

Child Protection Policy

SEPTEMBER 2018, VERSION 5

1. Introduction

Union Aid Abroad – APHEDA’s commitment to the international Decent Work Agenda means we work for a world where all children have rights to education, food, clean water, shelter, health, security, dignity, culture and family life. Through our development partnerships, we contribute to a world without child labour¹, without early marriage, without child abuse, without child soldiers, without sale or trafficking of children, without female genital mutilation, without transmission of HIV and other preventable diseases to children.

Union Aid Abroad – APHEDA is fully committed to respect, protect and fulfil the rights of children as outlined in the UN Convention on the Rights of the Child. All children have equal rights to protection from harm, abuse and exploitation. We recognise that some children, such as indigenous and ethnic minority children, children with disabilities and children living in areas impacted by disasters (natural or conflict-based), are particularly vulnerable to abuse and exploitation.

Union Aid Abroad – APHEDA is fully committed to abide by all applicable Australian Laws, local laws (in the countries where we work), and other applicable international legislation.

Union Aid Abroad – APHEDA has a zero tolerance approach to all forms of child abuse.

2. Definition

Term	Definition
Abuse	<p>Includes:</p> <p>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</p> <p>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</p> <p>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.</p> <p>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.²</p>
Abuse (ctd)	<p>ill-treatment—disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a</p>

¹ Legislation in Australia and other countries specify the ages for work, marriage, leaving school, voluntary sexual activities, voting, driving, military service, criminal culpability, financial and medical autonomy

² Fact Sheet No. 12 *What is child abuse and neglect?* National Children’s Clearinghouse, Australian Institute of Family Studies.

	child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child.
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, the majority is attained earlier. DFAT considers a child to be a person under the age of 18 years. ³
Child Abuse	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. ⁴
Child Protection	An activity or initiative designed to protect children from any form of harm, particularly arising from child abuse or neglect.
Child Rights	As outlined in the UN Convention on the Rights of the Child, children's rights include the right to life, to their own name and nationality, to be raised by their parents within a family or cultural grouping, to freedom of expression and to have a relationship with both parents, even if they are separated.
Child Safeguarding	The broad obligation on employees 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.
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). "Contact" covers contact with children in the community not associated with the work being performed.
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

³ The Commonwealth Criminal Code Act 1995 makes it an offense for an Australian to engage in sexual activities with anyone under 16 years of age in any country.

⁴ This definition has been extracted from the *Criminal Code Act 1995*. See Part 10.6 of the criminal code for the full definition.

	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.
Neglect	Deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical and mental safety and development.
Senior Manager	The use of this term can include any of the following: International Programs Manager, Program and Quality Manager, Mekong Regional Manager and Country Managers
Violence	The intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that results in or has a high likelihood of resulting in actual or potential harm to the child’s health, survival, development or dignity.
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. The risks of child exploitation and abuse generally increase with the frequency of contact, meaning that “working with children” is a higher risk than” contact with children”.

3. Purpose of the policy

The purpose of this policy is to ensure that, through Union Aid Abroad – APHEDA operations and programs, children will not be subject to harm, abuse or exploitation and that their rights will be respected, protected and fulfilled.

The policy also affirms the organisation’s commitment to preventing a person from working with children if they pose unacceptable risks to children.

Union Aid Abroad – APHEDA will assess child protection risks and ensure procedures are available and applied to mitigate identified risks. All suspicions and allegations of child harm, abuse or exploitation must be reported and acted upon in accordance with the guidelines outlined in this policy.

4. Scope of the policy

The policy applies to all personnel engaged in our work. Personnel includes all employees, volunteers, consultants and contractors, and extends to study tour participants, members of the Committee of Management and other visitors to projects, including DFAT personnel. It also applies to implementing partners. Both personnel and partners are required to take a zero tolerance approach to child exploitation and abuse, and apply a risk-based approach to assess and manage child protection.

5. Principles

We aim to protect children from all forms of abuse in the delivery of Union Aid Abroad – APHEDA’s overseas development program by:

Knowledge: We will ensure that all Union Aid Abroad – APHEDA personnel, volunteers, consultants, contractors and partner organisations are aware of the nature of child abuse and the risks to children, and share our commitment to our zero-tolerance approach to all forms of child abuse.

Risk management: We will ensure that personnel and partner organisations assess and manage child protection risk and impact.

Reporting: We will ensure that personnel and partner organisations are aware of their responsibility to report concerns regarding the safety of children and that they understand how to make a report.

Responding: We will ensure that personnel and partner organisations take action to support and protect children where concerns arise regarding possible abuse.

In order to meet the standards set out above, Union Aid Abroad – APHEDA and its personnel will build the capacity of stakeholders including partner organisation to:

- keep the best interests of the child at the centre of the child protection process
- take concerns raised about possible child abuse seriously
- listen to and take the views and wishes of children seriously
- support and ensure the protection of children who are the subject of any concerns
- act appropriately in instigating or co-operating with any investigation process
- ensure that a sense of accountability exists between personnel so that poor practice or potentially abusive behaviour does not go unchallenged
- empower children through discussing with them their rights, what is acceptable and unacceptable, and what they can do if there is a problem.

6. Guidelines

6.1 Organisation-wide risk management and periodic assessments

Union Aid Abroad – APHEDA has an organisation-wide risk framework. Child Protection considerations are included in this framework and regularly monitored. Risks are reported to each Committee of Management meeting.

Union Aid Abroad – APHEDA will conduct a yearly assessment of its own and its implementing partner's child protection practices.

6.2 Country Offices Risk Management

Union Aid Abroad – APHEDA Country Offices will follow the same policy and procedures as the Australian Office. A yearly assessment of each office and its partners' child protection practices will be conducted.

6.3 Human Resources

6.3.1 Recruitment

Union Aid Abroad – APHEDA will be vigilant in the recruitment, selection and screening of all employees to ensure they are suitable to be engaged, including suitability to work with children and young people. Detailed recruitment guidelines are outlined in the organisation’s Governance and HR Procedures and cover:

- Job advertisements;
- Interview;
- Screening process;
- Commencement of employment and contracts.

6.3.2 Due diligence checks

Union Aid Abroad – APHEDA will carry out regular due diligence checks, including police checks, of employees, volunteers, members of the Committee of Management, consultants and visitors to projects. A due diligence register has been developed for this purpose and outlines all checks to be conducted. Processes and timing for conducting these are also detailed in the Governance and HR Procedures.

All Personnel will also be required to sign the Union Aid Abroad – APHEDA Child Protection Code of Conduct attached to this policy.

6.3.3 Child Protection Induction and Training

All employees and international volunteers will undertake child protection induction training at the commencement of their employment or engagement and will be made aware of Union Aid Abroad – APHEDA Child Protection Policy and procedures, including reporting procedures. The induction process is detailed in the Governance and HR Procedures Manual.

Refresher training will be organised every two years. If required, role-specific child protection training is available and organised through the relevant supervisors or managers.

6.3.4 Support to employees

Disclosure of child abuse is a difficult and emotional experience for both child victims and for employees who report or are involved in dealing with the issue. In orienting employees on this policy, Union Aid Abroad – APHEDA will seek to equip employees to receive reports of abuse or respond to disclosure in ways which affirm and support child victims, and ensure the best interest of the child is the first consideration. Support for employees involved in the process will be provided through a relevant supervisor and additional external support can be provided through the organisation’s Employee Assistance Program (EAP).

6.4 Verification of due diligence and risk management of delivery partners

Prior to working with a partner, Union Aid Abroad – APHEDA conducts a Partner Capacity Assessment which includes child protection considerations. On the basis of this assessment, Union Aid Abroad – APHEDA will decide whether or not to work with the relevant partner. Process for partner capacity assessment and selection is outlined in the organisation's International Program Manual under 'Project Partner Selection and Appraisal'.

From the answers gathered in the Partner Capacity Assessment (and the project appraisal), the Union Aid Abroad – APHEDA Child Protection Risk assessment is completed which has two areas of focus: the partner and the project. This will enable Union Aid Abroad – APHEDA to assess the overall child protection risk context, whether a full assessment needs to be conducted and what mitigation measures have to be put in place. Both the full assessment and mitigation measures, as well as related monitoring, are included in the Overall Risk Matrix. The process for completing and reviewing the child protection risk register and overall risk matrix is outlined in the International Program Manual.

Once the Partner Capacity Assessment has been done and the risks registered in Union Aid Abroad – APHEDA Overall Risk Matrix, this will be recorded in the International Program Management Matrix. Procedures for completing this table are outlined in the International Program Manual.

6.5 Partner capacity building for child protection

Informed by the Partner Capacity Assessment and Child Protection Risk Register, Union Aid Abroad – APHEDA will, when relevant and in liaison with the partner, agree on specific areas for partner child protection capacity building. These will be included in a Capacity Building Plan. It will be reviewed jointly on a yearly basis, when monitoring visits are taking place or at other times following partner and Union Aid Abroad – APHEDA's agreement.

Procedures for review of the Partner Capacity Building Plans are detailed in the International Program Manual.

6.6 Project-level child protection risk management

Child protection considerations are included at different stages of project development:

1. At project design stage – child protection considerations are included in the project design format. Procedures for the development of a project design are included in the International Program Manual and a project design/proposal template is available.
2. When developing the Risks Matrix - as mentioned above, an initial child protection risk assessment is conducted and, when relevant, a related full assessment included in the project overall risks matrix, with mitigation and monitoring measures. Procedures for completing the child protection risk assessment and the overall risk assessment are included in the International Program Manual and templates are available.
3. At appraisal stage - prior to a project starting, Union Aid Abroad – APHEDA will conduct a project appraisal. The outcome of the appraisal will allow the organisation to decide whether or not to support the project. This process requires Union Aid Abroad – APHEDA

to check that activity-inherent risks to child protection have been identified and assessed. Procedures for project appraisal are included in the International Program Manual and a project appraisal template is available.

4. At contracting stage – child considerations are included in the Letter of Agreement between Union Aid Abroad and its implementing partner. Relevant clauses are discussed to ensure partner understand obligations.
5. When monitoring and reporting on the project - as part of the yearly monitoring report, partners will be asked to review the overall risk matrix and employees will be required to check and discuss its content with the partner. During monitoring visits, Union Aid Abroad – APHEDA employees will also review this document and the child protection risk assessment. This is further described in the International Program Manual. Monitoring report template, monitoring approval report template and monitoring visit report template are available.
6. When evaluating a project - Union Aid Abroad – APHEDA will include specific questions to assess whether the risks to child protection were adequately mitigated and managed during the project and what lessons could be learned for future projects. This is outlined in the International Program Manual. Template for an evaluation Terms of Reference is included.

6.7 Visits to international programs

Union Aid Abroad – APHEDA will occasionally organise visits to its international program for Committee of Management members, Members of Parliament, Union Officials or Union Aid Abroad – APHEDA members. Due diligence checks (such as Australian Federal Police checks and when considered pertinent Working with Children checks) will be conducted prior to visits being undertaken and visitors will also be requested to sign the Union Aid Abroad - APHEDA's Codes of Conduct. Union Aid Abroad – APHEDA will explain the importance of these documents, why they need to be signed and visitors' obligations under the Codes.

Union Aid Abroad – APHEDA will ensure that only necessary visits are conducted to local communities and, in most cases, will only allow visitors to visit its partner or own office. Visitors will be accompanied by an employee at all times when visiting the local communities.

A risk assessment will also be conducted in liaison with partners to ensure potential risks to child protection are mitigated.

6.8 Communication risk management

Where taking images of children is appropriate and/or necessary, personnel should be guided and bound by the policy on Social Media, Stories and Ethical Use of Images and the associated procedures manual.

Union Aid Abroad – APHEDA has a system in place to ensure that any public materials are in compliance with the above policy and procedures included in the Communications Manual.

6.9 Australian education and fundraising activities risk management

Union Aid Abroad – APHEDA conducts education and fundraising activities. As per 6.3.2, volunteers working on those activities on behalf of the organisation will be required to comply with due diligence processes in order to minimise the risk to children and checks will be conducted and recorded. A risk assessment will also be undertaken to assess child protection risks.

6.10 Breach of this Policy or of the Union Aid Abroad – APHEDA Child Code of Conduct

Union Aid Abroad - APHEDA personnel must immediately report:

- any breach of the Code of Conduct or behaviour that they suspect may be child exploitation and abuse, including possession of child exploitation material, or policy non-compliance by:
 - Union Aid Abroad – APHEDA personnel, including employees, volunteers, consultants, contractors, donors or members of the Committee of Management
 - personnel of an Union Aid Abroad – APHEDA partner or civil society organisation
- any report made by anyone relating to child exploitation and abuse or policy non-compliance by Union Aid Abroad – APHEDA personnel or personnel of an Union Aid Abroad – APHEDA partner organisation.

It is the responsibility of personnel to report the incident, not investigate it.

Process for reporting a breach is included in the organisation’s Governance and HR procedures. The procedures outline what will be involved in the assessment that will follow receipt of a report, the steps that may be taken, as well as considerations for child safety. The rights of the child and his/her family and those of the alleged perpetrator are also discussed. A Child Protection Incident Report Form is available in the Appendices of the organisation’s Governance and HR Procedures Manual.

Union Aid Abroad – APHEDA will treat all concerns raised seriously and ensure that all parties are treated fairly and the principles of natural justice will be taken into account. All reports will be handled professionally, confidentially and efficiently.

For projects benefitting from DFAT funding, Union Aid Abroad – APHEDA will immediately report child exploitation and abuse suspicions, allegations or occurrences to DFAT.

The procedures regarding Child Protection included in the Governance and HR Manual also outline sanctions that would be applied in the event of breaches. Should a person pose an unacceptable risk to children, Union Aid Abroad – APHEDA is committed to preventing that person from working or having contact with children.

6.11 Roles and Responsibilities

Child protection responsibility within Union Aid Abroad – APHEDA is integrated across roles according to risk levels and potential impact on children. Control mechanisms ensure risks are managed in a consistent and accountable manner and these are summarised in a matrix included in the Governance and HR Procedures Manual.

6.11.1 Committee of Management and Executive Officer

It is the responsibility of the Committee of Management and Executive Officer to ensure that Union Aid Abroad – APHEDA takes every precaution to protect the children in its areas of operations.

Any actual or suspected incidents of child abuse must be reported to the Executive Officer or to the Union Aid Abroad – APHEDA Chair if the complaint concerns the Executive Officer. Information on how, to whom and what to report is included in the organisation's Governance and HR Procedures Manual. Contact details of Executive Officer and Union Aid Abroad – APHEDA's Chair are published on the organisation's website and Union Aid Abroad – APHEDA's implementing partners are provided with a summary of the reporting procedures with contact details, together with the incident report template.

6.11.2 Senior managers

Each senior manager can act as a resource person for questions about what constitutes child exploitation, abuse or policy non-compliance. Senior managers also act as the first point of contact to receive formal incident reports and will report to the Executive Officer as mentioned above. They are also responsible for ensuring that the Union Aid Abroad – APHEDA Child Protection Policy and procedures are understood and implemented by the employees, other personnel and volunteers under their supervision and responsibility, and the partner organisations with whom they work.

6.11.3 Employee

All employees have the responsibility to ensure compliance with Union Aid Abroad – APHEDA's Child Protection Policy. Levels of risk management responsibility vary according to the position of each employee and are outlined in the Governance and HR Procedures Manual. Where Union Aid Abroad – APHEDA does not have an office, the employee in charge of that country will ensure partners are aware of Union Aid Abroad – APHEDA's incident reporting process including the Executive Officer Contact details. They may assist the partner in this process.

6.11.4 Child Protection Resource Officer

Union Aid Abroad – APHEDA has a dedicated Child Protection Resource Officer. The Child Protection Officer will act as a resource person on child protection to assist senior management.

7. External: Legislative and Regulatory Framework

- Child Protection Policy, DFAT, 2017
- Child Protection Guidance Note, Establishing Child Protection Risk Context, DFAT, January 2018
- Convention on the Rights of the Child, United Nations, 1989
- Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, United Nations, 2002

- Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict, United Nations, 2002
- Geneva Declaration of the Rights of the Child, United Nations, 1924
- International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ILO, 1999
- Criminal Code Act 1995 (Divisions 272, 273, 474)
- Child Protection (Working with Children) Act 2012 (NSW) – and other state and territory child protection legislation

CHILD PROTECTION CODE OF CONDUCT for UNION AID ABROAD – APHEDA

I, **[insert name of personnel]**, engaged by Union Aid Abroad – APHEDA, agree that I will:

- comply with the Union Aid Abroad – APHEDA Child Protection Policy;
- assess and manage child protection risk and impact;
- treat children with respect regardless of race, colour, sex, gender identity, sexuality, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- comply with all relevant Australian and local laws, including child labour laws;
- ensure that another adult is present when working with or near children, whenever possible;
- report concerns or allegations of child abuse immediately, in accordance with Union Aid Abroad – APHEDA procedures;
- immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during association with Union Aid Abroad – APHEDA;
- be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse.

I will not:

- hire children for domestic or other labour which is inappropriate for 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;
- use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- engage children under the age of 18⁵ in any form of sexual intercourse⁶ or sexual activity⁷, including paying for sexual services;
- do things for children of a personal nature that they can do for themselves;
- invite unaccompanied children into private residences unless they are at immediate risk of injury or in physical danger;
- use computers, mobile phones, or video and digital cameras to exploit or harass children or to access child exploitation material through any medium;
- sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible (noting that this does not apply to an individual's own children);
- use physical punishment on or violence against children;
- consume alcohol or drugs in the presence of children;
- offer gifts to children of an inappropriate nature or value.

These behaviours are not intended to interfere with normal family interactions.

Use of children's images for work-related purposes

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

- take care to ensure local traditions or restrictions for reproducing personal images before photographing or filming a child;

⁵ Where the child is 16 years or older and the other party is not more than 2 years older; and it can be established that the child consented to the relationship, an exception can be recorded promptly on personnel files.

⁶ As defined under the *Criminal Code Act 1995*.

⁷ As defined under the *Criminal Code Act 1995*.

- obtain consent from the child *and* parent or guardian of the child *before photographing or filming a child*, including explaining how the photograph or film will be used;
- ensure that photographs, films, videos, DVDs, and digital media of any form 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 images are honest representations of the context and the facts;
- ensure file labels, metadata or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

I understand that breach of the Union Aid Abroad - APHEDA Child Protection Code of Conduct may result in the termination of my employment (for employees).

Name:	Signature:	Date:
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