



CHILD PROTECTION POLICY & CODE OF CONDUCT

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Attachment A - Child Protection Code of Conduct

1. Application

For the purpose of this policy, a child will be considered to be a person under the age of 18 years unless under the law applicable to the child, majority is obtained earlier.

Protecting children from harm is the responsibility of all those who participate in the work of Austcare. This policy applies to:

- all staff;
- all volunteers including AYAD's, interns and work experience students;
- all contractors, e.g., consultants;
- all Board Members; and
- all partner organisations and associates.

Each person is responsible for having a thorough knowledge of this policy and the procedures set out below, acting in accordance with this policy and complying with the Austcare Child Protection Code of Conduct.

Breach of this policy or the Child Protection Code of Conduct constitutes an act of misconduct and is grounds for disciplinary action and/or termination of employment.

2. Principles

This policy is informed by a set of principles that derive from the UN Convention on the Rights of a Child:

- All children have equal rights to protection from abuse and exploitation.
- All children should be encouraged to fulfil their potential and inequalities should be challenged.
- Everybody has a responsibility to support the care and protection of children.
- Austcare has a duty of care to children with whom we work and with whom our representatives work.
- Austcare's partners have a responsibility to meet minimum standards of protection for the children in their programs.

3. Statement of responsibility

This policy statement affirms Austcare's commitment to the welfare of children and their protection from abuse and exploitation.

Austcare recognises that the abuse and exploitation of children happens in all countries and societies across the world. All child abuse involves the violation of children's rights.

Child abuse is never acceptable and a commitment to children's rights in general also means a commitment to safeguard the children with whom Austcare is in contact.

Austcare will not permit a person to work with children if that person poses an unacceptable risk to children's safety or wellbeing.

Senior managers and managers are responsible for promoting children's rights and championing the protection of children. Management are responsible for the implementation of this policy and ensuring that all parties comply with the Child Protection Code of Conduct.

Particular management responsibilities as set out in this policy include building child protection awareness, advocacy, rigorous recruitment and selection practices, training, and responding appropriately to allegations.

4. Action statement

Austcare will meet its commitment to safeguard children through the following means:

Awareness: Ensure that all staff and others are aware of the problem of child abuse and the risks to children.

Prevention: Ensure, through awareness and personal and professional conduct, that staff and others minimise the risk to children.

Reporting: Ensure that staff and others have clear steps to follow where concerns arise regarding the safety of children.

Responding: Ensure that action is taken to support and protect children where concerns arise regarding possible abuse.

In order that the above standards of reporting and responding are met, Austcare will ensure that it:

- takes seriously any concerns raised;
- takes positive steps to ensure the protection of children who are the subject of any concerns;
- supports children, staff or other adults who raise concerns or who are the subject of concerns;
- acts appropriately and effectively in instigating or co-operating with any subsequent process of investigation;
- demonstrates responsibility to and respect for children by being sensitive in our communications that involve them; and
- is supported by stringent recruitment and selection measures that have been designed to minimise the possibility of recruiting persons who may pose a risk to children.

5. What is child abuse?

Child abuse can be physical abuse, emotional abuse, neglect or sexual abuse.

Physical abuse

Physical abuse 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.

Emotional abuse

Emotional abuse is a chronic attack on a child or young person's self esteem. It can take the form of name calling, threatening, ridiculing, intimidating or isolating the child or young person.

Neglect

Neglect is the failure to provide the child with the basic necessities of life, such as food, clothing, shelter and supervision to the extent that the child's health and development are at risk.

Child sexual abuse

Sexual abuse is 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, or economic gain.

6. Implementation

Austcare commits itself to a number of processes in adopting a child safe culture.

6.1 Vigilance in recruitment and selection

All persons covered by this policy must adhere to strict guidelines in the recruiting process for new staff. The recruitment guidelines will be reviewed and updated regularly to ensure that they accurately reflect child safe recruiting and screening standards. This will include:

- A clear and bold statement that confirms Austcare's commitment to child protection in all advertising
- Adopting 'best practice' recruitment and selection techniques
- Conducting verbal reference checks
- Conducting national police checks where ever feasible

6.2 Austcare Child Protection Code of Conduct

All persons covered by this policy are required to sign a Child Protection Code of Conduct set out at Attachment A.

6.3 Police checks

Austcare will undertake police checks in accordance with current AusAID guidelines.

Currently, a police check must be obtained upon recruitment for staff who will be working with children. For tenders only, AusAID will accept a police check for a period of 12 months after issue.

A police check must be obtained for each country the person has lived in for the past five years *and* for his or her country of citizenship. Police checks must also be obtained by partner organisations for staff members who will be working with children.

All personnel working with children, including volunteers, will be asked to sign an Authority for a Police Check. The police check will be requested for all full-time, part-time and casual employees including long-term contract appointments, regardless of location.

If a potential employee declines to undergo a police check, the offer of employment will be withdrawn.

Where a police check cannot be obtained all reasonable measures, including background and reference checks, will be undertaken to ensure the person does not pose a risk to children.

6.4 Program planning and implementation

Austcare will ensure that where any work or project involves working with children, all risk assessments will incorporate risks to children.

Risks to children will also be considered when developing and implementing disaster response activities.

Note: the organisation implementing an activity holds the primary responsibility for ensuring that risks to children are managed effectively.

6.5 Training and development

All staff, volunteers, Board members, partners and others covered under this policy will receive information relating to Austcare Australia's Child Protection Policy during the induction process. Further training will be tailored to individual team requirements.

7. Reporting concerns of child abuse

7.1 Incident reporting

It is mandatory for any allegation, belief or suspicion of sexual, physical or emotional abuse or neglect (past or present) by an Austcare or partner employee, volunteer, consultant, donor, partner or board-member to be reported **immediately** to the relevant Country Director, the Austcare General Manager - International Programs (GM-IP) **and** the Austcare General Manager - Human Resources (GM-HR).

A child or person reporting an incident must be taken seriously and listened to carefully. Once an allegation is made there should be an immediate response that protects the child from further potential abuse or victimisation. The family of the child victim should be informed of the allegation and action proposed and they should be consulted where possible as to the process to be followed.

When concerns arise, all parties will be directed through a formal complaints process by the GM-HR. The GM-HR may consult with legal counsel and/or police authorise if appropriate, and steer the investigation process accordingly.

7.2 Distance the alleged perpetrator

The best interests of the child/young person may warrant the standing down of the alleged perpetrator while an investigation commences. A person who has been stood down will receive full pay and is entitled to a just process that does not pre-suppose guilt or innocence. The allegations should not be discussed or communicated to any person outside the process until a final outcome is known. The reasons for a decision to stand down a person must fully documented.

7.3 Document the incident

As soon as possible (within a period of 24 hours of the disclosure), the person receiving the disclosure must fully document the allegation, including the time, place, witnesses on the Incident Report at Attachment B. This report will be used as the basis for investigation and possibly used in court if charges are forthcoming.

7.4 Confidentiality

Confidentiality is crucial to a fair and effective reporting procedure. It is unacceptable and potentially defamatory for concerns of child abuse (and abusers) to be spread throughout the organisation rather than being directed through a formal complaints process. All participants must understand the importance of following the set reporting lines when concerns arise. Confidentiality protects the child, the notifier, the respondent and the organisation, and ensures a fair and proper process.

7.5 Investigation of complaints

Internal investigations will undertake a confidential, thorough, impartial and prompt process. The investigation may consist of interviews with witnesses and others as appropriate, collection of information about the alleged conduct, gathering of documentation, or other procedures as appropriate. The individual alleged to have violated this Austcare policy would have the opportunity to present his or her view of the events in question. Austcare will hold its determination until the investigation is completed.

Physical and/or sexual abuse of a child is a criminal offence. Organisations may be required to notify national authorities when there are reasonable grounds for reporting abuse.

7.6 Reprisal

Austcare will not tolerate any form of coercion, intimidation, reprisal or retaliation against any employee who reports any form of abuse or exploitation, provides any information or other assistance in an investigation.

8. Use of Child photos and information

Pictures, images, or other likenesses of children and/or information related to children that could compromise their care and protection will not be made

available through any form of communication media. Images of children should not be accompanied by detailed information relating to their place of residence. Images with corresponding text which may identify a child must be removed.

9. Policy review

This policy will be reviewed by Austcare every five years.

I confirm that I have read and understood the Austcare Child Protection Policy and agree to strictly adhere to the Policy. I understand that breach of the Austcare Child Protection Policy may result in termination of my employment.

Name (please print)

Signature

Date

ATTACHMENT A

CHILD PROTECTION CODE OF CONDUCT

For the purpose of this policy, a child will be considered to be a person under the age of 18 years unless under the law applicable to the child, majority is obtained earlier.

I, _____, agree that while implementing Austcare activities I will:

- treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, 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 in any form of sexual activity or acts, including paying for sexual services or acts. I understand that mistaken belief of the age of the child is not a defence;
- wherever possible, ensure that another adult is present when working in the proximity of 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 manager's permission, and ensure that another adult is present if possible;
- use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium;
- refrain from physical punishment or discipline of children (excluding my own children);
- refrain from hiring 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; and
- immediately report concerns or allegations of child abuse in accordance with appropriate procedures.

Use of children's sounds and images for work-related purposes

When recording, photographing or filming a child for work-related purposes, I must:

- before recording, photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images;

- before recording, photographing or filming a child, obtain consent from the child or a parent or guardian of the child. As part of this I must explain how the recording, photograph or film will be used;
- ensure recordings, 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 recordings and images are honest representations of the context and the facts; and
- ensure file labels do not reveal identifying information about a child when sending images electronically.

I understand that the onus is on me, as a person engaged by Austcare, to use common sense and avoid actions or behaviours that could be construed as child abuse when undertaking Austcare activities.

Name (please print)

Signature

Date