

CHILD PROTECTION POLICY

INTRODUCTION

As an organisation whose primary purpose is to work with and empower children to fulfil their potential, HFC recognises that we have an important role to play in also ensuring that children's inherent rights and dignity are respected and safeguarded at all times. We acknowledge that in most circumstances, children are less powerful than adults and this makes them inherently more vulnerable. Therefore, it is the responsibility and duty of adults to protect children from harm and respond in situations where children are at risk.

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.

Scope

This policy and the accompanying Child Protection Code of Conduct (**Annexure 1**) is applicable to HFC employees and any representatives of HFC 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.

The principles of this policy also extend to activities undertaken by HFC in conjunction with any of our local partners and as such HFC will also take all possible steps to ensure that programs undertaken with local partners are safe for children.

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.

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 abuse as defined by UNICEF includes all forms of physical and emotional ill-treatment, sexual abuse, neglect or negligent treatment, and commercial or other exploitation resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

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.

Contact with Children

Contact with children is considered to be engagement in any activity or position in which contact with children (whether direct or indirect) occurs, or may occur. This may be as a result of the role itself or a product of the nature of the work environment.

Direct Contact with Children

Direct contact with children involves physical or face-to-face contact with children. This may include the presence of children in communities being visited, interviewing children in person, running workshops where children are present, or providing humanitarian responses.

Indirect contact with Children

Indirect contact with children involves positions or activities in which face-to-face contact with children does not occur, but engagement with children occurs in an indirect way. This may include examples such as the management of or access to children's images or stories, or positions involving communication with children remotely, whether orally, online or in a written capacity.

Working with Children

Working with children is considered to be engagement in any activity, whether paid or undertaken in a voluntary capacity, where contact with children is considered to be a normal part of the activity and is not incidental to the activity.

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.

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.

A detailed breakdown of relevant legislation and governing instruments can be found at the end of this policy.

PRINCIPLES

Zero Tolerance

The United Nations Convention on the Rights of the Child is the universal foundation for child protection. The fundamental principle of the Convention is that children have their own indivisible rights. HFC believes that any form of child abuse and exploitation is unacceptable and will not be tolerated. Any allegations of child abuse or exploitation will be treated with the utmost seriousness, and substantiated cases will result in disciplinary action including termination of involvement with HFC. Wherever necessary, HFC will also report cases to the relevant authorities or governing bodies for investigation and/or criminal prosecution.

Non-Discrimination

HFC believes that all children should be equally protected regardless of their gender, nationality, religious or political beliefs, age, sexual orientation, family and social background and culture, economic status, physical or mental health and criminal background and will work to create an environment and culture that reflects this.

Child Safe Programming and Communication of Child Safe Principles

HFC believes that all children have the right to be safe at all times and that we have a Duty of Care for children accessing our programs. We will proactively work to provide safe and protective programs, activities and environments.

Actions HFC will take to ensure this include:

- Ensuring the information and expectations contained within this policy are actively communicated in a variety of languages and formats across the different locations and contexts in which HFC works
- Actively seeking the feedback, ideas and input of children and young people in decision-making processes that affect them
- Conducting program-specific Risk Assessments that include a targeted analysis of potential risks to children
- Conducting criminal checks and other screening measures throughout the recruitment process for all representatives whose work with HFC will bring them into contact with children (see Personnel – Screening and Awareness section of this Policy)
- Developing appropriate child-friendly materials and resources to communicate this policy and its principles and procedures

Shared responsibility

The prevention of SEAH is a responsibility that must be collectively shared. All HFC staff, volunteers and representatives are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse.

Managers at all levels both in Australia and in Ethiopia have a particular responsibility to support and develop systems that maintain this environment.

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

Code of Conduct

HFC's induction program will include an explanation of this policy. All employees and volunteers and any representatives, contractors or other persons who will have contact with children as a result of their involvement with HFC will be required to sign a copy of HFC's Child Protection Code of Conduct within two weeks of commencement, OR *before* commencing any role where contact with children may occur.

Checks and Screening

Recruitment processes for any person whose involvement with HFC will involve **contact with children of any kind**, will include the following:

- Criminal record checks.
 - In Australia these checks will take the form of a National Police Clearance, Volunteer National Police Clearance, and Working with Children Check

- For persons from a country other than Australia, HFC will require the local legal equivalent, or, statutory declarations of this equivalent in the case where criminal record checks are unavailable or unreliable in keeping with HFC's obligations under ACFID's Code of Conduct section 1.4.1
- Referee Checks

Recruitment processes for any person who will be **working with children** or where there is deemed to be a chance that they will have unsupervised contact with children (direct or indirect) or children's information will also include:

- Child safe targeted Behavioural Based interview questions

Engagement 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. Where a police check or working with children check are not available, the local legal equivalent will be required.

Further information on the above can be located in the "Who Has Contact with Children – Screening and Checks" document, within HFC's Child Safeguarding Toolkit.

Existing employees

When changes are made to this policy or any of its accompanying documents, these changes will be communicated to current employees and other representatives, and any necessary documentation will be updated, if and where necessary, to align with these changes.

HFC also requires all representatives to maintain currency of any relevant checks and to disclose any events or outcomes that may have an effect on these checks or on their ability to suitably execute their role.

Where checks do not already include a mandated renewal date, HFC will require that representatives renew these checks every three years, if still engaged in a role with HFC where they are deemed to be necessary.

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 or media must comply with

this Policy and with HFC's Media and Communications and Social Media policies to ensure that:

- photos and stories of children do not infringe their dignity or personal rights;
- photos and stories are not accompanied by information which could enable the children to be identified or easily located;
- informed consent is obtained from the child's parent or guardian and the child themselves (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.
- Photos may not be shared or published by representatives other than those approved by HFC to communicate on behalf of the organisation, or with the express permission of these authorised persons.

Working with Partners

HFC will ensure that any formal partnerships undertaken by HFC (see our Partnerships Guidance document) are governed by appropriate MOUs or partnership agreements. Within these agreements, clear, agreed upon expectations and responsibilities for child protection will be set. Where practical, HFC will provide guidance to local partners to improve their own child safeguarding and protection practices or extend the scope of this policy to apply to the partners. Where local partner organisations are not able to be bound by this policy (for example, local partner government institutions), HFC will work to ensure that those partners are aware of the policy, and understand both their own and HFC's obligations relating to it.

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 typically does not undertake research. However, should a situation arise in which HFC participates in any research project (either directly or in partnership with other bodies) that is likely to involve children, HFC will ensure that this project is governed by adequate documented policies, protocols and appropriate ethics approval that specifically address their protection.

Responding to Reports/Disclosures:

In responding to reports or disclosure, HFC adopts the following principles:

1. Foreground the safety and interest of the child/survivor

In cases of abuse and neglect, the investigation and reporting process has the potential to cause further unintended harm to the child or survivor. Once an allegation is made, there should be an immediate response that protects the child from further potential

abuse/exploitation or victimization and every effort should be made to protect the rights and safety of the child throughout the complaints handling process.

Consider the following:

- Is it safe and possible for the child to remain in their place of residence or relevant program location? If it is, HFC will advocate for the child to remain in an environment familiar to them. However, exceptions should be made where the child is deemed to be at risk of victimization by peers as a result of the allegation or because the alleged abuse/exploitation has occurred in the home.
- If the child is in immediate danger HFC will refer the matter to police and child protection services, who will be responsible for ensuring the safety of the child while the matter is under investigation.
- An assessment must be made as to whether the child requires medical assistance or counselling support. The child must be referred for this support if it is required.

See Annexure 2: “Responding to a disclosure by a Child” for guidance on approaching an initial disclosure.

2. Confidentiality

It is imperative that all details of a report, including the details of those involved, remain confidential. Reports should only be made to the designated persons within the organisation; the In-Country Representative, or the Managing Director. Information will only be released at the discretion of these persons when it is absolutely necessary, or when it is required by law.

3. Dignity and Respect

All reports will be handled in a timely manner and with respect for all parties involved. Reports made in good faith should be made without fear of reprisal, as per HFC’s Whistle-blower policy.

Reporting Procedures

What to Report:

The following procedures will be followed if HFC is informed of any witnessed, suspected or alleged incidents of child exploitation or abuse or any breach of this policy or HFC’s Code of Conduct by an HFC employee, volunteer, Board member, representative or other person associated with HFC and/or our programs. These procedures may also relate to a child or a staff member involved in the organisation or a concern about a child or person/s outside of the organisation’s programs.

Who to Report to:

Concerns or allegations involving personnel or representatives:

- The concern or allegation should be immediately brought to the notice of the Managing Director.
- The Managing Director 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.

If the incident has occurred outside of HFC's programs (such as a report made by a representative of HFC of an incident occurring in the local community) the matter should be referred to an external body or authority dealing with child protection matters within the relevant country.

REFERENCE DOCUMENTS

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	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>The Children and Young People Act 2008</i> <p>Other relevant Acts:</p> <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	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>Children and Young Persons (Care and Protection) Act 1998</i> <p>Other relevant Acts:</p> <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	<p>Principal Acts:</p> <ul style="list-style-type: none"> • <i>Care and Protection of Children Act 2007</i> <p>Other relevant Acts:</p> <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/47fdfb180.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/convdisp1.htm
African Charter on the Rights and Welfare of the Child (ACRWC)	https://resourcecentre.savethechildren.net/node/1829/pdf/1829.pdf

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.

ANNEXURE 1: HFC CHILD PROTECTION CODE OF CONDUCT

As a representative of HFC, I acknowledge that I am working with an organisation whose work prioritises the needs, safety and empowerment of children and as such I have read and understand HFC's Child Protection Policy and agree that 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;
- Listen and respond to the views and concerns of children, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well.
- Promote the human rights, safety and wellbeing of all children engaging with HFC
- Create an environment that promotes and enables children's participation and is welcoming, culturally safe and inclusive for all children and their families.
- Involve children in making decisions about activities, policies and processes that concern them wherever possible.
- 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 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts. I acknowledge that mistaken belief of age is not a defence;
- 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.
- Contribute, where appropriate, to HFC's policies, discussions, learning and reviews about child safety and wellbeing.
- Identify and mitigate risks to children's safety and wellbeing as required by HFC's risk assessment and management policy or process.

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: _____

ANNEXURE 2: RESPONDING TO DISCLOSURE BY A CHILD (Adapted from the Interplast Child Protection Policy)

If a child/young person discloses that they have been abused/exploitation, they may be feeling scared, guilty, ashamed, angry and powerless. You, in turn, may feel a sense of outrage, disgust, sadness, anger and sometimes disbelief.

If a child discloses abuse/exploitation, whatever the outcome, the child must be taken seriously.

It is important for you to remain calm and in control and to reassure the child/young person that something will be done to keep them safe.

When a child or young person discloses they are being harmed, you can show your care and concern for the child/young person by:

- listening carefully,
- telling the child/young person you believe them,
- telling the child/young person it is not their fault and they are not responsible for the abuse/exploitation, and
- telling the child/young person you are pleased that they told you.

Try and obtain some details such as where the abuse/exploitation is taking place (school, home, work), whether it is currently occurring or did occur in the past and the name of the perpetrator if possible, but not necessary,

It is possible that some children or young people will make a disclosure and then ask you not to tell anyone. It is important you seek guidance from the In-Country Representative or Managing Director to discuss how the child or young person can be supported and the disclosure managed.

You will not be helping the child/young person if you:

- make promises you cannot keep, such as promising that you will not tell anyone,
- push the child/young person into giving details of the abuse/exploitation. Your role is to listen to what the child/young person wants to tell you and not to conduct an investigation (beware of asking any leading questions as this may prejudice any subsequent investigation), and
- indiscriminately discuss the circumstances of the child/young person with others not directly involved.

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