

Policy title:	Child Protection	Version 3	January 2016
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1. PURPOSE

In line with IWDA's rights-based approach to international development practice, IWDA is committed to ensuring the safety and wellbeing of all children. IWDA believes that children have a right to survival, development, protection and participation as enshrined in the United Nations Convention on the Rights of the Child and the two optional protocols.

Although IWDA programs do not focus specifically on children, children are often present during IWDA activities, in our partner organisations, or where staff, volunteers and consultants work, and are members of every community in which we work. Additionally, IWDA emphasises the rights of girls to an equitable and safe future. IWDA will work to promote child-safe environments to ensure that all children directly associated with IWDA activities are protected.

2. SCOPE

This policy articulates how IWDA and its partner agencies will support, promote, and raise awareness of child rights and child protection in its activities and applies to all staff, volunteers, Board members, consultants and partner organisations.

3. POLICY

IWDA will apply child safe practices to all aspects of management and implementation, including recruitment and selection and program partnership. IWDA's child safe practices include:

- At all times portraying children in a respectful, appropriate and consensual way. Our guidelines on the use of children's images are in line with the ACFID Code of Conduct
- Promoting our child safe commitment on our website, in all job advertisements and position descriptions
- Assessing all positions for their level of risk in relation to contact with children
- Conducting verbal referee checks for all successful candidates prior to engagement
- Requiring all successful candidates to undergo a National Police Check (No Exclusion) from the Australian Federal Police prior to engagement
- Requiring all staff to sign the IWDA's Child Protection Code of Conduct upon commencement of their employment. This code provides clear behavioural guidelines and expectations of staff and will enable staff to maintain high standards of professionalism when dealing with children, including establishing and maintaining clear professional boundaries which protect children as well as guard against misunderstanding
- The use of behavioural-based questions to explore examples of a candidate's past behaviour and experiences
- Making all staff aware of the Child Protection Policy as a part of their induction
- Training for all staff on the implementation of the Child Protection Policy, including incident reporting and compliance procedures, on a regular basis
- Reserving the right to refuse employment or terminate any person's employment where an allegation of abuse or threat to a child, has been substantiated

- Reserving the right to dismiss or transfer to other duties personnel who breach IWDA's Child Protection Code of Conduct (this will be stated in all employment contracts)
- Protecting the confidentiality of children's information, including images, ensuring data is stored without identifying information and accessed only by authorised personnel
- Protect the confidentiality of notifiers, alleged victims and alleged perpetrators, ensuring a complete investigation is undertaken

Exploitation of children is unacceptable and reporting child abuse in Australia is mandatory. Any allegation of child abuse by IWDA staff or partners must be reported immediately to senior management utilising the IWDA child abuse reporting procedures outlined in Annex 1 of this policy. If the allegation constitutes a criminal offence in the country, a report to the police of that country is mandatory. If it is a breach of the IWDA's Child Protection Code of Conduct it may be dealt with as a disciplinary matter.

When considering new partnerships/programs in new countries, IWDA will only work in countries where the UN Convention on the Rights of the Child has been ratified.

3.1 Risk Management

While it is not possible to eliminate all risks of child abuse, IWDA will ensure risks of child abuse are identified, monitored and reasonably mitigated against in the assessment of all our activities.

IWDA will undertake a Risk Assessment for all partnerships to identify risks, classify any high risk activities and document steps being taken to reduce or remove these risks. Child protection risk assessments for all programs and activities involving children will be undertaken at the program design and proposal stage, form part of regular monitoring and be reviewed at regular reporting intervals.

IWDA will ensure that all program partners sign IWDA's Child Protection Code of Conduct and adhere to IWDA's Child Protection Policy, in accordance with government compliance expectations for contractors or civil society organisations, through the inclusion of child protection clauses in all partnership agreements and annual audits.

It is mandatory for all partners receiving Australian Government funds to comply with the current government Child Protection policy.

IWDA recognises that child protection law will be different in every country but, consistent with Australian law, all forms of child abuse conducted by Australian citizens or people who are normally residents of Australia, when they are overseas, will be deemed serious misconduct and grounds for immediate termination.

4. IMPLEMENTATION

IWDA's Chief Executive Officer and another designated member of staff act as IWDA's Child Protection Focal Points. Specifically, the CEO is responsible for the overall implementation of IWDA's Child Protection Policy as part of her responsibility to promote the interests of IWDA and to manage its business. These responsibilities include:

- Authorising financial and human resource budget allocations to meet child protection standards;

- Accountability for tracking and responding to child protection issues to ensure continuous monitoring and improvement;
- Role modelling awareness, responsibility and self-management;
- Authorising changes to the Child Protection Policy, procedures, systems and performance management.

The IWDA Leadership Team will be responsible for the ongoing implementation, interpretation, review and maintenance of the Child Protection Policy to a standard which is compliant with DFAT and ACFID requirements.

The Human Resources Manager will ensure that all staff are adequately inducted to implement IWDA's Child Protection Policy and supporting procedures.

The Director of Programs will provide support to the CEO to ensure that IWDA's partners comply with all IWDA, DFAT and ACFID child protection requirements. IWDA will provide partners with support to develop their own policies as required and clear reporting processes and systems to manage allegations.

While specific responsibilities are allocated to the CEO and Directors or Senior Managers, all IWDA personnel are expected to take individual and collective responsibility to ensure the protection of children at all times.

5. REVIEW AND AMENDMENT

This policy will be reviewed every three years to ensure it remains compliant with law, relevant and effective.

This policy may be amended at the discretion of the CEO, with any changes approved by the Board.

6. DEFINITIONS

6.1 Child Abuse

Abuse can be perpetrated against both male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Child abuse can include physical, sexual, emotional, neglect, bullying, child labour and domestic violence. It can also include trafficking for the purposes of sex or labour and can include being used in or exposed to pornography. Abuse can be inflicted on a child by both adult men and women and also by people who are placed in a position of trust through their work or social position, such as teachers, doctors or development workers. In some instances, children and young people can be abused by each other under direction from an adult or as part of trafficking or the production of child pornography. Child abuse can cause significant harm to a child's growth and development. Child abuse in all its forms is harmful. It can include immediate harm such as bruises, cuts, burns or fractures, or less visible harm in the form of depression, anxiety or loss of sense of self.

6.2 Child/Children

In accordance with the United Nations Convention on the Rights of the Child, 'child' means every young person below the age of 18 years unless, under the domestic law applicable to the child, majority is attained earlier. Note: See below for some sexual offences which only apply to persons aged below the age of 16. For Australian citizens, offences against children which take

place in other countries and prosecuted in Australia are taken to apply to children under the age of 16 years.

6.3 Legal obligations of Australians travelling overseas

It is a criminal offence for an Australian citizen, or a person who usually resides in Australia, to engage in sexual intercourse while outside Australia (sexual penetration to any extent of the vagina or anus of a person by any part of the body of another person (or an object)), or any act of indecency with a person who is under the age of 16. Sexual intercourse includes oral sexual contact. This includes inducing a person under 16 to commit, or be present while a third person commits an act of indecency.

It is illegal for Australians to engage in sexual intercourse with a child, in any country, regardless of the age of consent in that country. For the purposes of the IWDA Child Protection Policy and Code of Conduct sexual activity with a child under the age of 18 is prohibited.

6.4 Act of indecency

Is an act that is of a sexual nature and involves the human body or bodily actions or functions; and is so unbecoming or offensive that it amounts to a gross breach of ordinary contemporary standards of decency and propriety in the Australian community.

6.5 Child Pornography

The possession, control, production, supply, obtaining of child pornography material is an offence under the Commonwealth Criminal Code Act 1995. An Australian citizen, or person usually resident in Australia, who commits this offence can be convicted of such an offence in an Australian court. The Optional Protocol to the Convention on the Rights of the Child, defines 'child pornography' to mean 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes'. Australia citizens can be prosecuted in Australia for these sexual offences against children, when those offences occur outside Australia.

6.6 Child Trafficking

IWDA has had a commitment to actively support preventive activities, protection and assistance, research and advocacy in Asia since the late 1980s, when thousands of refugees, migrants and displaced persons fled from Burma into Thailand and in many cases became vulnerable to trafficking through economic desperation. The Child Protection Policy complements IWDA's Human Trafficking Policy.

6.7 Physical abuse

This can occur when a person purposefully injures or threatens to injure a child or young person. Physical abuse can also include some forms of child labour. It may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing.

6.8 Emotional abuse

Emotional or psychological abuse means behaviour by a person toward another person that torments, intimidates, harasses or is offensive to the child. This may involve name calling (including racial taunts) being put down or continual coldness from a parent, caregiver or person in a position of care and authority (such as teacher) to the extent that it affects the child's physical and emotional growth or wellbeing.

6.9 Domestic Violence

Domestic/intimate partner violence occurs when children and young people witness or experience the domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within intimate relationships. (Adapted from the Australian Medical Association definition)

6.10 Working with Children

Working in a position that involves regular contact with children, either under the position description or due to the nature of the work environment. Due to the nature of IWDA and partner activities, this can include either working with children directly (in a small number of projects), i.e. as program beneficiaries, or indirectly, i.e. as children that are brought along to activities with their mother, or other care providers, and children that are located in the vicinity of activities.

6.11 Neglect

Neglect or negligent treatment is the failure by a parent or caregiver through inattention or deliberate omission to provide for the child, where they are in a position to do so, with the conditions that are culturally accepted as being essential for their physical and emotional well-being and development. All spheres such as health; education; emotional development; nutrition; shelter; supervision or care and safe living conditions are relevant. Neglect includes the failure to properly protect children from harm, to the extent that is feasible.

7. REFERENCES/RELATED DOCUMENTS

- **United Nations Convention on the Rights of the Child**
- **DFAT Child Protection Policy**
- **ACFID Code of Conduct Program Principles**
- IWDA Child Protection Code of Conduct
- IWDA Partnership Agreement template
- IWDA Funding Order template
- IWDA Incident Report Form template
- CrimCheck Police check application form

ANNEX 1: IWDA CHILD ABUSE ALLEGATION REPORTING PROCEDURE

What should be reported

- Any disclosure or allegation from a child/community member or staff regarding the safety/abuse or exploitation of a child, including child labour.
- Any observation or concerning behaviour exhibited by an IWDA staff, volunteer or other relevant stakeholder that threatens the safety or protection of a child including behaviour which may be characterized as suspicious behaviour that could be associated with sexual exploitation or trafficking.

When to report

Child abuse concerns should be raised immediately.

How should it be reported

Child abuse allegations occurring in Australia or overseas should be made directly to the Chief Executive Officer of IWDA via verbal discussion and completion of an incident report form.

Reports can also be made by phone on +61 3 8373 2500 or email at hr@iwda.org.au.

What will happen next

If the complaint or concern relates to an Australian citizen engaged by IWDA to work overseas IWDA's Chief Executive Officer will consult with/report to the Australian Federal Police who are responsible for the investigation of crimes of this nature committed by Australian citizens overseas.

If the complaint or concern relates to a person engaged by IWDA to work within Australia IWDA's Chief Executive Officer will consult with/report to the Victorian Police who are responsible for the investigation of crimes of this nature.

If the complaint or concern relates to a person employed by an IWDA partner organisation IWDA's Chief Executive Officer, or her delegate, will discuss the allegations with the partner organisation's Chief Executive Officer and decide together upon the next steps. These may involve:

- Report to local police and or child protection authority
- Report made to the Australian Federal Police
- Concern handled internally if it is not a criminal matter
- No further action taken

IWDA will report to DFAT as per Government policy that all organisations and individual contractors are expected to immediately notify DFAT Child Protection Compliance Section if any DFAT funded personnel, or DFAT partner personnel, are accused of, charged with, arrested for, or convicted of criminal offences relating to child exploitation and abuse.

IWDA will treat all concerns raised seriously and ensure that all parties will be treated fairly in accordance with the principles of natural justice. All reports will be handled professionally, confidentially and expediently.

IWDA will protect the confidentiality of all parties during an investigation, all details of the reporting and investigation process will be kept confidential and only shared with relevant authorities and DFAT as is mandatory.

All reports made in good faith will be viewed as being made in the best interests of the child regardless of the outcomes of any investigation. IWDA will ensure that anyone reporting child abuse in good faith is also protected.