



CHILD PROTECTION POLICY

Introduction

Hope for Children Organisation Australia (HFC) believes that:

- All children and young people have equal rights to protection from harm, abuse and exploitation regardless of their gender, race, religion, disability, social or cultural background, or any other distinguishing characteristic.
- Protecting children is a shared responsibility of individuals, families, communities, government and non-government agencies and corporations.

This policy outlines how HFC will protect the rights and safety of the children and young people with whom we come in contact during the course of our work.

Our aim is to give greater emphasis and commitment to the issue of child protection in our operations, as well as to ensure that all associated with HFC comply with Australian law relating to the protection of children and the Australian Council for International Development (ACFID) Code of Conduct.

This policy and the accompanying Child Protection Code of Conduct (**Annexure 1**) is applicable to HFC employees and representatives who may come into contact with children as part of their work and specifically imposes obligations on:

- Employees and representatives (including contractors and volunteers) in Australia and overseas;
- Board Members and others who represent HFC in Australia or overseas.

HFC will also take all possible steps to ensure that programs undertaken with local partners are safe for children.

Background

Legislative and regulatory framework

As a signatory to the United Nations' Convention on the Rights of the Child (1989), Australia complies with Article 19 which requires all State parties to protect the child from all forms of violence, abuse, neglect, maltreatment and exploitation.

A range of laws are relevant to this policy, including Australian Commonwealth, state and territory laws and local laws in overseas countries where HFC may work. A number of international child protection instruments also apply.

Commonwealth legislation

Under Commonwealth law an Australian citizen or resident can be prosecuted for an offence committed against a child in another country under laws that have an extra-territorial application.

Criminal Code Act 1995 (Cth)

- Division 272 (Child sex offences outside Australia)
- Division 273 (Offences involving child pornography material or child abuse material outside Australia)
- Division 474 (Telecommunications offences, Subdivision C).

Crimes Act 1914 (Cth)

The Crimes Act 1914 sets out the laws that govern the way legal proceedings under the *Criminal Code Act 1995* are conducted, including the conduct of investigations and the protection of children involved in proceedings for sexual offences (under Part 1AD).

State and territory child protection legislation

State and territory laws provide legal protection to children and families that are affected by child exploitation and abuse that occurs in Australia.

Jurisdiction	Principal Act
Australian Capital Territory	Principal Acts: <ul style="list-style-type: none"> • <i>The Children and Young People Act 2008</i> Other relevant Acts: <ul style="list-style-type: none"> • <i>Adoption Act 1993</i> • <i>Human Rights Act 2004</i> • <i>Human Rights Commission Act 2005</i> • <i>Public Advocate Act 2005</i> • <i>Family Law Act 1975</i>
New South Wales	Principal Acts: <ul style="list-style-type: none"> • <i>Children and Young Persons (Care and Protection) Act 1998</i> Other relevant Acts: <ul style="list-style-type: none"> • <i>Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006</i> • <i>Child Protection (Offenders Registration) Act 2000</i> • <i>Crimes Act 1900</i> • <i>Commission for Children and Young People Act 1998</i> • <i>The Ombudsman Act 1974</i> • <i>Family Law Act 1975 (Cth)</i> • <i>Children and Young Persons (Care and Protection) Amendment Bill 2009</i>
Northern Territory	Principal Acts: <ul style="list-style-type: none"> • <i>Care and Protection of Children Act 2007</i> Other relevant Acts: <ul style="list-style-type: none"> • <i>Information Act 2006</i> • <i>Disability Services Act 2004</i> • <i>Criminal Code Act 2006</i> • <i>Family Law Act 1975</i>

Queensland	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>Child Protection Act 1999</i> <p>Other relevant Acts:</p> <ul style="list-style-type: none"> • <i>Commission for Children and Young People and Child Guardian Act 2000</i> • <i>Education (General Provisions) Act 2006</i> • <i>Public Health Act 2005</i> • <i>Adoption of Children Act 1964</i> • <i>Family Law Act 1975</i>
South Australia	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>Children's Protection Act 1993 (as amended in 2006)</i> <p>Other relevant Acts/Legislation:</p> <ul style="list-style-type: none"> • <i>Young Offenders Act 1994</i> • <i>Adoption Act 1988</i> • <i>Children's Protection Regulations 2006</i> • <i>Family Law Act 1975</i> • <i>Family and Community Services Act 1972</i>
Tasmania	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>Children, Young Persons and their Families Act 1997 (as amended 2009)</i> <p>Other relevant Acts:</p> <ul style="list-style-type: none"> • <i>The Family Violence Act 2004</i> • <i>Family Law Act 1975</i> • <i>Children, Young Persons and Their Families Act 1997</i>
Victoria	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>Children, Youth and Families Act 2005 (as amended 2011)</i> <p>Other relevant Acts:</p> <ul style="list-style-type: none"> • <i>Working with Children Act</i> • <i>Child Wellbeing and Safety Act 2005</i> • <i>The Charter of Human Rights and Responsibilities Act 2006</i> • <i>Family Law Act 1975</i>
Western Australia	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>Children and Community Services Act 2004 (as amended in 2011)</i> • <i>Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 (from 1 January 2009, these mandatory reporting provisions will become a part of the Children and Community Services Act 2004)</i> <p>Other relevant Acts:</p> <ul style="list-style-type: none"> • <i>Working with Children (Criminal Record Checking) Act 2004</i> • <i>Family Court Act 1997</i> • <i>Adoption Act 1994</i> • <i>Family Law Act 1975 (Cth)</i>

International child protection instruments

Instrument	Source
The United Nations Convention on the Rights of the Child	www.unicef.org/crc
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	www.unhcr.org/refworld/docid/50b353232.html
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	www.unhcr.org/refworld/docid/47fd180.html
Geneva Declaration of the Rights of the Child	www.un-documents.net/gdrc1924.htm
International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	www.ilo.org/ilolex/english/convdsp1.htm

Local legislation

Most countries in which HFC works have legislation relating to child exploitation and abuse. When working overseas, HFC employees and the personnel of contractors and civil society organisations implementing aid program activities are required to abide by local legislation, including labour laws with regards to child labour.

Definitions

Bullying

Bullying is the inappropriate use of power by an individual or group, with an intent to injure either physically or emotionally. It is usually deliberate and repetitive. The bullying may be physical or psychological (verbal and non-verbal).

- Physical bullying includes pushing, hitting, punching, kicking or any other action causing hurt or injury.
- Verbal bullying includes insults, taunts, threats and ridicules.
- Non-verbal, psychological bullying includes physical intimidation and ostracism.

Child and young person

A child or young person is regarded to be any person under the age of 18 years, unless a nation's laws recognise adulthood earlier.

Child abuse

Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Child abuse includes physical, sexual, emotional, neglect, bullying, child labour and domestic violence.

Both boys and girls can be the victims of abuse, and abuse can be inflicted on a child by both men and women, as well as by young people themselves. In some cases, professionals and other adults working with children in a position of trust also abuse children.

Child Protection

Is the term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated.

Child-Sex Tourism

ECPAT International defines child-sex tourism as:

...the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone aged under 18 years of age.' (ECPAT International, 2006)

Children in emergencies

Children in emergencies are especially vulnerable to abuse and exploitation. In an emergency or crisis situation, children are extremely vulnerable when they become part of a displaced or traumatised population.

Duty of Care

Duty of Care is a common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the organisation to protect children from all reasonably foreseeable risk of injury.

Emotional abuse

This occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or caregiver; to the extent that it affects the child's physical and emotional growth.

Exposure to Domestic Violence

Domestic violence occurs when children and young people witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within intimate relationships.

Neglect

Neglect is the persistent failure or the deliberate denial to provide the child with clean water, food, shelter, sanitation or supervision or care to the extent that the child's health and development are placed at risk.

Particularly vulnerable children

Child abuse takes place not only within the family environment, but also outside the family, including: institutions, at work, on the streets, in war zones and emergencies.

Physical abuse

This occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

Sexual abuse

This occurs when a child or young person is used by an older or bigger child, adolescent or adult for his or her own sexual stimulation or gratification - regardless of the age of majority or age of consent locally. These can be contact or non-contact acts, including threats and exposure to pornography.

Procedures

HFC acknowledges our obligations under these laws and commits to taking all possible steps to ensure the protection of children who come in contact with HFC's representatives or programs. The following measures are in place to achieve this end.

Personnel – Screening and Awareness

New employees

HFC's induction program will include an explanation of this policy. Relevant employees and volunteers will be required to sign a copy of HFC's Child Protection Code of Conduct within two weeks of commencement.

Recruitment procedures will also include a police check and other regulatory checks, as required, on the preferred candidate. Employment offers may be made to candidates for these identified positions prior to the checks being completed; however the person is not to work with children until the checks have been finalized and HFC reserves the right to withdraw the offer if the checks are unsatisfactory.

Existing employees

Relevant current employees and volunteers will be provided with a copy of this policy document and be required to sign a copy of HFC's Child Protection Code of Conduct within two weeks of receiving the Child Protection Code of Conduct.

Any existing employees in designated positions will also be required to undergo the police and other regulatory checks as mentioned above.

Other HFC representatives

This policy and code will also be brought to the attention of other HFC representatives, particularly Board members, volunteers and others involved in travelling overseas with HFC or visiting HFC programs overseas or in Australia.

Employee training

Employees in relevant positions will be provided with training in the area of child protection, with the training provided either in-house or through attendance by individuals at training sessions offered by expert providers.

Child photos

HFC may use photos and case studies of children and young people to promote our work. Employees using photos or case studies in any communication media must comply with this Policy to ensure that:

- photos and stories of children do not infringe their dignity or personal rights;
- photos and stories are not accompanied by detailed information which could enable the children to be identified or easily located;
- permission is obtained from the child's parent or guardian (where possible) before taking and (always) before using a child's photo in HFC's promotional materials. An explanation must be provided on how the photograph or film will be used.

Information and research

HFC and / or our partners collect and retain medical and personal information about children accessing our programs. HFC will make every reasonable effort to ensure information about children is used only for the purpose for which it was gathered and is stored in a secure environment.

HFC will ensure that any research project it conducts (either directly or in partnership with other bodies) that is likely to involve children has policies, protocols and appropriate ethics approval that specifically address their protection.

Possible or actual breaches

The following procedures will be followed if HFC is notified of an allegation of child abuse by a HFC employee, volunteer, Board member, representative or other person associated with HFC and/or our programs.

Concerns or allegations involving personnel or representatives:

- The concern or allegation should be immediately brought to the notice of the COO.
- The COO or delegate will immediately report the allegation to the relevant statutory child protection authority or police authority.
- The person against whom the allegation is made may be suspended from their relationship with HFC while an investigation is conducted. (If the person is an employee, this suspension will be on full pay.) Such suspension does not imply guilt but rather protects all parties while the matter is being investigated by the relevant authority.

Substantiated cases of abuse will lead to:

- In the case of an employee: summary dismissal.
- In the case of a contractor or consultant: termination of their contract.
- In the case of a volunteer: termination of their relationship with HFC.
- In the case of a Board member: removal from the Board.
- In the case of any other person associated with HFC or our programs: termination of the association.

Where allegations remain unsubstantiated, HFC will consider if further action is necessary to ensure the safety and protection of children and young people.

The person may also be subject to criminal prosecution under Australian law and HFC will cooperate with any such prosecution. All investigations will be handled with respect and we will observe confidentiality where possible.

ANNEXURE 1: HFC CHILD PROTECTION CODE OF CONDUCT

I, _____ [insert name], acknowledge that I have read and understand HFC's Child Protection Policy and agree that for work-related purposes associated with HFC, **I must:**

- Treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status;
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- Not engage children under the age of 16 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts;
- Wherever possible, ensure that another adult is present when working with children;
- Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger;
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present;
- Use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium;
- Not use physical punishment on children;
- Not 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;
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour;
- Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures; and
- Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with HFC that relate to child exploitation and abuse.

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

- Assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child;
- Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used;
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be 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, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form; and
- I understand that the onus is on me, as a person associated with HFC, to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

I declare that I do not have any criminal record in relation to child abuse, neglect or exploitation.

Signature: _____

Date: _____