

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.

Definitions

Abuse¹

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, pornography

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

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

	child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child <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>
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	One or more of the following: <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 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

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

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: <ul style="list-style-type: none"> (a) specified personnel nominated in a head agreement with an intermediary company (the contractor) to which payment is made; or (b) if the person performing the service is the service provider, he/she is an individual contractor
Criminal record check	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. 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 Donors as required.
Grooming	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)
Harm	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
Impact	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)
Informed consent	Ensures the child and the parent or guardian understand the implications, purpose and potential uses of photographs or videos
Online grooming	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.
Working with children	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

Principles

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

- > A zero-tolerance approach to child exploitation and abuse;

- > A commitment to the rights of the child particularly in protecting children from harm in line with national legislation and international conventions;
- > A commitment that all decisions regarding the welfare and protection of children will be made based on the Best Interests of the Child Principle;
- > 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;
- > A commitment to procedural fairness in responding to concerns or allegations of child exploitation and abuse.

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 Recruitment, Screening and Employment Practices

TIA is committed to preventing a person from working with children if they pose an unacceptable risk to children. 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. Employment contracts contain provisions for suspension or transfer of duties of any employee who is under investigation and provisions to dismiss any employee after an investigation.

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 include;

- > Job descriptions required for all positions, which describe key selection criteria and outline tasks and accountabilities.
- > Applicants required to submit details of their background such as dates and places of employment, education and other activities.
- > Application question requesting candidates to disclose their suitability to work with children and specifically any child exploitation offences;

- > Child safe specific questions included in interviews as appropriate for positions;
- > Verbal referee checks required for all preferred candidates. This includes short- and long-term positions, volunteers on placement and consultants. The candidate's most recent employer/supervisor must be one of these referees. TIA verifies the identity of the referee and makes direct contact with each. Written references are not accepted.
- > Recruitment screening processes for all personnel with significant contact with children will include criminal record checks before engagement (statutory declarations or local legal equivalent where criminal record checks are unavailable or unreliable). These include documented criminal record checks for personnel conducted for each country in which the individual has lived for 12 months or longer over the last 5 years, and for the individual's countries of citizenship.
- > All staff required to provide proof of identify including birth certificate, passport, drivers licence and relevant qualifications. Original documents are required.
- > All positions subject to a probationary period depending on the length of the contract.
- > All TIA personnel, staff and volunteers required to read and acknowledge TIA's Child Protection Policy and read and sign TIA's Child Protection Code of Conduct.

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.

Working with Partners

In working with partners, and in particular other TI national chapters in receipt of relevant donor funds, TIA will work with these organisations to keep children safe through:

- > Ensuring that they have a dedicated Child Protection Policy in line with the Donor's expectations, and where this is not the case work with them to develop or strengthen this policy;
- > Ensuring awareness of the TIA Child Protection Policy and reporting procedure for concerns regarding child abuse or a breach of the policy;
- > Providing training on child protection including sharing resources to strengthen organisational approaches;
- > Including provisions on Child Protection in partnership agreements and contracts;
- > Where necessary, undertaking a child protection risk assessment for activities involving or affecting children.

Child Protection Incident Reporting & Investigation

TIA's Child Protection reporting procedure is detailed in Annex I of this policy. This mechanism requires 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. TIA has a dedicated email address and phone number for reporting any child exploitation or abuse incidents. The contact details can be found in the reporting procedure (ANNEX 1).

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 the 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	2
Owner	Transparency International Australia
Date of Original Approval	31 May 2018
Effective from	1 June 2018
Date of Updated Policy Approval	26 August 2019
Effective date	1 September 2019

Review date	1 September 2021
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ANNEX I – CHILD PROTECTION REPORTING PROCEDURE

It is mandatory for all Transparency International Australia (TIA) Board Members, employees, volunteers and interns to report concerns or allegations of child exploitation, child abuse or policy non-compliance by anyone within scope of the policy in connection with official duties or business. All reports should be made to the reporter's manager and/or the CEO. 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.

This section outlines the reporting procedures to be followed.

What to report

Any suspicion, concern, witnessing, or disclosure of any form of child abuse perpetrated by a TIA Board Member, employee, volunteer or intern as per the definitions of child abuse outlined in the TIA Child Protection Policy (see the definitions section of this policy) in relation to the work of TIA. In addition, any breach of the TIA Child Protection Code of Conduct.

When to report

People falling under the scope of this policy should report any concerns, suspicions or allegations immediately, or failing this, within 24 hours.

Who to report to

All persons covered by the TIA Child Protection 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*. However, if the concern relates to conduct of the CEO or the persons direct line manager it should be raised directly with the Chair of the Board, or with the Chair of the Finance & Risk Committee.

How to report

Verbally (if possible) and by completing the TIA Child Protection Incident Report Form (See Annex II below). Completed reports should be sent to reports@transparency.org.au or made by phone on 0422 240 084 (International Call: +61422 240 084).

What happens when a report is made

The CEO, together with the Head of Programme and the Chair of the Board will meet to determine the nature of the allegation and an appropriate response. If the complaint is about the CEO, the Head of Programme or the Chair of the Board, their positions will be filled by other Board members.

The response may include:

- > Conducting an internal investigation
- > Referring for external investigation
- > Informing external authorities in line with reporting obligations
- > Referring to external social support systems
- > Initiating disciplinary procedures
- > Notifying the Donor in accordance with the Donor's Child Protection Policy

Any investigations will be carried out by the CEO or if the complaint is about the CEO, by the Chair of the Board. If the complaint is about the Chair of the Board, an alternate board member will carry out the

investigation. The investigation shall be conducted promptly and professionally, with due consideration of the interests of any person raising concerns, as well as other employees and organisation members.

The CEO/ Chair of the Board/ Board member managing the incident will complete a report using the template provided. The CEO will nominate a place to file the report, so it cannot be accessed by others, and maintain a record of this.

Concerns will be handled confidentially and on a 'need to know' basis. The outcomes of the reporting and any subsequent steps taken will be dependent on the severity of the allegation, and could include:

- > Suspension or transfer of duties whilst being investigated
- > Dismissal or termination of partnership/relationship if report is founded
- > Warnings
- > Restorative practices
- > Where relevant, reporting to authorities.

Confidentiality

All reporting and related information to alleged child abuse incidents should be handled with the strictest confidence and reported to the authorised people only. It is noted that reporting obligations under law and of other organisations that bind TIA, for example DFAT, must be complied with and such compliance will not be considered a breach of confidentiality.

All TIA Board members, and employees are required to maintain confidentiality with respect to allegations or matters referred to them. A breach in confidentiality can have devastating effects on the life of the child, the child's family, the person reporting and the alleged abuser. Confidentiality is critical for procedural fairness to both the alleged victims and abusers.

ANNEX II – CHILD PROTECTION INCIDENT REPORT FORM

It is mandatory for all Transparency International Australia (TIA) Board Members, employees, volunteers and interns to report concerns or allegations of child abuse that relate to a child or person involved with TIA to their manager and/or the CEO. This report form should be used.

All incident reports must be stored securely.

Incident details

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

Please categorise the incident

Physical violence

Sexual offence

Emotional or psychological abuse

Neglect

Please describe the incident

When did it take place?	
Who was involved?	
What did you see?	
Other information	

For use by team managing incident

Date incident report received:	
Staff member managing incident:	
Follow up actions?	
Follow-up date:	
Incident ref. number:	

Has the incident been reported to:	
Police (please specify if Australian or international)	
Donors (please specify)	
Another third party (please specify)	