

Child Protection Policy

Global

1. INTRODUCTION

The Fred Hollows Foundation believes that:

- **All** children have the right to be protected against violence, abuse, neglect and exploitation.
- Protecting children is a shared responsibility of individuals, families, communities, government and non-government agencies and corporations, who have a **duty of care**.

This commitment is underpinned by The Foundation's commitment to the United Nations Convention on the Rights of the Child (1989) and is based on the following principles:

Principle 1: Zero tolerance of child exploitation and abuse

The Foundation has a zero tolerance approach to child exploitation and abuse. Any form of child exploitation and abuse taking place within its functions and programs will attract criminal, civil and disciplinary sanctions.

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 FHF in any of its activities.

Principle 3: Sharing responsibility for child protection

Every person who shares in the work of The Foundation shares in the responsibility to take every precaution to prevent any harm to children on whom our programs impact and with whom we have contact, and every action to respond in case such harm does happen.

Principle 4: Procedural fairness

The Foundation will apply procedural fairness when responding to concerns or allegations of child exploitation and abuse.

Principle 5: The best interests of the child

In all actions and decisions that concern and/or impact children, the best interests of the child shall be the primary consideration.

2. OBJECTIVES OF THIS POLICY

With this Policy and accompanying Code of Conduct the Foundation aims to:

- Protect children it comes into contact with in Australia and overseas from any harm resulting from contact with the organisation or impact from its functions and programs;

- Protect the staff of the Foundation;
- Protect the reputation of the Foundation.

For an overview of the legal and regulatory context guiding this policy, please see attachment 2

3. DEFINITIONS¹

Child: Following the definition provided by the United Nations Convention on the Rights of the Child, the Foundation defines a child as anyone below the age of 18 years.

Child abuse: is a general term used to describe any way the child may experience harm, usually as a result of failure on the part of a parent/caregiver or organization/community to ensure a reasonable standard of care and protection or by deliberate harmful acts. It includes those practices and behaviours that: put the welfare of children at risk and deny and deprive them of their fundamental rights; are harmful to them; and, disrupt their healthy development and negatively affect their wellbeing.

Within the broad definition of child abuse or maltreatment, five subtypes are distinguished – these are²: physical abuse, sexual abuse, emotional abuse and neglect, sexual and commercial exploitation.

Child abuse happens in the context of a relation of responsibility, trust or power, and is always an abuse of power.

Child protection: The prevention and response of any form of violence, abuse, neglect and exploitation of children, as a result of an intentional or unintentional action or lack thereof.

4. SCOPE OF THIS POLICY

4.1 Foundation Personnel

This policy and the accompanying Child Protection Code of Conduct (*see attachment 1*) is applicable to all Foundation personnel and representatives and imposes obligations on:

- Staff, consultants, contractors and volunteers in Australia and overseas;
- Board Members, Ambassadors and others who represent The Foundation such as community fundraisers.

It outlines the behaviour the Foundations expects from all its representatives, as well as procedures to follow in case of a child protection incident happening in the course of the Foundation's functions and programs.

4.2 Foundation Partners

This policy also applies to programs supported by The Foundation and implemented in Australia and overseas. The Foundation will take all possible steps to ensure that programs implemented by partners are safe for children, with the particular steps taken in different jurisdictions and projects being reflective of the assessed child protection risk profile of those activities and the local context.

The Foundation will engage in dialogue and consultation with our partners through:

- MoUs and Agreements with partners that include clauses committing to prevention and response to any form of violence, abuse, neglect and exploitation of children;
- discussion with program partner representatives of child protection risks and strategies to develop programming that mitigates these risks;

¹ For a more detailed glossary, please see attachment 3

² Definitions for these sub types derive from 1999 WHO consultation on child abuse prevention

- program audits and ongoing monitoring to assess risks to children, with any lessons learned being used to improve program design.

4.2.1 Government Partners

The Foundation acknowledges that our government partners have their own legislation and policies relating to child protection and are bound by them. To promote child-safe environments, The Foundation will engage in dialogue and discussion with these partners when developing programming that involves contact with children, and ensure any risks are identified and mitigated.

4.2.2 Non-Government Organisation (NGO) and Private Sector Partners

Local NGO and private sector partners are required to comply with local legislation and relevant policies relating to child protection and implement procedures to meet these. Some are also required by other donors to meet additional or different child protection procedures and The Foundation will be sensitive to these extra demands.

The Foundation will assess the child safety risks in its NGO and private sector partners. We recognise that some will require support and capacity building to meet the required child protection standards, and will provide such support. In the case of a partner not meeting these requirements, The Foundation will review the child protection risk involved, provide guidance to the partner to develop its policy and practice, or review the partnership and funding arrangement.

5. PRACTICES AND MEASURES TO PROTECT CHILDREN³

The Foundation commits to taking all possible steps to ensure the protection of children who come in contact with, or are impacted by, Foundation representatives, programs, or activities. This includes, but is not limited to:

5.1 Risk assessments

To ensure that The Foundation establishes the child protection risk context of its programs and activities, the relevant and responsible staff will:

- Assess the child protection risks in existing and new programs and projects⁴, including programs, communication, fundraising and operational activities in Australia and overseas;
- Review and support partners to strengthen their child protection policies and practices and actively minimise situations where children may be exposed to the risk of harm, abuse, or exploitation throughout the project cycle;
- Maintain child protection monitoring on The Foundation's Risk Register, and retain as an item on the Risk Report sent to The Board quarterly⁵.

In assessing child protection risks, The Foundation is aware that activities have different risk profiles, according to the different levels of contact and/or work with children they entail. The overall risk context will determine whether a full child protection risk assessment is required.

The Foundation commits to regularly evaluating the effectiveness of our risk assessment procedures and processes, and changing them where need be.

5.2 Personnel - Screening and Awareness of Obligations

³ For an overview of responsibilities for the implementation of these practices and measures, please see attachment 5

⁴ Project risk assessment tools can be found in section 2.5 of the Programs Handbook and on the Child Protection Page on FredNet

⁵ See appendix A of the Risk Management Framework for the type of information included in that report.

The Foundation takes steps to ensure that our personnel are aware of our organisational commitment to child protection and measures to promote safe environments for children. The Foundation is committed to ensuring that people who pose an unacceptable risk to children are not engaged.

5.2.1 New employees

Child-safe recruitment and screening procedures have been put in place and are regularly reviewed and updated. These can be found in attachment 4. All new staff will be made aware of the Child Protection Policy and Code of Conduct, and sign it to indicate their commitment to abide by it.

5.2.2 Existing employees

All existing employees have had a police check. Police checks are repeated every 5 years. Regular capacity development activities are organised to ensure all staff remain up to date with the requirements and expectations in the Child Protection Policy and Code of Conduct.⁶

5.2.3 Volunteers, Foundation Representatives and/or other people who travel overseas on or to a Foundation initiative or program

This Child Protection Policy and Code of Conduct will apply to, and be brought to the attention of volunteers (both in Australia and overseas), Foundation representatives (such as Board Members, Ambassadors and community fundraisers) and anyone who travels overseas on a Foundation initiative or program and/or who visits Foundation programs.

If these people have or are likely to have contact with children in the course of their activities, role or travel with The Foundation, they must:

- be briefed on and sign the Child Protection Code of Conduct;
- follow the child protection e-learning course, and
- have a police check undertaken

5.2.4 Contractors

This Policy and Code of Conduct will apply to, and be brought to the attention of, people contracted by The Foundation as consultants or to provide specific services. This will be done through attaching the documents to the contract in such a way that it forms part of their terms and conditions, and briefing the contractor on its contents.

In addition, where the consultancy or service involves contact or work with children, the hiring manager will submit the details of the contractor to POD to carry out a police check. For more information on this, please see the [Contracts Management System](#).

5.3 Training

The Foundation's induction program includes an explanation of this policy and all new staff and volunteers are required to sign a copy of The Foundation's Child Protection Policy and Code of Conduct to indicate their awareness of it and their willingness and intention to be bound by it.

Role specific briefings are provided upon joining in the different divisions in the organisation. Child protection refresher activities will be scheduled once every two years, and when significant changes are made to the policy.

⁶ See section 5.3 on training

Staff with specific additional responsibilities in child protection, such as child protection focal points and their line managers will be provided with additional training in the area of child protection and the associated incident reporting process. The training will be provided either in-house or through attendance by individuals at training sessions offered by expert providers. This training will also be refreshed every two years.

As most of The Foundations projects are implemented in collaboration with partners, training will also be provided to partners on child protection, with an emphasis on assessing the risks to children and putting in place the mitigation measures to address those risks.

5.4 Public Affairs

A child protection risk assessment will be carried out for each activity in which children participate directly initiated by the Foundation in Australia and overseas, and mitigation measures put in place if needed. Clear reporting procedures need to be in place in case of incidents. Any questions will be discussed with the CPO.

For activities in which children participate directly initiated by third parties, staff and volunteers involved will be provided with and briefed on the Child Protection Policy and Code of Conduct, as well as reporting processes. Responsibility for keeping children safe will lie with the third party.

5.4.1 Child Photos and Case Studies

The Foundation often uses photos and case studies of children to explain or promote development issues and the work we undertake. All staff, volunteers and contractors engaged in making or using photos or case studies in any communication media must comply with this Child Protection Policy and with The Foundation's 'Photo Library' Policy in order to ensure that:⁷

- featuring the child in FHF communication and fundraising activities will have no adverse effects on the child;
- photos and stories of children do not infringe their dignity or personal rights;
- photos and stories are not accompanied by detailed information which could enable the children to be fully identified or located;
- informed consent is obtained from the child, as well as her/his parent or guardian (where possible) before taking and (always) before using a child's photo in Foundation promotional materials. An explanation must be provided on how the photograph or film will be used and email verification documenting consent is to be sent to the Director of Public Affairs.

Where feasible, a copy of the material produced will be shared with the child featured in the publication.

5.4.2 Fundraising

An overview will be made of donor requirements with regards to child protection, and if a project is likely to include contact or working with children, donors will be made aware of FHF's policies in this regards. When donor requirements are less stringent than FHF's own requirements, FHF requirements will prevail.

The Child Protection Policy and Code of Conduct will apply to any direct donor interaction with children in the context of FHF functions or programs.

⁷ The Foundation's Photo Library Policy is available from the Policy Centre on FredNet, and includes guidance on the types of consent required in different situations.

5.5 Information and Research⁸

The Foundation will ensure that any research project it conducts (either directly or in partnership with other bodies) that is likely to involve contact or working with children has policies, protocols and appropriate ethics approval that specifically address their protection.

The Foundation and its partners may collect and retain medical and personal information about children accessing certain programs. The Foundation ensures that any such data it directly collects is de-identified, used only for the purpose for which it was gathered and stored in a secure environment. It also makes every reasonable effort to ensure that data collected by its partners is treated in the same careful manner.

5.6 Implementing the policy in country programs

Country programs are bound to abide by the child protection policy. Given the differences in legal and cultural context, it may be appropriate to adjust the policy and the related Code of Conduct to the specific context. Each country programme must as a minimum carry out a mapping of available child protection services and the legal framework to localize the reporting and response process.

Any changes to the policy must continue to meet the minimum standards on child protection, and be in the best interests of the child. The policy must be submitted to the CPWG HO for approval before coming into force.

⁸ The Foundation's Research Ethics and Data Management Policy is available from the Policy Centre on FredNet.

6. RESPONDING TO AND REPORTING CHILD PROTECTION CONCERNS

6.1 What should be reported?

The following should be reported:

- any disclosure or allegation from a child/community member/staff or other Foundation personnel regarding the safety/abuse/exploitation of a child;
- any observation of concerning behaviour exhibited by any Foundation personnel (whether staff, volunteer, representative or contractor), or by any personnel of a partner organisation or other relevant stakeholder, that does or may breach the Child Protection Policy and Code of Conduct;
- any rumour or suspicion of inappropriate behaviour with or treatment of a child by any Foundation personnel (whether staff, volunteer, representative or contractor), or by any personnel of a partner organisation or other relevant stakeholder, that does or may breach the Child Protection Policy and Code of Conduct
- inappropriate use of the organisation's photographic equipment or computers including evidence of child pornography;
- any Foundation or partner personnel engaging in suspicious behaviour that could be associated with sexual exploitation or trafficking; and
- any allegation that The Foundation (as a company or as a whole) is involved in or facilitating any of the above activities.

If a child tells you directly that s/he has been abused, your role is to listen to the child and respond in a calm and supportive manner. Record the information using the child protection incident form without questioning and follow the reporting and responding procedures outlined below and in attachment 5. For specific on how to support the child, see attachment 5.4.

The Foundation commits to handling all reports professionally, confidentially and promptly.

All reports made in good faith will be viewed as being made in the best interests of the child, regardless of the outcomes of any investigation. The Foundation will ensure that the interests of anyone reporting child abuse in good faith are protected.

Any individual who intentionally makes false and malicious allegations will face disciplinary action.

6.2 How to report⁹

All FHF staff, volunteers, representatives and/or contractors have a duty to report any suspected or confirmed breaches of the Child Protection Policy and Code of Conduct to the Child Protection Officer (for Head Office) or the Child Protection Focal Point in their office (everywhere else) within 24 hours of becoming aware of the breach. A Child Protection Incident Reporting Form is available on FredNet¹⁰ and/or in hardcopy from the Child Protection Focal Point¹¹.

6.3 Investigations

Child protection allegations are seldom immediately clear and often warrant further investigation before deciding next steps. Not all breaches of the code of conduct are a breach of the law, but they still have to be reported, investigated and responded to, to keep children safe.

⁹ For a detailed overview of the reporting process, and guidance on how to report please see attachment 5.

¹⁰ This form is immediately submitted to the Child Protection Officer at Head Office

¹¹ See attachment 5.4

The Foundation will investigate any matter where it has formed the view that this Policy or Code may have been breached. All information will be made available to the relevant authorities, if the case warrants their intervention.

In all investigations, the Best Interests of the Child will be a primary consideration.

In the course of the investigation, the Foundation will ensure the accused person has no contact with children in the delivery of his/her duties. It may be appropriate to temporarily suspend him/her from their relationship with The Foundation, which will be decided on a case by case basis.

- In relation to non-Board personnel: Only the CEO may make the decision to suspend, in consultation with the relevant CM, CPO and Legal Counsel.
- In relation to Board members: Only the Chair may make the decision to suspend, in consultation with the CEO, CPO and Legal Counsel.

Such suspension does not imply guilt but rather protects all parties while the matter is investigated properly. If the person being accused of the breach is an employee, this suspension is on full pay.

During this investigative period, confidentiality will be maintained (with only those who have a 'need to know' being informed of the reasons for the suspension) and the person will be offered counselling support. However the person will be responsible for seeking and paying for their own independent legal advice in relation to the allegation.

6.4 Consequences of breaching the code of conduct

An investigation has four possible outcomes, each with its own consequences, including remedial or disciplinary measures which could range from training through to dismissal and termination of contract – depending on the severity of the breach.

1. The incident is a **substantiated case of abuse**, as well as a **breach of the law**

This will lead to:

- In the case of an *employee*: summary dismissal.
- In the case of a *contractor or consultant*: termination of their contract.
- In the case of a *volunteer*: termination of their relationship with The Foundation.
- In the case of a *Board member*: removal from the Board.
- In the case of *any other person associated with The Foundation or our programs*: termination of the association.

In addition, relevant authorities will be informed, if that has not yet happened. The Foundation will cooperate with the authorities in case of a prosecution.

2. The incident is a **substantiated case of abuse**, as well as a breach of the FHF code of conduct, **but not a breach of the law**.

Disciplinary measures will be decided taking into consideration the severity and frequency of the breach, and can range from mandatory counselling and training, followed by a personal improvement plan, to summary dismissal or termination of contract. This will be decided by the CPFP, CM, CPO in consultation with the CEO and regional Child Protection Focal Point (for country programmes) or CPO, CEO, COO and Legal Counsel (for cases in Australia), and will be recorded and referred to for precedent.

3. The case of abuse **cannot be substantiated**

The CPFP, CM and CPO (for country programmes) or CPO, CEO and Legal Counsel (for cases in Australia) will consider if further action is necessary to ensure the safety and protection of

children and decide the appropriate measures to take, such as increased supervision, or additional training. This will be noted and monitored in the personnel file.

4. The allegation or suspicion is **proven to be untrue**.
 - The CPFP, CM and CPO (for country programmes) or CPO, CEO and Legal Counsel (for cases in Australia) will inform the people involved. Notes of the investigation will be included in the personnel file.
 - If there is a suspicion the report was made with malicious intent, this will be investigated.

All investigations and consequent decisions will be meticulously documented and included in the relevant confidential personnel files.

7. ROLES AND RESPONSIBILITIES

The **CEO** is accountable for the implementation of the Child Protection Policy, and will be held accountable by the Board.

The CEO will appoint an existing senior manager as The Foundation's **Child Protection Officer (CPO)**, whose contact details will be widely publicized and kept up to date on FredNet as well as the external website. The CPO will:

- be the contact point for concerns/allegations regarding breaches of the policy and code
- provide advice and support all Foundation staff in implementing the policy,
- lead the FHF effort to continuously improve its work on child protection, in collaboration with the global Child Protection Working Group

Child Protection Focal Points will be selected in country and regional offices to ensure the smooth implementation of the policy, and be the first contact for allegations of abuse happening in the country.

A **Child Protection Working Group** consisting of representatives from the different divisions at HO will monitor the implementation of the policy, as well as any changes in the legislative and regulatory context.

Divisional Directors, Associate Directors, Country or National Program Managers in Australia and overseas

- Are accountable for the implementation of the policy and supporting procedures in their teams, programmes and activities;
- Lead by example

All staff, consultants, volunteers and Foundation representatives have the responsibility to ensure they understand and abide by the child protection policy and the code of conduct. In addition, specific roles within the Foundation carry specific responsibilities with regards to child protection, which is included in their job descriptions and work plans.¹²

8. POLICY MONITORING AND REVIEW CYCLE

Child protection is incorporated in programming and other functions of the organisation, and monitored as such. Each division and each country programme is responsible for planning, monitoring and reporting on their work on child protection.

¹² See attachment 6 for a detailed overview of different responsibilities in child protection

The Global Child Protection Working Group, through its representatives in the different division and the national and regional Child Protection Focal Points, will bring the information together on an annual basis to monitor the overall implementation of the Child Protection Policy and Code of Conduct.

In addition, the regular risk reporting and risk monitoring and review will be used to identify trends, recurring risks and vulnerabilities, procedural weaknesses and other lessons learned. This includes the quarterly risk report, the review of data gathered in risk audits, as well as incident reports. The results will be shared with the Global Child Protection Working Group, and also included in the annual review.

The Foundation believes in the importance of transparency to continuously improve the results of the measures taken to protect children. It will report to and be held accountable for its commitment to child protection by its Board, its donors and relevant stakeholders.

The Policy will be subject to thorough review every three years or upon any major changes in legislation.

Attachment 1: THE FRED HOLLOWS FOUNDATION CHILD PROTECTION CODE OF CONDUCT

The Fred Hollows Foundation strongly condemns all forms of child abuse and categorically states that it is unacceptable in any circumstance. We are committed to ensuring a safe environment and culture for all children with whom we come in contact during the course of our work.

As a representative of The Fred Hollows Foundation, I commit to abiding by this Child Protection Code of Conduct which requires me to:

1. Be respectful of children's rights, background, culture and beliefs as set out in the UN Convention on the Rights of the Child.
2. Conduct myself in a manner consistent with my position as a positive role model to children and as a representative of The Fred Hollows Foundation.
3. Follow organisational policy and guidelines concerning the safety of children as outlined in The Foundation's Child Protection Policy.
4. Follow relevant local, state and national law relating to child protection and relevant criminal and labour legislation pertaining to children in Australia and overseas.
5. Ensure that, in any dealing with children during the course of my work, I:
 - Do not hit, physically harm or mistreat children
 - Refrain from any sexual act or behaviour towards children and young people, including using sexually suggestive language and paying for sexual services or acts.
 - Wherever possible, ensure that another adult is present when working near children.
 - Refrain from inappropriate physical contact with children
 - Avoid acting in ways that shame, humiliate, degrade or otherwise perpetrate any form of psychological harm against a child including the use of language that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
 - Refrain from developing relationships with children that could be deemed exploitative or abusive in any way.
 - Refrain from discriminating against, showing differential treatment or favouring particular children to the exclusion of others.
6. Respect the confidentiality of a child's personal information so that their dignity and safety is not compromised.
7. Refrain from photographing children or using their photographs in program, or promotional materials or social media without following The Foundation's 'Photo Library' policy.
8. Use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium.
9. Immediately report any possible or actual breaches of this Code of Conduct by Foundation staff, volunteers, representatives, contractors or partners to the Child Protection Officer and relevant FHF staff members(s) as set out in this policy as soon as I become aware of the situation.
10. Immediately disclose all charges, convictions and other outcomes of an offence which occurred before or occurs during my association with The Foundation that relates to child abuse and exploitation.

I have read and understand the Child Protection Policy and Child Protection Code of Conduct and agree to abide by it at all times to protect the children I may come into contact with through my work for and/or association with The Fred Hollows Foundation.

Name & signature: _____

Date: _____

Attachment 2: LEGAL AND REGULATORY CONTEXT¹³

The Foundation adheres to international conventions regarding the protection of children, Australian laws (both State and Commonwealth), and local laws in the countries where we work. We are also required to abide by some specific policies and procedures set by both our peak body, The Australian Council for International Development (ACFID), and – in relation to programs funded by the Australian Government – by the Department of Foreign Affairs and Trade (DFAT).

This attachment provides a brief summary of some of the applicable legislation (but is not a comprehensive statement of the law) and of the ACFID and DFAT requirements.

2.1 Relevant Australian legislation

Under Commonwealth law an Australian citizen or resident can be prosecuted for an offence committed against a child in another country under laws that have an extra-territorial application.

Commonwealth legislation

Criminal Code Act 1995

Legislation	Examples of offences	Maximum penalty
<i>Division 272 (child sex offences outside Australia)</i>	Engaging in sexual intercourse outside of Australia with a child under 16 years of age	20 years imprisonment
	Engaging in sexual activity outside of Australia with a child under 16 years of age	15 years imprisonment
	Engaging in sexual intercourse or sexual activity outside of Australia with a child under 16 years of age and the child has a mental impairment or is under the care, supervision or authority of the defendant	25 years imprisonment
	Engaging in sexual intercourse outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	10 years imprisonment
	Engaging in sexual activity outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	7 years imprisonment
	Grooming a child under 16 years of age to engage in sexual activity outside of Australia	12 years imprisonment
<i>Division 273 (offences involving child pornography material or child abuse material outside Australia)</i>	Possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia	15 years imprisonment
<i>Division 474 (telecommunications offences, subdivision C)</i>	Accessing, soliciting or transmitting child pornography or child abuse material using a carriage service	15 years imprisonment

¹³ This section includes the overview of the legal context provided in the DFAT Child Protection Policy 2017

Criminal Code Act 1995

Engaging in sexual activity with a child under 16 years of age using a carriage service	15 years imprisonment
Online grooming of a child under 16 years of age	15 years imprisonment

Crimes Act 1914

The Crimes Act 1914 sets out the laws that govern the way legal proceedings under the *Criminal Code Act 1995* are conducted, including the conduct of investigations and the protection of children involved in proceedings for sexual offences (under Part 1AD).

2.2 Local Legislation

Most countries in which The Foundation operates have legislation pertaining to child abuse and exploitation, and all are signatories of the UN Convention on the Rights of the Child.

When working in those countries, all of The Foundation's personnel are required to abide by local child protection and other relevant criminal and labour legislation pertaining to children. Australian citizens or representatives of Australian corporations visiting or working in The Foundation's overseas offices or in overseas partners' premises must also continue to abide by Australian Commonwealth Government laws.

When in doubt, the law most beneficial to the child takes precedent to guide behaviour and practices of the Foundation staff and contractors.

2.3 State and territory child protection legislation

State and territory laws provide legal protection to children and families that are affected by child exploitation and abuse that occurs in Australia.

State or territory	Legislation	Source
New South Wales	Child Protection (Working with Children) Act 2012	www.legislation.nsw.gov.au
Victoria	Working With Children Act 2005 Children, Youth and Families Act 2005	www.legislation.vic.gov.au
Queensland	Commission for Children and Young People and Child Guardian Act 2000	www.legislation.qld.gov.au/OQPC/home.htm
Western Australia	Working with Children (Criminal Record Checking) Act 2004 Children and Community Services Act 2004	www.slp.wa.gov.au/legislation/statutes.nsf/default.html
South Australia	Children's Protection Act 1993	www.legislation.sa.gov.au
Tasmania	<i>Education and Care Services National Regulations 2011; Education and Care Services National Law (Tas) [See s 4 of Education and Care Services National Law (Application) Act 2011 (Tas)]</i>	www.thelaw.tas.gov.au
Australian Capital Territory	Working with Vulnerable People (Background Checking) Act 2011 Children and Young Persons Act 2008	www.legislation.act.gov.au
Northern Territory	Care and Protection of Children Act 2007	www.nt.gov.au/dcm/legislation/current.html

2.4 International child protection instruments that Australia is a signatory to:

Instrument	Source
The United Nations Convention on the Rights of the Child	www.unicef.org/crc
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	www.unhcr.org/refworld/docid/50b353232.html
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	www.unhcr.org/refworld/docid/47fdb180.html
Geneva Declaration of the Rights of the Child	www.un-documents.net/gdrc1924.htm
International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	www.ilo.org/ilolex/english/convdisp1.htm

2.5 Australian Department of Foreign Affairs and Trade (DFAT) requirements

As a DFAT-accredited and funded NGO, The Foundation is expected to act in accordance with the policy principles outlined in the DFAT Child Protection Policy.

Where contact with children is identified in delivery of DFAT business, DFAT requires funded partners to:

- undertake risk assessments of each DFAT funded activity to ensure they identify and manage risks to children appropriately. This can be incorporated into existing activity planning and risk management practices. Child protection safeguards should be in keeping with the minimum child protection standards as outlined in the DFAT Policy.
- ensure personnel are trained in child protection awareness and understand their obligation to protect children when carrying out their work
- have clear internal reporting mechanism or procedure for their personnel to report concerns, and
- immediately report any suspected or alleged instances of child abuse, exploitation, harm or child protection policy non-compliance to the Conduct and Ethics Unit via childwelfare@dfat.gov.au.

2.6 ACFID Code of Conduct requirements¹⁴

ACFID has developed a Code of Conduct to regulate good practice in the delivery of programming. The Foundation is a signatory to this Code and is therefore required to meet the child protection quality principles and commitments outlined in the Code.

¹⁴ The Australian Council for International Development (ACFID) is the peak body for Australian not-for-profit aid and development organisations and has developed a Code of Conduct to regulate good practice in the delivery of programming.

Attachment 3: GLOSSARY

Abuse	<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, pornography¹⁵</p> <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 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>
Awardee	Awardee includes recipients of an Australia Awards Scholarship or Fellowship
Behavioural-based interview questions	Interview questions that probe the applicant’s past behaviour in specific situations relevant to the position. Behavioural-based questions give interviewers additional information about the applicant’s suitability to work with children
Changes in circumstances	<p>Personnel should report the following changes in circumstances to management:</p> <ul style="list-style-type: none"> - involvement in criminal activity - disciplinary procedures and criminal or civil court proceedings relating to child exploitation and abuse
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

¹⁵ Fact Sheet No. 12 *What is child abuse and neglect?* National Children’s Clearinghouse, Australian Institute of Family Studies.

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 ¹⁶
Child protection	An activity or initiative designed to protect children from any form of harm, particularly that arising from child exploitation and abuse
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: <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'.

¹⁶ This definition has been extracted from the *Criminal Code Act 1995*. See Part 10.6 of the criminal code for the full definition.

	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 DFAT
DFAT funded partner	Includes an individual or organisation that receives DFAT administered funding, as well as other contract arrangements funded by DFAT, including any partners engaged through the lead partner that DFAT has the legal agreement with
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)
Individual contractor	See Contractor
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 recipient who the sender believes to be under 16 years of age, 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 under 16 years of age. For further details, refer to the Criminal Code Act 1995, Division 474
Personnel	Personnel are either employed by an organisation, engaged by an organisation on a subcontract basis, or engaged by an organisation on a voluntary or unpaid basis. Personnel can include paid staff, volunteers, interns, trustees, board members
Police clearance certificate	The certificate showing the results of a criminal record check, which is issued by the police or other authority responsible for conducting such checks
Policy non-compliance	The failure to abide by DFAT's policy
Statutory Declaration	A written statement which you sign and declare to be true before an authorised witness
Unacceptable risk	The portion of identified risk that cannot be tolerated, and that must be either eliminated or controlled. For people deemed an unacceptable risk, control mechanisms are not considered appropriate
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

Attachment 4: RECRUITMENT AND SCREENING PROCESS

4.1 During recruitment

(a) For all recruitments:

- Job advertisements will include reference to The Foundation's Child Protection Policy and Code of Conduct, stating that all candidates will be required to comply with them.
- A minimum of two verbal reference checks will be required for preferred candidates and these will include questions about suitability for contact with children
- Candidate will be required to disclose any and all allegations, charges, convictions and other outcomes of any offence which relates to child abuse and exploitation which has occurred before association with The Foundation.
- A police check will be undertaken on the preferred candidate. If a candidate has spent more than one year overseas in a particular country in the last 5 years, a police check will be conducted in that country as well, as well as any country of citizenship. If police checks are not available in a country, a statutory declaration will be required of the preferred candidate disclosing any charges and spent convictions related to child protection.
- Employment offers may be made to candidates prior to the checks being completed; however, in these cases, the employment contract will explicitly state that employment will be terminated if the checks are unsatisfactory, and additional supervision will be put in place until the police check has been finalised.

(b) For recruitments to positions that have been identified as "working with children"

In addition to the above steps (with the exclusion of the last bullet point), the following steps will be taken:

- Candidates will be screened through behavioural-based questions during the job interview.
- If a specific child protection check is required by the law in the jurisdiction or country in which the position will work, this will be done for the preferred candidate in addition to the standard police check.
- The preferred candidate must not commence working in the position until the results of these checks are available.
- In the event that the delay involved in getting these checks is prohibitive or excessively long, the CEO will consult with the Child Protection Officer in Sydney and the relevant country (and such other staff as s/he decides necessary) to determine if the requirement to wait for the result can be waived and, if so, on what terms and conditions. Only the CEO can make the decision to waive the wait period for "working with children" positions.
- If the wait period is waived, additional supervision will be put in place, and the candidate will be accompanied during all his/her interaction with children for the duration of the wait period.

Responsibility for this rests with:

- The People and Organisational Development Division; and/or
- The Country/National Program Manager; or
- (In certain circumstances) the CEO.

4.2 After recruitment

- During the probation period in positions requiring contact or working with children, specific attention will be paid to employees' suitability to work with children,
- Child protection is included in the performance review for positions requiring contact or working with children
- Police checks will be repeated every 5 years for existing employees

Responsibility for this rests with:

- The People and Organisational Development Division; and/or
- The Country/National Program Manager.

Attachment 5: CHILD PROTECTION INCIDENT REPORTING

5.1 The Reporting Process

5.1.1 Concerns/allegations involving personnel based in Australia

- The Child Protection Officer (CPO) will notify the Chief Executive Officer (CEO), and Legal Counsel immediately.¹⁷
- If the concern or allegation is relating to activities receiving institutional funding, the CEO, in consultation with the CPO, will inform the institutional donor as per their requirements.¹⁸
- The CPO, CEO, and Legal Counsel will jointly assess the nature of the alleged offence, and decide on the next steps, including any action needed to ensure the safety and wellbeing of the child, and calling in support or advice from relevant staff members, if required.
- The Legal Counsel will support the CEO and CPO to ensure that relevant laws are followed in Australia in relation to investigation, reporting and sanctions.
- If the alleged incident is a breach of Australian law the CPO will report the allegation to the Australian Federal Police.
- The CPO will ensure that the fact a report has been made is included on the Risk Report presented to Board meetings, and include it in the CPWG review.
- The CPO will inform the relevant stakeholders (the person who made the report, the child involved, the person who the allegation was made against, if relevant, of the result of the investigation.
- The CEO will inform the institutional donor, if applicable.

Note that, if the concern or allegation is about:

- *the CEO – the report should be made to the CPO who will notify the Chair of the Board, who takes on the role of the CEO in the rest of the process described above;*
- *the CPO – the report should be made to the CEO, who will inform the COO who takes on the role of the CPO in the rest of the process described above;*

5.1.2 Concerns/allegations involving Foundation personnel based overseas or the personnel of a partner organisation

- The concern or allegation should be immediately brought to the notice of the Child Protection Focal Point (CPFP), who will inform the Country Manager (CM), the Child Protection Officer (CPO) and Regional Child Protection Focal Point (RCPFP).
- CPFP, CM and CPO will jointly assess the nature of the alleged offence, and decide on the next steps, including any action needed to ensure the safety and wellbeing of the child. If required, RCPFP will provide support, and other relevant staff members can be called upon as well, depending on the case.
- If the concern or allegation is relating to activities receiving institutional funding, the CPO informs the CEO, who will inform the institutional donor as per their requirements (see above).
- If the alleged incident is a breach of the national law the CM, in consultation with the CPO and Legal Counsel, will report the allegation to the relevant authorities, unless that is not in the best interests of the child.
- If the concern involves an Australian citizen, permanent resident, or an Australian company, the CPO will immediately inform the DFAT Child Protection Compliance Section.

¹⁷ Given the specific nature of the investigations, Legal Counsel may request external specialised counsel. This will especially apply when dealing with criminal and labour law in program countries.

¹⁸ An overview of donor requirements with regards to child protection (and other issues) is available from the Global Lead on Resource Mobilisation

- The CPO and CM will support the CPFP to ensure local procedures and laws are followed. If necessary, Legal Counsel will be engaged to support as well.
- The CPO will ensure that incident is included on the Risk Report presented to Board meetings, and include it in the CPWG review.
- The CPFP will inform the relevant stakeholders (the person who made the report, the child involved, the person who the allegation was made against, if relevant) of the result of the investigation
- The CEO will inform the institutional donor, if applicable.

Note that, if the concern or allegation is about:

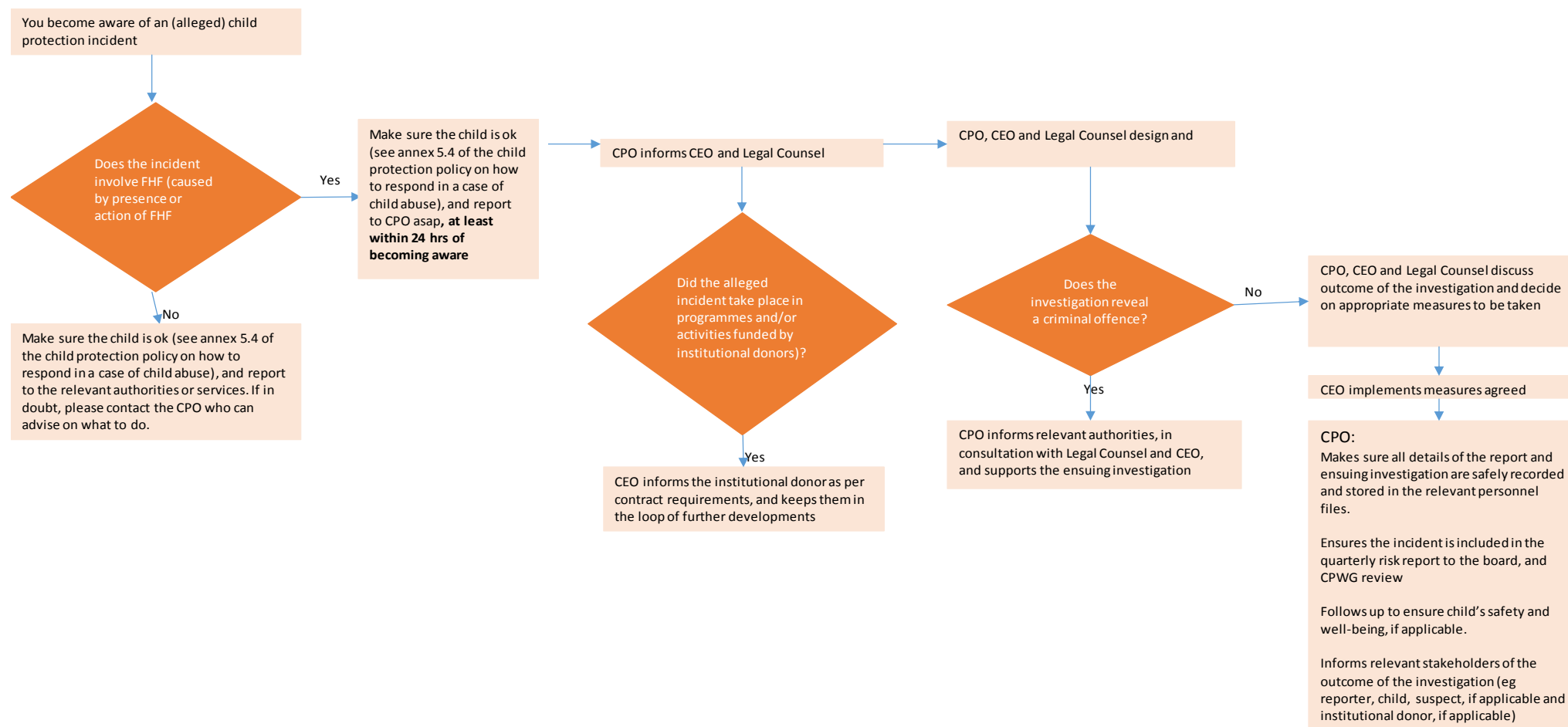
- *the CPFP – the report should be made directly to the Country Manager*
- *the CM – the report should only be made to the CPO, who will contact the regional child protection focal point.*

5.1.3 Concerns or allegations about The Foundation as a company

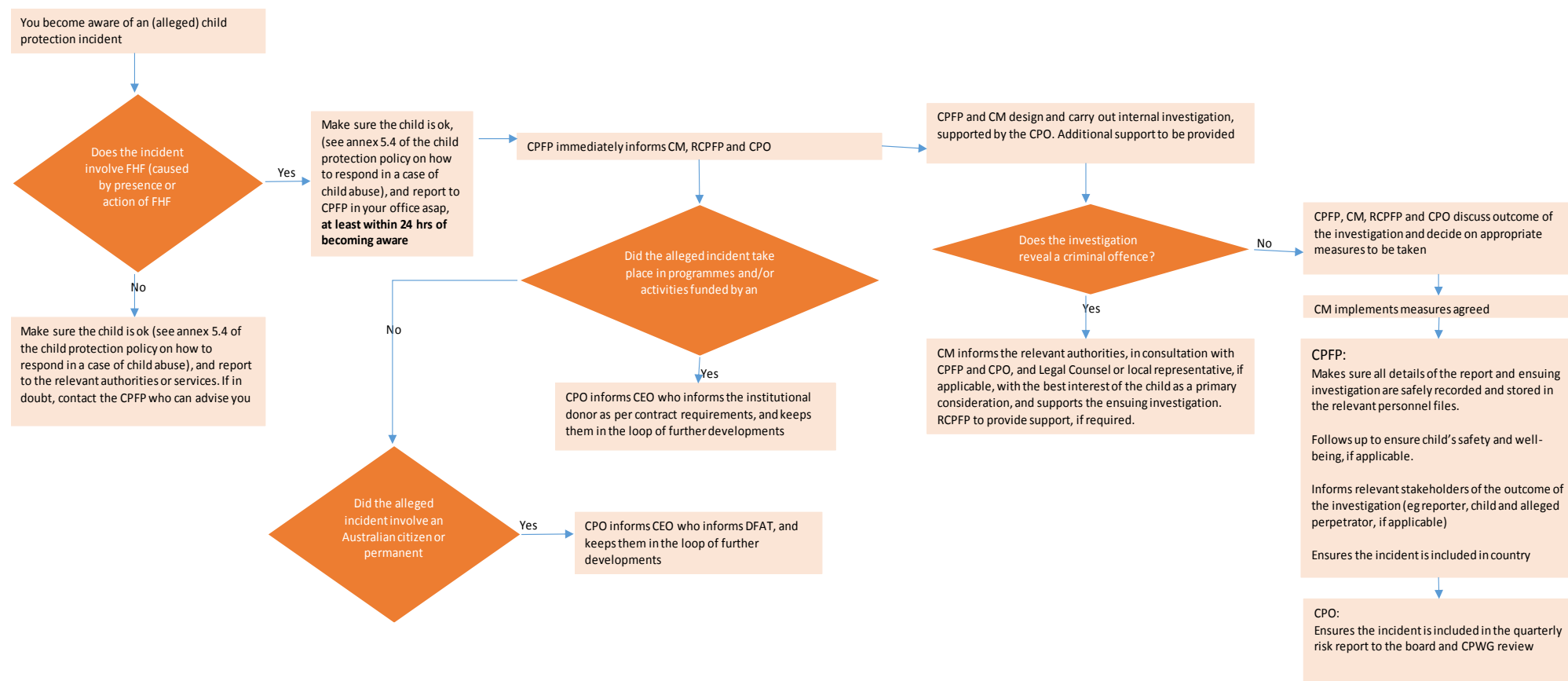
- If any allegations are made suggesting that The Foundation itself (as an Australian company) has committed an offence under any laws, then the CPO must refer the allegation to the Legal Counsel who will advise the CEO and/or the Board as appropriate in the circumstances.

5.2 Child Protection Incident Reporting Process – Schematic Overview

5.2.1 Reporting process in Australia



5.2.2 Reporting process in program countries



5.3 Child Protection Incident Reporting Form

FHF Child Protection Incident Reporting Form

ALL INFORMATION IN THIS FORM WILL BE TREATED CONFIDENTIALLY

Please only complete boxes where you are sure of the information or be very clear where you are not sure, eg when you have not seen for yourself or were told by someone else.

If you don't know the answer to a question, write 'Don't know'.

Information about you	
Name	
Position in FHF or relation to FHF	
Telephone	Mobile
E-mail	
Date	
Information about the child (if more than one child was affected, please include the details of all children you are aware of)	
Name	
Male <input type="checkbox"/> Female <input type="checkbox"/>	Age
Current location of the child (or information about the person with whom the child lives)	
Any additional information about the child, such as injuries, disability, general impressions.	
What actions have been taken to ensure the child's safety at present?	
Information on the suspected abuse/incident	
What happened?	
When did it take place (date and time)?	
Where did it take place?	
In which FHF project?	
Were there witnesses? If yes –who are they and how can they be contacted?	
How did you become aware of this incident?	
Who else has been informed about this incident?	

If applicable ¹⁹ : Information about the suspected perpetrator/person involved in the abuse	
Name	Male <input type="checkbox"/> Female <input type="checkbox"/>
Suspected perpetrator's relation with child	
Suspected perpetrator's relation with FHF	
Is the suspected perpetrator Australian or living in Australia ²⁰	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/>
Current location	
Contact details	

¹⁹ In case of an accident for example, or negative consequences of a programme activity, there may not be a perpetrator.

²⁰ As an Australian organisation, FHF has specific additional reporting obligations in case of abuse by an Australian or a resident in Australia

5.4 Guidance on reporting of child protection incidents

This section will provide you with guidance to report on a (suspected) child protection incident. As a signatory to the FHF Child Protection Policy and Code of Conduct, you have an obligation to report any (suspected) incident of violence, abuse, neglect or exploitation of children. This includes any harm that may have happened to a child as a result of his/her interaction with The Foundation.

Step 1: Becoming aware of an incident

There are different ways to become aware of abuse or an incident:

- You witness the abuse or incident
- Someone tells you about a case of abuse or incident
- You suspect there has been a case of abuse or incident
- A child tells you, or has told someone else he or she has been abused²¹
- A child has an injury where there is no satisfactory explanation
- You note, or think, a colleague's or partner's behaviour towards children is inappropriate
- You receive an allegation that a colleague is abusing a child or that a colleague is an abuser

Your first concern is always the child, if the child is hurt, or in danger, you need to take the necessary measures to ensure s/he receives the necessary services (eg medical services) and is safe. If you are unsure what to do, contact the Child Protection Officer (HO) or Focal Point (overseas) for advice.

Step 2: Is this incident a result of/caused by the activities or presence of FHF?

Is the incident in any way related to the presence or work of FHF? Is staff member involved of FHF or a partner supported by FHF? Is it the result of an activity organised by FHF? Is it the result of an action carried out for FHF? If you answer yes to any of the above – the incident needs to be reported to the CPO (HO) or CPFP (overseas).

If the incident is NOT related to FHF, you still have a responsibility towards the child, and should report the incident to the relevant authorities, such as child protection services. The CPO (HO) or CPFP (overseas) can advise you on who to contact and what to do.

Step 3: Report the incident

Use the FHF Child Protection Incident Reporting Form (available on FredNet and from the CPO or CPFP) to report the incident. Answer all questions to the best of your knowledge. If you don't know, or are not sure, say so.

All information provided, including your details, will be treated confidentially.

Step 4: Feedback

After submitting the report, online or in person, you are done. You no longer have a role to play in the process, unless you are contacted as a witness.

You will be informed of the outcome of the process.

²¹ Please see the next section on how to respond on disclosure by a child, as how you respond is critical, for the child and the process.

Responding to disclosure by a child.

When a child tells you that he or she has been abused, or feels uncomfortable with someone's behaviour towards them, they may be feeling scared, guilty, ashamed, angry and powerless. You, in turn, may feel a sense of outrage, disgust, sadness, anger and sometimes disbelief. Make sure you stay calm and listen to the child.

Whatever happens, **the child must be taken seriously.**

DO:

- Reassure the child s/he was right to tell you about the behaviour/abuse.
- Reassure the child s/he did nothing wrong, and that whatever happened was not her/his fault.
- Listen carefully and report exactly what was said.
- Tell the child you believe her/him.
- Explain to the child what you are going to do and what will happen next.
- Ensure the child is informed at every stage of the process.

DO NOT:

- Ask probing question. You can ask questions to clarify, but don't try to get more detail, or push the child to tell you more.
- Repeat the same questions back to the child as this may give them impression that you do not believe them.
- Make promises you cannot keep.
- Promise secrecy to a child. Be open and honest about the fact that you must report their allegation.
- Allow personal doubts to prevent you from reporting an allegation.
- Try and investigate the situation yourself, report it as soon as you can, after ensuring the child is ok.

Attachment 6: ROLES AND RESPONSIBILITIES RELATED TO CHILD PROTECTION

This document highlights the roles and responsibilities for the following groups:

- a. **Child Protection Officer – Head Office**
- b. **Child Protection Working Group (CPWG) – HO**
- c. **Child Protection Focal Point (CPFP) in country offices**
- d. **Child Protection Focal Point in regional offices (RCPFP)**
- e. **FHF Global Child Protection Working Group**
- f. **Responsibilities to be included in specific roles:**
 - o Board, CEO, COO, Divisional Directors, Associate Directors, Regional Directors, Country or National Program Managers, Legal Counsel, POD, Risk and Audit, IT, Public Affairs and Fundraising, Programs, GPA, Managers, All Staff, volunteers and Foundation Representatives

a. **Terms of Reference of Child Protection Officer – Head Office**

Reporting and response

- Act as a focal point to receive and manage information on all concerns/allegations regarding breaches of the Policy and Code of Conduct at HO,
- Inform and collaborate with CEO and Counsel to design and carry out investigation into alleged breach;
- Ensure necessary communication with relevant authorities, if applicable;
- Provide support to country based child protection focal points in case of reported breach of policy/code of conduct;
- Ensure that all documentation relating to child protection incidents are securely filed away and that confidentiality is maintained;

Policy implementation and monitoring

- Ensure all staff are informed on any revisions made to Child Protection Policy and Code of Conduct, in collaboration with Global CPWG.
- Provide advice and support all Foundation staff in implementing the policy;
- Stay up to date with changes, developments and best practices in the field of child safeguarding,
- Monitor changes in DFAT and ACFID policies and requirements, and international standards;
- Review child protection input for report to the board on a quarterly basis, in collaboration with Risk and Audit;
- Lead regular monitoring and evaluation of policy implementation, in collaboration with the CPWG
- Lead the review of the policy and its effectiveness on a regular basis, at least once every 3 years.
- Coordinate and lead the FHF Child Protection Working Group HO
- Coordinate and lead the Global FHF Child Protection Working Group (HO +CPFPs)

b. Terms of Reference Child Protection Working Group (CPWG) – HO

Purpose: To ensure the child protection policy is a living document, that is put in to action and regularly reviewed in light of experience within the organisation and international best practice standards.

Membership: The exact membership of the working group may differ over time, as the policy evolves, but will consist at least of representatives from:

- Business Operations
 - POD
 - Risk and Audit
 - Legal (not a permanent member, requested on a needs basis)
- Public Affairs
- Programs
 - Operations
 - Resource Mobilisation
- OCEO (CR? TBC)

Responsibilities:

- Develop, implement and monitor a child protection work plan, to ensure the implementation of the child protection policy throughout the organisation
- Be responsible for the roll out of the policy within their area of work/division, and provide support to other divisions, if needed
- Be the focal point within their teams and divisions on questions about child protection, and within their own area of expertise,
- Provide support to country teams on the implementation of the child protection policy in their area of expertise
- Identify good practices and/or areas of concern from field visits and other interactions with country teams
- Document activities to promote and strengthen child protection and lessons learned in the process in the respective areas of work
- Meet quarterly to discuss and review progress and plan for the next quarter (before report to the board is due)

Role specific responsibilities in this group:

Legal

- Monitor the legislative and other relevant environments to keep The Foundation up-to-date with legal changes in the field of child protection.

Risk and Audit

- Gather any additional input from the group for report to the board on child protection
- Share relevant results from CP part of country audits, eg information that could be addressed through the group

Communication and community education

- Support communication about child protection

c. Terms of Reference of Child Protection Focal Point (CPFP) in country offices

Purpose: To ensure child protection incidents are dealt with as quickly and professionally as possible, prioritising the best interest and safety of the child involved. One staff member will be selected to be the Child Protection Focal Point (CPFP) in each country office.

Reporting and response:

- Act as a focal point to receive information on child protection concerns or cases of child abuse by staff or associates, including cases of abuse in partner organisations
- Make a prompt response to any concern that is being raised strictly following the reporting procedures as outlined in the Child Protection Policy.
- Assess risk for the child's protection when reporting the case and further actions that might be taken to keep the child safe.
- Consult with local agencies/institutions where relevant to provide support for child.
- Make a referral/report externally as appropriate and necessary, in consultation with the country manager and CPO at HO. Additional support can be requested from the regional child protection focal point.
- Ensure all information on the (suspected) incident is recorded and stored appropriately, and submitted to the CPO at HO

Implementation and monitoring of the child protection policy:

- Monitor child protection implementation in the country office
- Assist with child protection issues in recruitment (for example, as part of interview panel)
- Ensure all new staff are briefed on child protection, in collaboration with POD/HR in country
- Brief visitors on child protection
- Support partners organisation to develop and/or strengthen their child protection policies and procedures
- Support child protection risks assessments, including partner assessments
- Ensure all information related to activities to implement the child protection policy are recorded and documented, and included in the appropriate reports
- Ensure up to date information, including contact information, is available on child protection services in the area of implementation, including information on the legal framework in country, existing reporting mechanisms and support services for children
- Provide advice on child protection to colleagues and address their concerns, if any
- Be part of the FHF Global Child Protection Working Group

The CPFP is **not** responsible for the implementation of the child protection policy per se – that responsibility lies with the **country manager**. S/he does however have a role to play in keeping it on the agenda.

d. Child Protection Responsibilities of the Regional Operations Coordinator aka the Regional Child Protection Focal Point (RCPFP)

Purpose:

To ensure child protection incidents in implementing countries where there is no country office are dealt with as quickly and professionally as possible, prioritising the best interest and safety of the child involved.

To provide technical support to the implementation of the Child Protection Policy in the country programmes.

To monitor implementation of the Child Protection Policy across the region.

Reporting and response:

- Act as a focal point to receive information on child protection concerns or cases of child abuse by staff or associates, including cases of abuse in partner organisations in projects implemented in their region where there is no country office
- Make a prompt response to any concern that is being raised strictly following the reporting procedures as outlined in the Child Protection Policy.
- Assess risk for the child's protection when reporting the case and further actions that might be taken to keep the child safe.
- Work closely with the partner organisation to consult with local agencies/institutions where relevant to provide support for child.
- Work closely with the partner organisation to make a referral/report externally as appropriate and necessary, in consultation with the regional manager and CPO at HO.
- Ensure all information on the (suspected) incident is recorded and stored appropriately, and submitted to the CPO at HO

Implementation and monitoring of the child protection policy:

- Collaborate with the CPFs to monitor child protection implementation in their region, flag any concerns to management and the CPWG
- Provide technical support and backstopping to the country based CPFs, if and when needed
- Support roll out and capacity development of any child protection guidelines and tools in their region
- Assist with child protection issues in recruitment (for example, as part of interview panel)
- Support child protection risks assessments, including partner assessments
- Support partners organisation to develop and/or strengthen their child protection policies and procedures
- Ensure all information related to activities to implement the child protection policy in the region are recorded, documented, collated and included in the appropriate reports.
- Ensure up to date information, including contact information, is available on child protection services in the area of implementation, including information on the legal framework in country, existing reporting mechanisms and support services for children.
- Be part of the FHF Global Child Protection Working Group

e. Terms of Reference FHF Global Child Protection Working Group

Purpose: To ensure the child protection policy is a living document, that is put in to action across the organisation and regularly reviewed in light of experience within the organisation and international best practice standards.

Membership:

- CPWG HO
- CPFPS
- RCPFPS

Responsibilities:

- Review implementation of the child protection policy across the organisation on an annual bases
- Review and discuss anonymized cases and how they were responded to, if applicable
- Identify and discuss good practices and/or areas of concern from implementation
- Document lessons learned
- Identify capacity needs and other gaps, and ways to address them as a group
- Identify possibilities for regional or cross regional mentorship or support in the field of child protection

f. Responsibilities in specific roles:

Board

‘Ultimately responsible for the effective functioning of the organization, its sustainability and the protection of the ‘Fred Hollows’ name and brand’

- Responsible to establish child protection policy, and protocols for managing incidents/crises
- Monitor the performance of the organization in the field of child protection (prevention and response), ensuring it meets relevant standards, regulations and reporting requirements
- Provide accountability to members and stakeholders (inclusive of beneficiaries).

CEO

- Overall accountable for the implementation of the Child Protection Policy
- Be part of reporting and response process for incidents happening in Australia or involving Australians or Australian residents
- Responsible for communication with institutional donors on child protection incidents, if such communication is required by the donor
- Report on CP to the board on a quarterly basis
- Hold relevant Divisional Directors and Associate Directors to account on the Child Protection Policy and Code of Conduct
- Promote the Child Protection Policy in the Fred Hollows Foundation (eg mention it at least once a year in the monthly updates, ask about it in a visit, etc).

COO

- Ensure the necessary means are available and in place to protect children (eg policies, procedures, HR and financial means)

Divisional Directors, Associate Directors HO

- Accountable for the implementation of and adherence to the policy in their divisions. This includes:
 - Ensuring child safe recruitment, as outlined in POD policies, for all staff, contractors and volunteers

- Ensuring all members of their team follow the required training and adhere to the Code of Conduct
- Ensure risk assessments are carried out for projects and activities in their division

Regional Directors

- Accountable for the implementation of and adherence to the policy in their region.
- Have a clear overview of the implementation of CP and any possible concerns in their region and report on this in regular reporting;
- Support the Regional Operations Coordinator in her/his role to strengthen and monitor implementation of the child protection policy across the region;

Country or National Program Managers

- Accountable for the implementation of and adherence to the policy in the country programme. This includes:
 - Ensuring child safe recruitment, as outlined in POD policies, for all staff, contractors and volunteers
 - Ensuring all members of their team follow the required training and adhere to the Code of Conduct;
 - Supporting partners to meet and apply child protection standards in projects supported by the Foundation;
 - Ensuring risk assessments are carried out for projects and activities in their country, including operational processes;
 - Leading the response process for incidents happening in their country programme;
 - Communicating with relevant authorities, if applicable
 - Supporting the CFPF to carry out their responsibilities

Legal Counsel

- Support the CPO and CEO in dealing with breach allegations and provide advice if allegations or concerns are about The Foundation's conduct as an Australian Corporation.
- Monitor the legislative and other relevant environments in Australia

Associate Director of POD

- Ensure child protection is mainstreamed into recruitment and recruiting managers are briefed about child protection
- Support hiring managers to follow the recruitment process for all staff, volunteers and contractors, including carrying out police checks
- Safely store records on all (suspected) breaches of the policy or code of conduct in relevant personnel files
- Ensure signatories receive orientation on the child protection policy by means of trainings and/or briefings.
- Devise; deliver/oversee a schedule of regular training for all signatories, with specific trainings organised for child protection focal points in country.

Risk and Audit Specialist

- Ensure that child protection is reported on quarterly to the Board, and that management is immediately informed about sensitive/high risk projects/situations
- Ensure child protection is audited on a regular basis, and reports/analysis are shared with appropriate stakeholders
- Ensure child protection is included in bi-annual risk reviews

Associate Director of Technology and Business Services

- Monitor systems to ensure usage does not breach the child protection policy

- Provide the tools to safeguard information on children stored by FHF

Director of Public Affairs

- Carry out risk assessments and mitigation planning for any fundraising and/or communication activities involving children
- Ensure the collection of stories and images of children is in line with the child protection policy
- Ensure informed consent is well documented and records are kept
- Ensure information on children is stored in such a way it is only accessible for those who need to use it in their work
- Ensure donors are informed of the FHF child protection policy and in agreement with possible requirements/restrictions put on them as a result
- Ensure use of social media by The Foundation and its staff is in line with the child protection policy
- Ensure FHF's Child Protection Policy is included on the FHF public website

Programs

- Ensure child protection is included in all partner contracts, including contracts with institutional donors
- Ensure child protection risk assessments are carried out for all projects and identified risks are mitigated, monitored and progress documented
- RM: maintain an up to date overview of donor and registration requirements, including requirements on child protection

GPA

- Carry out risk assessments and mitigation planning for any Partnership and Advocacy projects and activities involving children
- Ensure child protection is included in partnership discussions
- Maintain register of child protection partner assessments for partners FHF is working with in multiple countries/projects (in the Partnership Oversight Committee)

All managers, anyone engaging a contractor or volunteer

- Follow the FHF recruitment process
- If the work or services involve contact or work with children, submit details to POD for a police check.

All Staff, volunteers and Foundation Representatives

- Understand and comply with this Policy and Code of Conduct.
- Report any (suspicion) of a breach of the policy and code of conduct
- Take responsibility for the protection of children in their role

CONTROL OF DOCUMENTATION

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Division	Business Operations		
Review Body	EMG	Approval Body	Board
Version Date	October 2017	Version Number	4
Next review date	October 2020	Review Period	3 years