

CHILD SAFEGUARDING POLICY – INTERNATIONAL PROGRAMME

REVISION HISTORY

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V2.1	Draft amendment for approval	Reviewed to incorporate DFAT letter dated 19 march 2015 regarding child protection reporting requirements.	
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1. POLICY STATEMENT

Family Planning NSW (FPNSW) is committed to the safeguarding of children and recognises that in the international development setting the protection of children faces particular challenges.

FPNSW has a zero tolerance to child exploitation and abuse and believes all children have the right to be safe at all times. For all international development activities in which it takes part, FPNSW will take all measures necessary to ensure the rights of children to protection, safety and well-being.

The Convention on the Rights of the Child informs FPNSW's work in the area of protecting children. Our work aligns with the Department of Foreign Affairs and Trade (DFAT) principles and minimum standards for child protection. We will

- Assess and manage the risk in all activities in relation to child protection
- Work with partners to build capacity of staff and partner organisations to understand their child protection responsibilities

When abuse or exploitation, or policy non-compliance, is suspected or disclosed, internal reporting procedures will be followed and DFAT will be notified.

2. PURPOSE

There is international recognition that adults who have a formal role in working with or supporting children are in positions of trust and authority. Children are dependent on adults to care for and protect them and all adults share responsibility to prevent child exploitation and abuse. The need to protect children is an issue for all communities.

This policy aims to:

- Protect children by making clear the responsibilities of FPNSW Board and staff, contractors and volunteers to implement processes that keep children safe
- Create an organisational environment where there is an awareness of child safety and openness to raising and managing issues in a fair and just manner
- Engage with in-country partners and work collaboratively to build their capacity to keep children safe.

3. DEFINITIONS

Term	Meaning
Child	Any person under the age of 18 years unless a nation's laws recognises adulthood later.
Child abuse	It includes <ul style="list-style-type: none">- 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

Term	Meaning
	<p>being essential for their physical and emotional development and well-being</p> <ul style="list-style-type: none"> - emotional abuse—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 (as defined under the Criminal Code Act 1995) - 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 degrading comments or behaviour towards a child. <p>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.</p> <p>Both men and women abuse children. Health workers, teachers other professionals and adults can all be responsible for child abuse.</p>
Child exploitation	<p>One of 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 protection	<p>An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.</p>
Child safeguarding	<p>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 with the communities where they work are appropriately reported.</p>
Contact with children	<p>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.</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 the relationship (for example by encouraging romantic feelings, or exposing the child to sexual concepts through pornography).</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 recipient who the sender believes to be under 16 years of age, with the intention of procuring the recipient to</p>

Term	Meaning
	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 under 16 years of age. Refer to the Criminal Code Act 1995
Working with children	Working with children means being engaged in an activity with a child where the contact would reasonably be expected as normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid work.

4. SCOPE

All FPNSW staff, contractors, students and volunteers engaged in managing or delivering international projects.

All in-country partners and organisations contracted to deliver FPNSW international projects and their staff, contractors and volunteers.

5. POLICY DETAILS

Family Planning NSW has adopted the DFAT Child Protection Policy principles as guiding principles necessary to ensure the rights of children to protection, safety and well-being.

5.1. Child protection guiding principles

Principle 1: Zero tolerance of child exploitation and abuse

FPNSW has a zero tolerance approach to child exploitation and abuse. Such action attracts criminal, civil and disciplinary sanctions.

FPNSW will not knowingly engage—directly or indirectly—anyone who poses a risk to children.

FPNSW works to minimise the risks of child exploitation and abuse associated with its functions and programs, and trains its staff and partners on their obligations under this policy.

Principle 2: Assess and manage child protection risk and impact

While it is not possible to entirely eliminate risks of child exploitation and abuse, careful management can identify, mitigate, manage or reduce the risks to children that may be associated with FPNSW functions and programs.

Principle 3: Sharing responsibility for child protection

To effectively manage risks to children, FPNSW requires the commitment, support and cooperation of FPNSW staff, contractors, volunteers and partner organisations who help to deliver programs managed by FPNSW.

Principle 4: Procedural fairness

FPNSW will apply procedural fairness when making decisions that affect a person's rights or interests. FPNSW's partners are expected to adhere to this principle when responding to concerns or allegations of child exploitation and abuse

Principle 5: Recognition of the best interests of the child

Australia is a signatory to the United Nations Convention on the Rights of the Child. FPNSW is committed to upholding the rights of the child and Australia's obligations under this Convention. In all actions concerning children the best interests of the child shall be a primary consideration.

5.2. Risk based approach

FPNSW will establish the child protection risk context of all international projects and activities. If a project or activity is identified as 'working with children', as per the FPNSW Child Safeguarding Procedure, a full risk assessment will be conducted.

Risk assessments are managed in accordance with FPNSW Risk Management Framework following the principles of AS/NZ 31000:2009 International Standard on Risk Management.

The risk assessment will take place as part of the Partnership Capacity Assessment with a new partner, at the start of a newly funded project, or when any significant change occurs within the partner organisation. Further details of the risk assessment are found in the FPNSW Child Safeguarding Procedure: International Programme.

Risk management strategies will be identified and included in project design and documented in the project plan and Memorandum of Understanding. This will then be monitored during regular reporting, monitoring visits and communication with partners.

5.3. Child-safe recruitment

FPNSW aims to recruit and select people who are committed to child safety.

FPNSW will ensure robust screening processes for all staff working in the international programme. This includes ensuring a criminal record check and a Working with Children Check is provided prior to engagement and verbal referee checks performed.

FPNSW will support in-country partners to identify ways applicants can be screened when recruiting project staff.

5.4. Child Protection Code of Conduct

All FPNSW staff engaged in the management and implementation of international projects are required to comply with the FPNSW Child Protection Code of Conduct on an annual basis. The Code of Conduct is a commitment to child protection professional behaviours (Appendix 1) as part of their duties.

5.5. Strengthening capacity of FPNSW Board, staff, contractors and volunteers

FPNSW will ensure that all staff involved in the management and implementation of international projects are provided with appropriate orientation and training to the policy prior to involvement in any international project activities.

5.6. Use of images of children

FPNSW will ensure that images and messages used in marketing and fundraising portray children in a dignified, respectful, honest and culturally appropriate way.

Images will only be taken and used with informed consent of an adult, parent or guardian. Images will be saved in a repository with appropriate electronic security to ensure they are only accessible to approved staff members.

Further details on the use of images of children can be found in the FPNSW Media Policy.

5.7. Working with partners and contractors

FPNSW extends the Code's requirements for advancing child safeguarding with in-country partners, staff and volunteers of partners and contractors.

The in-country partner must ensure the downstream organisation of individual subcontractor complies with the minimum child protection standards

An individual contractor is required to sign a child protection code of conduct as part of their contract of engagement.

5.8. Reporting concerns and incidents

FPNSW responds seriously to all concerns raised of suspicion or disclosure of child exploitation and abuse, and Code of Conduct and policy non-compliance.

All people involved in any report or investigation will be treated fairly and their rights respected. All reports will be handled professionally, confidentially and in a timely way.

FPNSW staff will follow the FPNSW Child Safeguarding Procedure and FPNSW Incident Management procedures for reporting. All suspected child exploitation, abuse or policy non-compliance will be reported to the DFAT Child Protection Compliance Section.

6. MONITORING, EVALUATION AND REVIEW

Child protection indicators are included in the FPNSW Development Effectiveness Framework. These are then included in project design and planning where appropriate.

FPNSW is responsible for supporting in-country partners to measure and report their activities against these indicators.

The Chief Executive Officer will report to the FPNSW Board and International Program Advisory Committee on compliance with this policy and incidents, risks and issues in its implementation on an annual basis.

The policy will be reviewed every five years or earlier as necessary.

7. ASSOCIATED DOCUMENTS

a. FPNSW policies and procedures

- FPNSW Incident Management
- Family Planning NSW Code of Conduct and Ethics
- FPNSW Recruitment, Selection and Appointment Policy
- Family Planning NSW Disciplinary Action policy
- FPNSW Media Policy
- FPNSW Feedback and Complaints policy

b. Forms

- Family Planning NSW Memorandum of Understanding template
- Child Protection Code Of Conduct

8. REFERENCES

- DFAT Child Protection Policy 2017, *Department of Foreign Affairs and Trade website* – www.dfat.gov.au
- Establishing Child Protection Risk Context, *Department of Foreign Affairs and Trade website* – www.dfat.gov.au
- ACFID Code of Conduct Guidelines for the development of a child protection policy 2016
- DFAT Guidance Note: Use of Images and Social Media, *Department of Foreign Affairs and Trade website* – www.dfat.gov.au
- DFAT Child Protection Guidance Note: Education Programs 2017, *Department of Foreign Affairs and Trade website* – www.dfat.gov.au
- DFAT Child Protection Guidance Note: Health Activities 2018, *Department of Foreign Affairs and Trade website* – www.dfat.gov.au
- DFAT Child Protection Guidance Note: Monitoring and evaluation 2017, *Department of Foreign Affairs and Trade website*
- DFAT Child Protection Guidance Note: Women’s Economic Empowerment 2017, *Department of Foreign Affairs and Trade website* – www.dfat.gov.au
- Australian Council for International Development (ACFID) Code of Conduct 2017
- United Nations Convention on the Rights of the Child
- NSW Child Protection (Working with Children) Act 2012

9. Appendix 1: Child Protection – Professional Behaviours

All FPNSW staff, partners and contractors involved in the management and implementation of DFAT funded projects that involves working or contact with children are expected to adhere to the following behaviours while they are performing those duties:

- treat all children with respect
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage children under the age of 18¹ in any form of sexual intercourse² or sexual activity,³ including paying for sexual services
- wherever possible, ensure that another adult is present when working near children
- not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger
- not sleep close to unsupervised children unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensuring that another adult is present if possible (noting that this does not apply to an individual's own children)
- not supply alcohol and/or illicit drugs to children under the age of 18 years
- discriminate against, show differential treatment to, or favour particular children or young people to the exclusion of others (this includes not giving gifts to individuals or groups of children unless it is a planned and assessed part of a program)
- not hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium
- not use physical punishment on children
- not hire 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 legislation, including labour laws in relation to child labour

¹ 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.

² As defined under the *Criminal Code Act 1995*.

³ As defined under the *Criminal Code Act 1995*.

- immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate 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 DFAT
- be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse

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

When photographing or filming a child or using children’s images for work-related purposes:

- take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child
- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided
- ensure 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 images are honest representations of the context and the facts
- ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form