



CHILD PROTECTION POLICY

Purpose

Transparency International Australia (TIA) has a zero tolerance approach to child exploitation or abuse and commits at all times to identify and manage child protection risks and ensure any suspected or alleged cases of child exploitation or abuse are reported and investigated immediately. This policy reinforces TIA's commitment to the rights of children and their safety and wellbeing.

Scope

This policy applies to all TIA Board Members, employees, volunteers and interns.

This policy may also apply to the staff of partner organisations, affiliates, contractors and consultants where they do not have a child protection policy that meets TIA standards.

Definitions¹

Abuse

physical abuse—the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning

neglect—the failure by a parent or caregiver to provide a 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 development and wellbeing

emotional abuse—refers to a parent or caregiver's inappropriate verbal or symbolic acts toward a child, or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence

sexual abuse—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography¹

ill-treatment—disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate

¹ Fact Sheet No. 12 *What is child abuse and neglect?* National Children's Clearinghouse, Australian Institute of Family Studies.

	<p>degrading comments or behaviour towards a child</p> <p><i>Note: the above includes a child or children being present (hearing or seeing) while a parent or sibling is subjected to any of the above</i></p>
Child or children	In accordance with the United Nations Convention on the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this policy, DFAT considers a child to be a person under the age of 18 years
Child abuse material	Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse
Child exploitation	<p>One or more of the following:</p> <ul style="list-style-type: none"> - committing or coercing another person to commit an act or acts of abuse against a child - possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material - committing or coercing another person to commit an act or acts of grooming or online grooming - using a minor for profit, labour, sexual gratification, or some other personal or financial advantage
Child exploitation material	Material, irrespective of its form, which is classified as child abuse material or child pornography material
Child pornography	In accordance with the Optional Protocol to the Convention on the Rights of the Child, 'child pornography' means '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.' For further information about child pornography offences, refer to the <i>Criminal Code Act 1995</i>
Child pornography material	Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive ²
Child protection	An activity or initiative designed to protect children from any form of harm, particularly that arising from child exploitation and abuse
Child protection policy	A statement of intent that demonstrates a commitment to safeguard children from harm and makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children and to show that the organisation is taking its duty and responsibility of care seriously
Child safeguarding	The broad obligation on staff and partners to ensure that the design and delivery of DFAT programs and organisational operations do not expose children to adverse impacts, including the risk of abuse and exploitation, and that any concerns about children's safety within the communities where they work are appropriately reported
Contact with children	Working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment (also see <i>Working with children</i> definition)
Contractor	The individuals engaged to perform specific services under a contract and includes:

² This definition has been extracted from the *Criminal Code Act 1995*. See Part 10.6 of the criminal code for the full definition.

	<p>(a) specified personnel nominated in a head agreement with an intermediary company (the contractor) to which payment is made; or</p> <p>(b) if the person performing the service is the service provider, he/she is an individual contractor</p>
Criminal record check	<p>A check of an individual's criminal history record. In Australia, national criminal record checks are available through state and territory police departments. They take around 20 working days. The type of employment should be specified as 'overseas employment'. Overseas, different checking procedures apply in each country and may take six weeks or longer.</p> <p>Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including sighting by DFAT</p>
Grooming	<p>Generally, refers to behaviour that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for example by encouraging romantic feelings, or exposing the child to sexual concepts through pornography)</p>
Harm	<p>Any detrimental effect on a child's physical, psychological or emotional wellbeing. Harm may be caused by financial, physical or emotional abuse, neglect, and/or sexual abuse or exploitation whether intended or unintended</p>
Impact	<p>The overall long-term effect produced by an investment. This includes positive and negative changes produced by an investment (directly or indirectly, intended or unintended)</p>
Informed consent	<p>Ensures the child and the parent or guardian understand the implications, purpose and potential uses of photographs or videos</p>
Online grooming	<p>The act of sending an electronic message to a child, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender; or of sending an electronic message with indecent content to a recipient who the sender believes to be a child.</p>
Working with children	<p>Working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works</p>

Principles

The following principles define TIA's commitment to child protection and the broader principles of child safeguarding:

- > A commitment to the rights of the child particularly in protecting children from harm in line with national legislation and international conventions;
- > A shared responsibility approach to child protection across the organisation in identifying and managing child protection risks and building a child safe environment;
- > A commitment to review and where required improve child safeguarding capacities across the organisation.

Responsibilities

This policy will be implemented under the supervision of the Chief Executive Officer (CEO) and supported by all managers. Their responsibilities will include:

- > Overseeing the implementation of compliance standards defined under the policy;
- > Promoting a child safe culture across the organisation;
- > Identifying and managing child protection risks across the organisation;
- > Managing responses to child protection allegations or incidents in line with reporting and referral protocols;
- > External reporting in line with donor requirements.

All persons covered by this policy are required to report any child protection allegations or incidents to their manager and/or CEO in line with TIA's Whistleblowing Protection Policy.

Practice

Child Safe Employment Practices

Each position within TIA will be assessed to determine whether the incumbent is likely to have contact with children or work directly with children. Position descriptions will reflect whether a role requires contact or direct work with children. Position descriptions will be reviewed periodically.

Child Safe Recruitment & Screening

TIA will institute screening measures during the recruitment process to identify persons presenting a risk to children particularly for positions that may have direct contact with children. TIA's screening procedures includes;

- > Application question requesting candidates to disclose their suitability to work with children and specifically any child exploitation offences;
- > Child safe specific interview questions;
- > Child safe specific referee checks;
- > criminal record checks;
- > specific child protection statements of responsibility in advertisements, position descriptions and terms of reference.

Child Protection Training

TIA will provide training and awareness raising for all persons covered under the scope of this policy to make them aware of their responsibilities to protect children from exploitation and abuse and to report concerns or allegations under the specified reporting procedures.

Child Protection Incident Reporting & Investigation

TIA commits to developing and implementing a child protection incident reporting mechanism. This mechanism will require immediate, mandatory reporting of any suspected or alleged incidents of child exploitation or abuse or non-compliance with the TIA Policy or Code of Conduct to the responsible persons within TIA and to donors and other respective authorities.

As required, TIA commits to thoroughly investigate allegations relating to the exploitation and abuse of children based on the principles of confidentiality and procedural fairness and a commitment to protect the rights of the child.

As specified in employee and consultant contracts, anyone covered by the scope of this policy may be suspended or be transferred to more appropriate duties if subject to an investigation;

Substantiated allegations of child exploitation, child abuse or breaches of the Child Protection Code of Conduct will be considered gross misconduct and may lead to the termination of contract.

Risk-Based Approach

Ensuring that all program approaches assess the potential risks to children and where risks are identified, proactive steps are taken to address them. This approach should form part of program design process and be reviewed regularly as part of program review processes.

Photography, Filming and Use of Children's Images

Ensuring that the portrayal of children in photographs, images or video respects children's dignity and does not compromise their safety or wellbeing. The collection and use of images must be based on informed consent, a respect for local customs and traditions and an honest representation of the context.

Code of Conduct

Requiring all persons covered under this policy to sign and adhere to the TIA Child Protection Code of Conduct outlining acceptable and unacceptable behaviours in dealing with children.

Related Documents

This policy should be read in conjunction with:

- > The Code of Conduct;
- > The Child Protection Code of Conduct;
- > Whistleblowing Protection Policy;
- > Standard Operating Procedures for the Investigation and Reporting of Misconduct;
- > Terms and conditions of relevant contract, particularly in relation to disciplinary and termination.

Effective Date and Review

Title	Child Protection Policy
Version	1
Owner	Transparency International Australia

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