

## CHILD PROTECTION POLICY

### 1. Introduction

Action on Poverty (AOP) is an independent, secular, not for profit, non--governmental organisation (NGO). Founded in Australia in 1968, AOP was incorporated in the state of New South Wales in 1983. AOP works with partners and communities in Africa, Asia and the Pacific.

AOP is committed to supporting work that is of the highest standard, and in doing so, holds full accreditation with the Australian Government through the Department of Foreign Affairs and Trade (DFAT). AOP is a signatory to the Australian Council for International Development (ACFID) Code of Conduct which requires high standards of corporate governance, public accountability and financial management to be in place.

**AOP Vision:** For all people to transcend the injustice, indignity, and inequality of entrenched poverty.

**AOP Mission:** To empower local changemakers to break the cycle of poverty in their communities.

### 2. Purpose

This Child Protection Policy was developed to help prevent and respond to any abuse of children within the AOP or its programs. It is aimed to guide and educate all staff and associated personnel about what is expected of them, and promote a culture and environment where everyone is committed to protecting children.

This policy is accompanied by a Code of Conduct, which outlines requirements and procedures to assist staff and associated personnel to plan for and manage children's safety and protection across all areas of the organisation's work.

Further, it provides guidance on what steps to take where concerns arise regarding the safety of children, and that appropriate action and support are undertaken in this regard.

AOP is committed to the protection of children from violence, abuse, neglect and exploitation. AOP affirms that all children have the right to protection from all forms of abuse, including child labour, child sex tourism and grooming behaviour.

We implement a rights-based approach in our programs, and ensure that all activities integrate the key principles of the United Nations Convention on the Rights of the Child<sup>1</sup>.

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<sup>1</sup> UN Convention on the Rights of the Child, 1989 – accessed at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

Taking steps to protect children from all forms of violence, abuse, neglect, and exploitation such as child labour, child sex tourism and grooming behavior is consistent with AOP's vision, mission and values.

### **3. Scope**

3.1 This policy applies to all AOP activities.

3.2 This policy applies to all board members, staff and associated personnel, as well as visitors and volunteers.

3.3 This policy applies at all times when staff or representatives can be considered to be representing the organization, whether during working hours or not.

3.4 This policy cascades and applies to AOP partners and contractors and is built into AOP agreements with partners and contractors.

3.5 This policy should be read in conjunction with AOP's Fraud policy, as well as AOP's CTF Risk Assessment Guideline.

### **4. Policy**

4.1 AOP believes that any form of violence, abuse, neglect and exploitation of children is unacceptable and will not be tolerated.

4.2 AOP believes that all children have a right to be safe at all times, and we have an obligation to provide safe and protective services and environments.

4.3 AOP recognises its duty of care to take all reasonable steps to ensure that children are safe from harm.

4.4 AOP takes proactive steps to create child safe and child friendly programs.

4.5 Adherence to this Child Protection Policy and Code of Conduct is a mandatory requirement for all staff and associated personnel.

4.6 AOP will ensure that all staff and associated personnel receive training on the policy and are aware of their responsibilities and how to implement them.

4.7 AOP believes children in our programs should be given opportunities to express their views on matters affecting them.

4.8 AOP believes all children should be equally protected and assisted regardless of their gender, nationality, religious or political beliefs, family background, economic status, physical or mental health or criminal background.

### **5. Policy Implementation**

5.1 **Training and awareness**: AOP will ensure that all staff and associated personnel are aware

of the Policy and Code of Conduct. The following steps will be taken to ensure proper educational support is provided:

- We will ensure that all staff and associated personnel are aware of the problem of child abuse and the risks to children.
- All AOP staff and associated personnel will sign and abide by this Child Protection Policy and Code of Conduct.
- All staff and associated personnel will have access to a copy of this Child Protection Policy in a language and form that is easily accessible to them, and the policy will be made publicly available to all through the website and in every AOP (program) office.
- All staff and associated personnel will be trained on child protection and their responsibilities when they join the organization.
- Additional training and support will be provided by AOP as required, to ensure commitments are met.
- We will ensure that all programs/offices select a Child Protection Focal Point to support the implementation of the Child Protection Policy and be the first point of contact to receive reports on child protection incidents.
- We will ensure that AOP staff and associated personnel are aware of their relevant Child Protection Focal Point for the purposes of reporting a breach of this Policy and/or Code of Conduct.

**5.2 Recruitment:** AOP is committed to ensuring that no one is recruited to work with AOP who may pose a potential risk to children:

- AOP has put in place child safe recruitment, screening and selection processes. These child safe recruitment guidelines can be found in the AOP Child Protection Guidelines and the AOP Operations Manual.
- AOP requires all staff and associated personnel to comply with the Child Protection Policy and Code of Conduct throughout their period of employment. Failure to do so may result in a transfer to other duties, suspension or dismissal, depending on the nature of the offense. Criminal behaviour will be reported to the relevant authorities as per the Reporting Procedures below.
- Contracts clearly state that adherence to the Child Protection Policy is required, and failure to do so will lead to disciplinary consequences.

**5.3 Reporting and Response:** AOP will implement the following Reporting Process for breaches of the Child Protection Policy or the Child Protection Code of Conduct, or when reporting a concern for the safety or well-being of a child:

- **Mandatory Reporting:** It is mandatory for all AOP staff and associated personnel to report incidents, concerns or allegations of child abuse/breach of the Child Protection Policy and/or Code of Conduct, without exception, within 24 hours of becoming aware. These reports should be made directly to the Child Protection Focal Point (CPFP) in the relevant office or program<sup>2</sup>. The Child Protection Focal Point will immediately inform the AOP CPFP in Sydney, in addition to taking the necessary measures in country.
- **Best Interest of the Child:** The Best Interest of the Child is the primary consideration in any response. The first step is always to ensure the child is safe and any needs are

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<sup>2</sup> Details on how to report are included in the Child Protection Implementation Guidelines.

taken care of.

- **Confidentiality:** Confidentiality of reporting is ensured to protect the identity of the child or children involved, the whistle-blowers, and alleged perpetrators. All details of the reporting process and investigation process must be kept confidential, and only shared with those relevant (authorities and donors, if required). Provisions will be made for the protection of the person reporting an issue or concern if they have a genuine fear for their physical safety, but the case still must be reported.
- **Notification:** The AOP Child Protection Focal Point in Head Office is responsible for informing the relevant donors as per their requirements.<sup>3</sup>
- **Integrity of Reporting Process:** Upon reporting an investigating committee, consisting of the Child Protection Focal Point and HR in country, as well as the AOP Child Protection Focal Point in Sydney will be called to review the report and plan the investigation.
- **Outcomes of the Investigation:** There are four potential outcomes of an investigation:
  - The incident is a **substantiated case of child abuse**, as well as a **criminal behaviour**, and will be reported to the authorities, in consultation with child protection services, and will lead to dismissal or end of contract.
  - The incident is a **substantiated case of abuse**, as well as a breach of the AOP code of conduct, **but not a breach of the law**, and will lead to disciplinary measures ranging from further training to dismissal.
  - The case of abuse **cannot be substantiated**, upon which further action will be decided
  - The allegation or suspicion is **proven to be untrue**. All those involved will be informed and if there is a suspicion the report was made with malicious intent, this will be investigated.

5.4 **Working with partners:** Most of AOP's work is carried out in collaboration with partners, therefore it is vital to ensure partners commit to the same standards of child protection and take all necessary measures to ensure the safety and well being of children. To this end, AOP will:

- Require that partners read and acknowledge the AOP Child Protection Policy, sign the AOP Code of Conduct, and commit to put measures in place to keep children safe. If a partner does not have their own policy, AOP requires that the partner develop their own Child Protection as part of their collaboration with AOP;
- Require all partners, from the day of signing the Contract and the Code of Conduct, without exception, to report any suspected Child Protection incidents to AOP within 24 hours, in addition to responding to the incident. Failure to do so, will result in suspension and potentially termination of any Project Agreement.
- Provide assistance and resources to partners to develop their own Policy in line with international standards and specific donor requirements.

5.5 **Risk Management:** AOP will proactively manage risks to children in our programs (and the communities where we work) to reduce the risk of harm, by:

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<sup>3</sup> Under the DFAT Child Protection Policy, it is mandatory for concerns that have been reported to the Child Protection Focal Point or their relevant delegated authority, to then be communicated to DFAT within 24 hours. It is at this stage, that AOP will discuss a schedule for provision of regular updates on progress and deadline for completing the investigation. It is important to note that the failure to notify DFAT of a reported incident within 24 hours of becoming aware of an incident, constitutes a breach of the Head Funding Agreement and may result in AOP losing its accreditation status.

- Examining each program and its potential contact with and impact on children. Programs that involve direct work with children are considered a higher risk, and therefore require more stringent and regular risk assessments and oversight, which are integrated in project development, budgeting, implementation, monitoring and evaluation.
- AOP staff will conduct a child protection risk assessment/audit of partners and projects at the start of the collaboration and on a regular basis from then on. Partners and projects will be classified into high, medium or low risk categories, based on the level of contact they have with children and the nature of their program/context activities or location.

**5.6 Monitoring and Evaluation:** This Policy and its implementation will be monitored on an ongoing basis. Reports on implementation are included in program reports, as well as reports to the AOP Board. The policy will be reviewed at least every 3 years to ensure that it remains relevant to the needs of AOP and its partners

## Annex 1: Definitions

**Child:** In accordance with the United Nations Convention on the Rights of the Child and for the purpose of this Policy (as well as the Child Protection Guidelines and Code of Conduct), AOP defines a child as ‘any person under the age of 18 years, regardless of whether a country’s laws recognise adulthood earlier.’

**Child Abuse:** Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Abuse includes physical, sexual, emotional, neglect, child labour and family violence. In some cases, professionals and other adults working with children in a position of trust also abuse children.

- Physical abuse: the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.
- Neglect: the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.
- Emotional abuse: refers to a parent or caregiver’s inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child’s self-esteem or social competence.
- Sexual abuse: the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals, masturbation, and oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling breasts, voyeurism, and exhibitionism and exposing the child to, or involving the child in, pornography. (Australian Government/AusAID Child Protection Policy, January 2013).

**Child Abuse Materials:** Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of abuse; or which may be classified as child pornography material.

**Child Labour:** work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries. (Source: International Labor Organisation)

It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by depriving them of the opportunity to attend school by obliging children to leave school early;

**Child Protection:** is the term used to describe the responsibilities and activities undertaken to prevent or stop children being harmed.

**Child Sex Tourism:** the commercial exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and engage in sexual acts with children, defined as anyone aged under 18 years of age (ECPAT International). In its most extreme forms, child sex tourism involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age.

**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.

**Criminal Record Check:** A check of an individual's criminal history record. In Australia, national criminal record checks are available through state and territory police departments. They take around 20 working days. The type of employment should be specified as 'overseas employment.' Overseas, different checking procedures apply in each country and may take six weeks or longer. Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including sighting by the Department of Foreign Affairs and Trade.

**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 regarding child pornography offences, refer to the Australian *Criminal Code Act 1995*.

**Duty of Care:** is a common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the organisation to protect children from all reasonably foreseeable risk of injury.

**Grooming Behaviour:** behavior that makes it easier for an offender to procure a child for sexual activity. For example, an offender may build a relationship of trust or intimacy with the child, and then seek to sexualize that relationship. Examples include: favouring a child, isolating a child, giving excessive attention or gifts, using sexualised language or physical contact, exposing a child to sexual concepts, or providing a child with drugs or alcohol.

**Partners:** For the purposes of this policy, partner(s) refers to any organisation or person that AOP works with to deliver services in Australia or in specific countries and has a formal Implementation Agreement in existence with AOP.

**Staff:** People employed by AOP on a permanent or temporary basis in Australia or overseas.

**Volunteer:** is a person who engages in an activity with AOP or its partners for no financial payment and is of the volunteer's own free will and without coercion. For the purpose of this Policy, volunteer includes board members and interns as well as any visitor to one of AOP's or its partner's projects (including study tours, donors, and media personnel).

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