal regulations) their preferences are followed.

2. Background

The wellbeing of the youth at KOTO and its staff & associates is of utmost importance to KOTO. It is committed to creating and maintaining a working environment that prioritizes the physical and mental safety and security of its trainees, staff & associates and is prepared to address any issues raised in such regards. To this end, it has issued its Trainee Safeguarding Policy and Staff & Associate Safeguarding Policy that document the protective measures that it has put in place and the expectations of the actions & behaviors of these individuals and provided guidance and resources to prevent and respond to concerns and/or incidents that may arise promptly and decisively. This procedure has been specifically prepared to document the organization's expectations for responding as well as the processes in place to respond (report, refer and record).

KOTO takes any concerns and/or reports of alleged or evidenced abuse or policy non-compliance very seriously and will rigorously investigate and act on these. Therefore, this document further provides clear direction to KOTO Management who are called upon to deal with disclosures, suspicions and allegations and to manage investigations that may result from them.

3. Related References

- All related laws of the Socialist Republic of Vietnam on Child protection including Law No. 102/2016/QH13 National Assembly Socialist Republic of Vietnam.
- Youth Law No. 57/2020/QH14
- UN Convention on the Rights of the Child (1989)
- KOTO Trainee Safeguarding Policy
- KOTO Staff & Associate Safeguarding Policy
- KOTO International – KOTO Grant Agreement
- DFAT – KOTO Grant Agreement

4. Definitions

4.1 Child and Young Person - The United Nations Convention on the Rights of the Child (UNCRC) definition of a child, which is any person under the age of 18, regardless of the nation's laws recognize adulthood earlier. Young Person is further defined by KOTO as any person under the age of 25.

4.2 Vulnerable Person - Vulnerable people are defined as a people who may be unable to take care of themselves or are unable to protect themselves against significant harm or exploitation. It is also defined as persons under the age of 18. KOTO considers prospective trainees as well as eventual trainees to be categorized as Vulnerable Persons.

4.3 Safeguarding – The responsibility and actions that an organization takes to protect the welfare and human rights of people that are in their care, particularly people that may be at risk of abuse, neglect or exploitation. It includes measures to prevent harm and in the worst case to take action in the event of any reports of concern of alleged incidents.

4.4 Abuse - Abuse includes physical abuse, emotional abuse, neglect, exploitation or sexual abuse. Both boys and girls, women and men can be the victims of abuse, and abuse can be inflicted on a child or other vulnerable person by men, women and other children. Please see [Definitions of Types of Abuse](#) for a detailed list of different types of abuse with explanations to ensure a clear understanding.

5. Responding

KOTO will treat all concerns raised seriously and ensure that all parties will be treated fairly and without bias or judgment. All reports will be handled professionally, confidentially and expediently. Responding will include reporting, recording and referring.

5.1 Reporting

5.1.1 Who Should Report

All KOTO staff, associates (consultants, contractors, volunteers, etc) and partners are required to immediately (within no more than 24 hours) report any suspected, alleged or evidenced incident of abuse, exploitation or non-compliance per the guidance below.

5.1.2 What Should be Reported

Specifically, the following should be reported whether the victim of the alleged abuse is a trainee, staff, associate or partner:

- Any disclosure or allegation about or suspicion of abuse that is made by someone in or involved with KOTO, including trainees and third parties.
- Any behavior by anyone employed by, volunteering with or visiting KOTO that breaches the Safeguarding Policy.
- Any concerns or allegations received through the Comments, Complaints, Compliments box¹.
- Inappropriate use of the organization's photographs and other media.
- Staff, associates (consultants, contractors, volunteers, etc), partner organization staff or visitors engaging in suspicious behavior linked to abuse, exploitation, trafficking, and similar activities.
- Any suspicion of abuse, neglect or exploitation of a young or vulnerable person that may be as a result of actions of someone from outside of KOTO.

¹ KOTO training center and training restaurant keeps a locked box for comments, complaints & compliments to be received. This box will be double locked with the Foundation Manager (Training Center) and Enterprise Manager (Training Restaurant) having the key to one lock for the box located at their location and the Managing Director & Human Resources Manager each having the key to a second lock. The boxes will be checked once a week and all comments will be entered into the Comment Box Register.

5.1.3 How should it be recorded for reporting

The details of the disclosure or allegation should be recorded using KOTO's [Incident Report Form](#). If the reporter is the person who has observed the incident, s/he should carefully complete the Incident Report Form with as much detail as possible. If an incident is rather disclosed to the reporter, it is important that s/he listens carefully to the concern or allegation and make careful notes regarding what is said by the other person as well as themselves.

It is important that the person who becomes aware of an incident does not attempt to investigate the allegation, but rather document and submit the Incident Report according to instructions herein. Reports of incidents can be used in courts as evidence, so clear, concise and correct factual report writing is critical. This will assist in the elimination of information bias or self-bias.

Safeguarding concerns raised in the Comments, Complaints & Compliments box will result in an Incident Report being completed by the HR Manager.

It is important to clarify whether the victim wishes not to be identified. These wishes must be respected and clearly documented in the Incident Report as well as any other relevant onward report.

KOTO will provide specific training to those individuals who are indicated in the policy as those to whom incidents can be reported.

5.1.4 To whom should it be reported

The Human Resource Manager and the Foundation Manager (if a trainee involved) should be the first persons to receive the Incident Report, but if it is inappropriate to report to either of these persons (i.e. if they might be implicated in the allegations), the Managing Director will be able to receive the report:

KOTO Managing Director: safeguarding2KOTO@koto.com.au

In the event one of the Management Board members are implicated in the allegations, the following should receive the Incident Report.

KOTO International Board Chair: safeguarding2KI@koto.com.au

Upon the receipt and review, the receiver of the Incident Report shall report to the Managing Director immediately unless the Managing Director is implicated in the allegation. If this is the case, the KOTO Founder or KOTO International Board Chair will be notified.

5.2 Referral

KOTO is committed to collaborate with local and international organizations including government agencies to provide support and resources to KOTO trainees, staff and associates who become victims of abuse. A list of potential resources will be maintained; however, the key response organizations are as follows:

National Child Protection Switchboard - #111 Operates 24/7.

Mental Health Support - 096 306 1414 (13.00 - 20.30 From Wednesday to Sunday)

5.3 Recording

All Incident Reports received will be recorded on the Safeguarding Incident Report Register. This register will be password protected and be kept securely by the Human Resource Manager. It will not be shared without Managing Director approval. The follow up actions from the report and investigation, if any, will be included on the register. The Managing Director will review the register bi-annually with the Human Resource Manager to note any trends that may need to be addressed.

5.4 Notification

KOTO is obligated to notify donors of any suspected, alleged or evidenced incidents in line with the contractual and partnership obligations. This reporting will be managed by the Managing Director within 3 business days of becoming aware of the reportable allegation.

It is important to note that the information needs to be de-identified if the victim prefers not to be identified.

5.4.1 KOTO International - As part of the terms of the funding partnership with KOTO International, KOTO is required to immediately notify the board chair of any safeguarding incident or situation.

5.4.2 DFAT - It is mandatory for KOTO (as a DFAT funded partner) to immediately report any suspected or alleged case of exploitation, abuse or policy non-compliance by anyone within scope of DFAT's Child Protection and PSEAH policies in connection with official duties or business.

- **Child Protection Notification** (if the victim/survivor is under 18). All reports should be made to childwelfare@dfat.gov.au. Reports should be accompanied by [DFAT's Child Protection Incident Notification Form](#). If there are any doubts about whether the incident should be reported, KOTO will seek confidential advice from DFAT's Child Protection Compliance Section on childprotection@DFAT.gov.au or on +61 2 6178 5100.
- **Prevention of Sexual Exploitation, Abuse & Harassment** (if the victim/survivor is a vulnerable person aged 18 or older). All reports should be made to seah.reports@dfat.gov.au. Reports should be accompanied by [DFAT SEAH Incident Notification Form](#).

5.4.3 Others – Future partnerships may also require such notifications and will be managed per the obligations of the signed contracts or agreements.

4. Investigation

When a report has been made, the Managing Director² will make an initial assessment of the case and will determine the next course of action.

If the accused is a KOTO staff, trainee, associate or partner, KOTO will ensure the appropriate steps are taken to directly address the reported case. In the event that the accused is not affiliated with KOTO, the organization will advise the victim of the courses of action available to them, refer them to appropriate resources including authorities and/or counselors, etc. and will advocate for the victim.

6.1 Investigation Standards

- Ensure the immediate safety of the victim and the accused.
- The victim's concerns will always be heard and addressed seriously.
- A victim-based approach including respecting the wish of anonymity as well as decision on whether or not to refer to authorities.
- A confidential and respectful process of gathering and documenting information.
- An investigation by assigned parties in a timely, fair and objective manner.
- The accused has the right to hear the concerns raised against them and to respond.
- Confidentiality is maintained throughout the entire process.

² In the event that either of the Management Board Members are implicated in an allegation, the Incident Report should be sent to the KOTO International Board Chair and a KOTO International Board Member will be appointed to assume the role of the Managing Director in the investigation process.

6.2 Investigation Procedures

6.2.1 Investigation Committee

Once the Managing Director has assessed the case and determined that the incident relates to the accused being affiliated with KOTO and requires an investigation to resolve, an Investigation Committee will be identified and assigned to undertake an investigation into the incident.

The Investigation Committee will be comprised of at least two individuals including the following positions:

- Human Resource Manager
- Foundation Manager
- Enterprise Manager (if related to an incident occurring at the training restaurant)
- Chief Accountant (if no trainee is involved as victim/survivor or accused)

6.2.2 Investigation Process

All parties including the victim, accused, bystanders or witnesses should be part of the investigation process and statements should be taken and signed. In the event that the victim, accused or the witness is under the age of 18, their parent or legal guardian should be present. An external counselor should also be available upon request. Statements may be made in Vietnamese and be translated into English for management review & actions.

If deemed appropriate, KOTO may place a staff member accused of abuse on paid suspension or transfer them to other duties as a temporary measure while an investigation is conducted. They will be advised not to contact or come into close contact with the victim during the investigation. If this advice is disregarded, a restraining order may be issued against the accused.

Exact times and locations of the alleged abuse should be requested to be reported by the victim as well as any additional information such as gifts/money exchanged, etc. The Investigation Committee should take discrete but concrete measures to verify the reported incidents.

If the victim is required to undergo a Medical Examination, an external counselor should be offered. If s/he is under the age of 18 a parent or legal guardian should be present as well.

The Investigation Committee will prepare a report at the end of the investigation that clearly documents the allegation, the steps taken during the investigation, the findings and the recommendation. All statements and documents related to the investigation will be listed and made accessible.

All documents and reports gathered by the investigation committee will be filed in a secure location that is accessible only by the investigation committee and Managing Director and is password protected.

6.2.3 Investigation Oversight

KOTO's Managing Director will provide guidance to the Investigation Committee as required to assist with the investigation and will monitor the progress and will be presented with the outcomes of the investigation.

6.2.4 Investigation Outcome

There are three potential outcomes of an investigation with the expected course of action.

- The allegation is substantiated and disciplinary actions will be taken including dismissal (from employment), withdrawal (from consultant or voluntary assignment), contract termination (from partnerships) and/or expulsion (from trainee program) for serious cases in which the person or organization poses an unacceptable risk to the safety or well-being of KOTO's trainees, staff or associates. If the victim wishes to seek criminal action, KOTO will support the victim to refer the case to relevant authorities.

- The allegation cannot be substantiated, upon which further action will be considered such as counseling, training or disciplinary action in the event any action or behavior is considered concerning despite not being substantiated as abuse.
- The allegation is proven to be untrue. All those involved will be informed and if there is a suspicion that the report was made with malicious intent this will be investigated.

The Managing Director will review the Investigation Committee’s report and will request any further information or actions needed to finalize his/her review and decision. Once the outcome is confirmed, the Managing Director will work with the Human Resources Manager to take the appropriate action. If the allegation involves a trainee, the Foundation Manager will be engaged in the required follow up actions.

7. Policy Management

This policy has been reviewed and approved by the KOTO Management Board including the Founder and Managing Director.

KOTO encourages its staff to contribute to the continual improvement of its operation environment. In this regard, it welcomes recommendations for improvements and/or revisions to this policy by staff during the course of operations. These improvements should be shared with the Human Resource Manager and Managing Director. These will be reviewed and considered for policy revision. Minor adjustments or additions can be made by the Managing Director. Any substantial changes must be made in consultation and with the approval of the Management Board.

Every three years it is required that the Management Board make a thorough review of the policy and take any identified actions to ensure that the policy continues to meet the needs of the evolving organization.

Additionally, KOTO Managing Director will monitor the awareness, understanding and implementation of this policy. A confidential survey will be conducted to ensure that KOTO staff, associates and partners are aware and understand the policy within 6 months of the policy or subsequent substantial revision is issued. KOTO’s ongoing surveys (focused individual/group discussions or questionnaires) will include questions regarding its safeguarding policies and procedures. Spot checks of the required actions for the implementation of this policy will be conducted by the Managing Director or his/her delegate (staff or consultant) at a minimum of twice a year. This includes, but is not limited to, the reporting procedures, recording in incident registers, notifications as well as the investigation process. The agreement between KOTO International and KOTO stipulates that the representatives from the Board of Directors will also conduct spot checks on KOTO’s key policies including the Safeguarding policies and procedures during their annual review visits.

8. Change History

History of changes to this document

Date	Modification	Approved by
Dec 7, 2023	Replace the relevant sections in the previous Child Protection Policy and PSEAH policy for reporting and investigating. Those policies have been replaced by the Trainee Safeguarding Policy and this policy. The Staff and Associate Safeguarding Policy will be developed and will refer to this policy.	Management Board

9. Related Documents

Trainee Safeguarding Policy
Staff & Associate Safeguarding Policy
Definitions of Types of Abuse
Incident Report Form
DFAT Child Protection Notification Form
DFAT SEAH Notification Form