



POLICY ON CHILD PROTECTION

“The fight against poverty stands a good chance only when children are freed from exploitation, violence and abuse. Unfortunately, there is no quick-fix solution: A child cannot be immunised against abuse. But there is something that can be done. We can begin by ensuring that all children live in a strong protective environment” (UNICEF2005: 26-27)

Bright Futures (BF) affirms its commitment to the welfare of children and their protection from abuse and exploitation.

BF upholds the UN Convention of the Rights of the Child (1989), Article 19, which states “State Parties shall protect the child [1] from all forms of physical and mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse.”

We believe that child protection is both a corporate and an individual responsibility. Every person who shares in the work of BF (including staff, volunteers, contractors, and supporters) also shares in the responsibility to take every precaution to protect the children and families we serve, regardless of their gender, race, religion, age, disability, sexual orientation, social background and culture.

The Challenge

Every year hundreds of millions of children suffer some sort of abuse. Some 1.2 million children are trafficked into exploitative work, many of them into commercial sexual exploitation. Orphaned, displaced, homeless and abandoned children are particularly vulnerable to sexual exploitation and abuse, as are children with disabilities. Children are also highly vulnerable during emergency and disaster situations (natural or conflict based), because they are often separated from their parents and other caregivers who would normally protect them from harm.

Child sex offenders may seek employment in children’s organisations or may volunteer to work in remote or vulnerable communities. They may also move from ‘developed’ countries to ‘developing’ countries due to heightened awareness, tougher laws and more rigorous screening processes in developed countries. Sex offenders may seek opportunities to perpetrate child abuse through paid or unpaid employment with organisations implementing development activities in circumstances that make children inherently vulnerable to such risks.

The risk of child abuse is elevated when overseas aid activities bring aid workers into regular contact with children (for example, in disaster responses, primary and secondary education activities, women’s refuges and some health, infrastructure and

human rights activities). It is essential to ensure that risks of child abuse associated with aid delivery are managed effectively. It is also vital that organisations implementing aid activities remain alert to child protection issues and have the capacity to manage them effectively.

The Policy Guiding Principles

The overall goal is: ***To protect children from abuse of all kinds in the delivery of BF-funded or BF-managed projects***

Child Abuse is defined as ‘all forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse’.

The policy follows four guiding principles:

1. Zero tolerance of child abuse: Child abuse is not tolerated by BF, nor is possession of or access to child pornography. BF actively manages risks of child abuse associated with delivering aid activities and trains its staff on their obligations.

BF will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children, nor fund any individual or organisation that does not meet BF’s child protection compliance standards in their operations and activities.

2. Recognition of children’s interests: Australia is a signatory to the United Nations Convention on the Rights of the Child, and BF is committed to upholding the rights and obligations of the convention. BF recognises that some children, such as children with disabilities and children living in areas impacted by disasters (natural or conflict based), are particularly vulnerable.

3. Sharing responsibility for child protection: To effectively manage risks to children, BF requires the active support and cooperation of Australian Delivery Organisations (ADOs) and In-country Delivery Organisations (ICDOs) which are implementing BF’s aid activities. BF’s Australian partner organisations, agents and ICDOs must meet the terms of the BF Child Protection Policy and will be held accountable, through contracts, for complying with it.

4. Risk management approach: While it is not possible to eliminate all risk of child abuse, careful management can reduce the incidence of child abuse associated with aid activities. This policy introduces risk assessments and treatments for a range of recognised risks to children.

The Policy

1. Staff Training- a key step in reducing risks to children when delivering aid activities is to increase awareness of risks and how to manage them. BF staff, volunteers, and directors will receive training by the Chief Executive or other qualified person on child protection issues and on their obligations under this policy during their induction, including mandatory reporting of concerns or allegations of child abuse. Training will also be received every time this policy is updated.

2. Internal recruitment and screening processes - BF's internal recruitment processes employs screening measures to ensure inappropriate persons are not employed by the agency as follows:

- **Advertising:** Our commitment to child protection will be clearly stated in recruitment advertisements.
- **Police Record Checks** - All applicants for paid or voluntary work, where considered appropriate given the nature of the task and potential for contact with children and/or handling of funds, will be asked to undertake a police record check as part of the application process. Police record checks will be carried out for all permanent and long-term contract staff, appointees and Board members, including those being considered for positions where they are required to travel to the field as part of their job, and those being considered for overseas contracts or secondments in field countries. A police record check will be carried out for anyone travelling to a project as a representative of Bright Futures. All staff or others who intend visiting Bright Futures projects in overseas countries are required to undergo a further police record check if their previous one is more than three years old.
- **Application forms** - When applications forms are used, reference will be made to child protection policy and procedures. They will include questions about criminal convictions and any other information of which the organisation needs to be aware.
- **Interview** - Our policy on child protection will be discussed openly and comments invited. Behavioural based interviewing may be used to determine the applicant's past behaviour in specific situations.
- **Reference checks** - At least two work-based phone checks will be carried out.
- **Pre-employment checks** - Applicants for projects in the field are required to show two forms of identity, at least one with a photo.
- **Training** - Where staff, supporters or others connected with Bright Futures are to visit a Bright Futures Project, a pre-trip induction in the form of a workshop or meeting is to take place to inform and educate regarding appropriate behaviours when interacting with children. They will also be educated in the appropriate procedure to follow should a situation occur where there is abuse or suspected abuse.

3. Use of communication systems – BF has zero tolerance of use of its communication systems to access child pornography. Using BF systems to access child pornography is dealt with promptly, including reporting to relevant law enforcement agencies, as appropriate.

4. Risk management procedures - risks of child abuse are assessed as part of the initial risk assessment for aid activities. Procedures are developed to ensure these risks are assessed efficiently and that effective risk management strategies are in place. Risks to children identified during initial risk assessments are managed throughout aid activity implementation.

5. Disaster situations - BF recognises that children living in areas impacted by disasters (natural or conflict based) are particularly vulnerable. Risks to children must always be considered when developing disaster response activities.

6. Local laws - when working overseas, BF staff implementing or visiting aid program activities are required to abide by local legislation, including labour laws with regard to child labour. (*Australian Laws – Appendix 1*)

7. Child protection policy review - this policy will be reviewed every three years, or earlier if warranted, and lessons learned incorporated into subsequent versions.

8. Code of Conduct - while working for BF, either in Australia or overseas, BF employees must sign and abide by the Code of Conduct (*Appendix 2*), which includes use of children's images.

9. Complaints – BF staff must follow the internal procedures for handling complaints related to child abuse found at *Appendix 5*. BF must also follow its *Policy on Complaints* to ensure that the systems are in place for complaints to be registered.

10. Use of children's images – BF requires parental consent for use of any identifying photos or videos of children in public marketing or promotional material. The Chief Executive or Chairman of the Board approves all public information, and will not approve any identifying pictures of children without the required signed consent form (*Appendix 8*).

In-country development organisations (ICDOs) implementing BF activities

1. Code of Conduct – BF will only support development projects with ICDOs if they agree to zero tolerance of child abuse (section 4.6 of the Development Project Proposal) and agree to Child Protection Code of Conduct included in the Development Project Proposal. This code is found at *Appendix 3*.

2. Compliance Standards - To ensure that ICDOs understand and act on their obligations for managing risks to children, ICDOs agree to develop their own child protection policies when entering into a partnership with BF (see Appendix 4). BF representatives will guide ICDOs through aligning to the standards if necessary through delivering training and mentoring.

3. Personnel – ICDOs are required to remove personnel from working on an activity when it considers that the relevant personnel member poses an unacceptable risk to children's safety or wellbeing. It is noted that there will almost always be an unacceptable risk if the person has been convicted of a criminal offence relating to child abuse. Furthermore, BF requires ICDOs to inform BF of changes in the circumstances of any person on a BF project that may affect the agency's assessment of that person. This includes being arrested for, or convicted of, criminal offences relating to child abuse, or for accessing or possessing child pornography. BF may require the person under formal investigation to be suspended from duty or transferred to other duties during the investigation.

Appendix 1:

Australian Legislation relevant to Child Protection

Relevant Australian legislation includes:

Crimes Act 1914 Part IIIA (Child Sex Tourism).

Under this Act, it is a crime for Australians to engage in, encourage, or benefit from sexual activity with persons under 16 years of age while overseas. The law provides for penalties of up to 17 years imprisonment and up to \$561,000 in fines for companies.

www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/framelodgmentattachments/FA2A0DCCEB8A4446CA2573010028412

Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C)

This Act provides for a penalty of 10 years imprisonment for possession of child pornography depicting a person under 18 years of age, and up to 15 years imprisonment for online grooming of a person under 16 years of age.

www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/current/bytitle/42E5273A7FEE9613CA25730C0000DC6C?OpenDocument&mostrecent

Local legislation

Most countries in which BF works have legislation pertaining to illegal child abuse. When working in-country, BF staff and the personnel of ICDOs implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.

Appendix 2:

Child protection code of conduct

I, **[insert name]**, engaged by Bright Futures (BF), agree that while implementing BF activities, I will:

- Treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- Not engage children in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child (including Part IIIA of the Australian Crimes Act 1914 (Commonwealth) as amended), the child is below the age of consent or the act(s) are an offence under relevant laws
- Wherever possible, ensure that another adult is present when working in the proximity of children
- Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium
- Refrain from physical punishment or discipline of children (excluding my own children)
- Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- Immediately report concerns or allegations of child abuse in accordance with appropriate procedures.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, in which the child is identifiable through the photograph or film, I must:

- Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images

- Before photographing or filming a child, obtain consent from the child or a parent or guardian of the child. As part of this I must explain how the photograph or film will be used
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive
- Ensure images are honest representations of the context and the facts
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

I understand that the onus is on me, as a person engaged by BF to use common sense and avoid actions or behaviours that could be construed as child abuse when implementing BF activities.

Signed:

Date:

Appendix 3:

Code of Conduct included in Development Project Proposals for ICDOs to sign

We, Bright Futures Child Aid & Development Fund Australia Inc. and (name of ICDO), whilst implementing emergency relief and/or aid and development in partnership with World Relief Australia Inc. commit to zero tolerance of child abuse. We will therefore:

- Treat all children everywhere with respect regardless of ethnicity, gender, religion, disability, social status or political persuasion
- Refrain from using language or behaviour towards children that is demeaning, harassing, culturally inappropriate or sexually provocative
- Never engage children in any form of sexual activity or acts
- Interact with children in such a way so as to facilitate transparency and accountability to other adults
- Appoint teams rather than individuals to work with unaccompanied children
- Refrain from physical punishment or discipline of children in the course of rendering aid
- Not hire children for domestic tasks or other labour inappropriate for their developmental stage, which places them at risk of injury or prevents them from accessing education
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- Immediately report and investigate any concerns/allegations of child abuse with appropriate procedures
- Appropriately use technology around children, including computers, mobile phones, video and cameras, and never engage in exploitative, harassing or pornographic activities
- Comply with local traditions and cultural expectations when photographing/filming children
- Obtain consent from the child or guardian prior to photographing/filming
- Ensure all images present children in a dignified and respectful manner, adequately clothed and not in sexually suggestive poses
- Not use images in such a way as to reveal identifying information about the child
- Ensure all images are honest representations of the context and facts

Appendix 4:

Child protection policy requirements for ICDOs

Bright Futures will only enter partnerships with ICDO's who share their commitment to child protection.

In partnering with Bright Futures, ICDO's agree to develop their own child protection policies with these elements as a minimum:

1. Child-safe recruitment and screening processes, including criminal record checks (where this is possible) prior to engagement, targeted interview questions and verbal referee checks, for all personnel (including volunteers) who will be working with children
2. Documented child protection complaints management procedure, which is well-publicised to staff and children in the organisation. (See *Building Safer Organisations – Guidelines : Receiving and investigating allegations of abuse and exploitation by humanitarian workers (International Council of Voluntary Agencies (ICVA))* <http://www.icva.ch/doc00002028.pdf>).
3. Regular provision of child protection training
4. A child protection code of conduct that must be signed by all personnel (including volunteers) implementing BF activities in-country
5. A commitment that the organisation will not permit a person to work with children if they pose an unacceptable risk to children's safety or wellbeing
6. A provision in all employment contracts that the organisation has the right to dismiss the employee or transfer the employee to other duties if he/she breaches the child protection code of conduct
7. A documented policy compliance regime, including specified sanctions for breaches
8. Provision for policy review every three years, or earlier if warranted.
9. Incorporation of local legislation pertaining to illegal child abuse as well as labour laws pertaining to child labour.

Where the ICDO is responsible for risk assessment for a BF activity that involves working with children, the risk assessment must cover risks to children.

Appendix 5:

BF Procedures: Raising and reporting concerns of child abuse

The possibility of staff, donors or partners abusing children is one that BF takes seriously and is committed to working to prevent.

Report the Incident

Any incident, belief or suspicion of any form of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse (past or present) by a BF employee, agent, partner, sponsor, donor, board-member or other related person must be reported immediately to the BF Executive Officer. If a child reports an incident to you, the child/young person must be taken seriously and listened to carefully. At no time should the child be returned to the environment where the abuse occurred.

Distance the alleged perpetrator

The best interests of the child/young person may warrant the standing down of a staff member or volunteer while an investigation commences. Staff members stood down receive full pay and are entitled to a just process that does not pre-suppose guilt or innocence. The allegations should not be discussed or communicated to other people until such have been considered and a decision made by management. The decision made should be documented and filed.

Document the incident

As soon as possible (within a period of 24 hours of the disclosure), the staff member receiving the disclosure needs to have fully documented the allegation, including the time, place, witnesses. The Complaints Referral form must be completed. (*Appendix 6*)

Confidentiality

All cases of child abuse, whether alleged or proven, will be handled with the utmost confidentiality. When concerns arise, all participants will be directed through a formal complaints process involving the BF Executive Officer.

Allegations made in Australia

If the incident has occurred in Australia, the Executive Officer may contact the police (depending on the nature of the incident) to investigate the allegation.

Reporting allegations of physical/sexual abuse to police

All allegations of physical or sexual assault in Australia must be reported to the police, whether or not the victim has consented to the matter being reported. The reporting of allegations in countries other than Australia, needs to be considered if management or staff etc. believe that the local police will provide natural justice and the child will not be victimised by police.

Family

The family of the child should be informed of the allegation and action proposed. They should be consulted where possible on the process to be followed.

Allegations made overseas

Any allegation or incident which involves an Australian staff member, volunteer, donor or someone else representing BF, must be reported to the ICDO Country Representative of that country, and to the Executive Officer of BF in Australia. Any matter so advised must be confirmed in writing. The ICDO Country Representative of the country in which the allegation is made is responsible for liaison with BF and will follow its own legislative or internal procedures to investigate and address the allegations.

Appendix 6:

Complaints Referral Form

Name of Complainant: _
 Ethnic origin/Nationality:
 Address/Contact:.....

 Identity no.: Gender:

Name of Victim (if different from Complainant):
 Ethnic origin/Nationality:
 Address/Contact details:

 Identity no:
 Age: Gender:
 Name(s) and address of Parents/Guardians, if under 18:

 Has the Victim given consent to the completion of this form? YES NO

Date of Incident(s): Time of Incident(s):
 Location of Incident(s):
 Physical & Emotional State of Victim (Describe any cuts, bruises, lacerations, behaviour, and mood):

 Witnesses' names and Contact Information:

 Brief Description of Incident(s) (Attach extra pages if necessary):

 Name of Accused person(s):
 Job Title (Accused person(s):
 Organisation Accused person(s) Works For:
 Address of Accused person(s) (if known):
 Age: Gender:
 Physical Description of Accused person(s):

Name of Accused person(s):
 Job Title (Accused person(s):
 Organisation Accused person(s) Works For:
 Address of Accused person(s) (if known):
 Age: Gender:

Physical Description of Accused person(s):

.....

.....

Have the police been contacted by the victim? YES NO
If yes, what happened?
.....
.....
If no, does the victim want police assistance, and if not, why?
.....
.....

Has the victim been informed about available medical treatment? YES NO
If yes, has the victim sought Medical Treatment for the incident? YES NO
If yes, who provided treatment? What is the diagnosis and prognosis?
.....
.....
.....

What immediate security measures have been undertaken for victim?
.....
.....
..

Who is responsible for ensuring the safety plan (Name, Title, Organisation):
.....
.....

Any other pertinent information provided in interview (including contact made with other Organisations, if any):
.....
.....
.....

Details of referrals and advice on health, psychosocial, legal needs of victim made by person completing report:
.....
.....

Report completed by:
Name: Position/Organisation:
Date/Time/Location:

Has the Complainant been informed about the Organisation's procedures for dealing with complaints? YES NO
Signature/thumb print of Complainant signalling consent for this form to be shared with the relevant management structure*:
.....

Complainant's consent for data to be shared with other entities (check any that apply):
.....

Police Project leader (name)
Community Services agency (name)
Health Centre (name) Other (Specify)

Date Report forwarded relevant management structure*: _____

Received by relevant management structure*: _____

Name: _____ Position: _____

Signature: _____

**Relevant management structure is the official(s) responsible for sexual exploitation and abuse issues in the Headquarters of the Organisation where the Accused person works or is based*

All information must be held securely and handled strictly in line with applicable reporting and investigation procedures

Brief description of Incident: _____

Appendix 7:

Glossary

Child (plural 'children') In accordance with the United Nations Convention on the Rights of the Child, 'child' means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

Child abuse All forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse.

Child protection An activity or initiative designed to protect children from any form of harm, particularly arising from child abuse or neglect.

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 Criminal Code Act 1995.

Child-sex tourism The sexual 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 there engage in sexual acts with children. For further details, refer to the Crimes Act 1914 Part IIIA (Child Sex Tourism).

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, working with children.' Overseas different checking procedures apply in each country and may take six weeks or longer. Individuals need to give their 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 BF.

Online grooming The act of sending an electronic message with indecent content to a recipient whom 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. For further details, refer to the Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C).

Particularly vulnerable children Children who are particularly vulnerable to abuse, such as children with physical and mental disabilities, homeless children, child sex workers and children impacted by disasters.

Personnel People either employed by an organisation, or engaged by an organisation on a sub-contract basis, or engaged by an organisation on a voluntary or unpaid basis.

Police clearance certificate The certificate showing the results of a criminal record check, issued by the police or other authority responsible for conducting such checks.

Working with children Working in a position that involves regular contact with children, either under the position description or due to the nature of the work environment.

Appendix 8:

Parental Consent Form for Use of Images of Children (mandatory)

I/we,.....the parent(s)/guardian(s) of the child
 named of age years, give
 Bright Futures permission to use any photographs and/or video footage depicting
 my/our child taken on the date/...../..... at the place
 for marketing, leaflets, or any other use such
 as for training, educational or publicity purposes.

The above consents will apply throughout the world and be for an indefinite period.

Signed.....Date.....

Signed.....Date.....

Address.....

**Children’s Consent Form for Use of Images of Children (include if child is
 literate and capable of providing informed consent)**

I,..... of age years, give Bright Futures
 permission to use any photographs and/or video footage depicting me taken on the
 date/...../..... at the place for
 marketing, leaflets, or any other use such as for training, educational or publicity
 purposes.

The above consents will apply throughout the world and be for an indefinite period.

Signed.....Date.....

Signed.....Date.....

Address.....