



Child Protection Policy and Code of Conduct

AFAP- Australian Foundation for the
Peoples of Asia and the Pacific

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CONTENTS

- 1. Introduction**
- 2. Principles**
- 3. Definitions and indicators of child abuse and its effects**
- 4. Statement of responsibility**
- 5. Action statement**
- 6. Implementation**
- 7. Reporting concerns of child abuse**
- 8. Vigilance in recruitment and selection**
- 9. Training and Development**
- 10. Use of child photos and information**

ATTACHMENT A - Child Protection Code of Conduct

AFAP's Child protection Policy has been developed with the assistance and adaptation of the policy from the Child Wise Handbook '*Choose with Care*' 2004 & AusAID Child Protection Policy 2008.

1. Introduction

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.

AFAP's Child Protection Policy and Code of Conduct affirms AFAP's fundamental belief that children have the right to be protected and free from abuse and exploitation.

AFAP endorses the UN Convention of the Rights of the Child (1989), and specifically Article 19 which states that

"State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."

AFAP's Child Protection Policy addresses the protection of children in all areas and levels of the work of AFAP, and will be revised regularly to ensure it remains relevant and complies with current legislation.

AFAP believes that the protection of children from abuse is the responsibility of all those who participate in the work of AFAP.

In keeping with the UN Convention on the Rights of the Child (United Nations, Article 1), a child is a person under the age of 18 years.

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

- All employees;
- All volunteers;
- All Board Members;
- All Contractors;
- All partner organisations and associates

All of the above will be referred to as AFAP representatives throughout this policy.

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 AFAP 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 or engagement.

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;
- AFAP has a duty of care to children with whom we work and with whom our representatives work;
- AFAP's partners have a responsibility to meet minimum standards of protection for the children in their programs.

3. Definitions and indicators of child abuse and its effects

3.1 Definition of child abuse

Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or 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 or responsibility, trust or power.

3.2 Physical abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or a person in a position of responsibility, power or trust. These may be single or repeated incidents.

3.3 Emotional abuse

Emotional abuse includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potentials and in the context of the society in which the child dwells. There may also be acts towards the child that cause or have a high probability of causing harm to the child's health, or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts include restriction of movement,

patterns of belittling, denigrating, scapegoating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

3.4 Neglect

Neglect is the failure to provide for the development of the child in all spheres: health, education, emotional development, nutrition, shelter and safe living conditions, in the context of resources reasonably available to the family or caretakers and causes or has a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible.

3.5 Child sexual abuse

Child sexual abuse is the involvement of the child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to:

- The inducement or coercion of a child to engage in any unlawful sexual activity
- The exploitative use of child prostitution or other unlawful sexual practices.
- The exploitative use of children in pornographic performances and materials.

3.6 Exploitation

Commercial or other exploitation of a child refers to the use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.

4. Statement of responsibility

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

AFAP 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 AFAP is in contact.

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

All AFAP representatives are responsible for promoting children's rights and championing the protection of children. AFAP and partner 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.

5. Action statement

AFAP 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 other 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 abuse.

In order that the above standards of reporting and responding are met, AFAP 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.

6. Implementation

AFAP will ensure that all AFAP representatives have read and are aware of AFAP's Child Protection Policy. This Policy will apply to all AFAP representatives.

AFAP 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.

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

All AFAP partners implementing AusAID funded projects are required to have their own Child Protection Policy if implementing activities that involve personnel working with children.

All AFAP partners implementing AFAP funded projects are required to comply with AFAP's Child Protection Policy if implementing activities that involve personnel working with children.

All AFAP partners will confirm that they have read and understood the AFAP Child Protection Policy and agree to strictly adhere to the Policy when signing the MOU with AFAP.

7. Reporting concerns of child abuse

AFAP is committed to doing all it possibly can, to prevent the abuse of children and to hold accountable all those who do.

7.1 Incident Reporting

It is mandatory for any allegation, belief or suspicion of sexual, physical or emotional abuse or neglect of child abuse (past or present) by anyone participating in the work of AFAP to be reported **immediately** to the AFAP CEO or relevant Country Director.

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 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 AFAP's CEO. The CEO may consult with legal counsel and/or police authorities if appropriate, and steer the investigation process accordingly.

7.2 Distance the alleged perpetrator

The best interests of the child may warrant the standing down of the alleged perpetrator while an investigation commences. A person who has been stood down 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 be fully documented.

7.3 Document the incident

As soon as possible, the person receiving the disclosure must fully document the allegation, including the time, place and witnesses. This report will be used as the basis of 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 abuser, the notifier, the respondent and the organisation, and ensures a fair and proper process.

7.5 Investigation of complaints

Internal investigation will undertake a confidential, thorough, impartial and prompt process. The investigation may consist of interviews and 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 AFAP policy would have the opportunity to present his or her view of the events in question. AFAP 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

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

8. Vigilance in recruitment and selection

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

- A clear statement that confirms 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

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

Basic screening of applicants for employment for work which brings them into close contact with children includes a written application, personal interviews, reference checks and police checks.

Where possible and permissible by local law, AFAP will ensure that prior to engagement for personnel working with children; police checks will be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship.

Whether AFAP considers offering a position to a candidate from another country rather than Australia, AFAP will verify the candidate's credentials and where possible and practicable, check their overseas criminal history.

AFAP will not permit a person to work with children if they pose an unacceptable risk to children's safety or wellbeing.

AFAP will not engage an individual with a criminal conviction related to children and candidates are informed at the time of interview that engagement will be contingent on a record check. All personal information, and in particular police checks, will be treated in a sensitive and confidential manner.

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.

9. Training and Development

AFAP's Child Protection Policy is made available to all AFAP representatives and others visiting or involved with AFAP projects. Child Protection Policy training will be available to all staff and further training upon request.

Any violations of this Policy are to be reported immediately to AFAP's CEO.

10. 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.

This policy will be reviewed by AFAP every five years.

Adopted by the AFAP Board on 28th January 2009

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 AFAP 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 phone, or video and digital cameras appropriately, and never 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 legalisation, 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 recording and images are honest representations of the context and the facts; and
- Ensure file labels do not reveal identifying the information about a child when sending images electronically.

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

NAME (please print)

Signature

Date