



Child Protection Policy & Procedure

Policy & Procedure Owner	CEO Office	
Internal Ref no.	PR.15.002	
Date Approved ERFA Board	Date of Last Revision	Next Review
17 June 2015	27 May 2015	16 September 2016

Purpose This policy for the protection of children is designed to ensure that children who come into contact with the Foundation’s work are protected from any form of violence; that their safety is guaranteed and that their rights as human beings are respected.

Definitions	
Child	For this policy a child is anyone under the age of 18 years.
Staff and Associates	Refers to full time, part time international and national, volunteers, interns and those engage on short-term contracts such photographers, members, partnership colleagues and any other individuals or groups that are associated with the Foundation including immersion participants.
Representative	Person formally reporting incident or acting as representative of child.

Abbreviations	
ACFID	Australian Council for International Development
CPP	Child Protection Policy
CPO	Child Protection Officer
ERFA	Edmund Rice Foundation (Australia)
ICC	Incident, Complaints and Compliments Register
The Foundation	Edmund Rice Foundation (Australia)

- Implementation Plan**
- Included as part of staff induction
 - Included as part of briefing documents for all excursions and programs where staff/volunteers and contractors of ERFA are involved.
 - Incorporated in funding application/acquittal forms

- Related Forms**
- Child Protection Self Declaration form
 - CPP Reporting Process Flow Chart for ERFA
 - Incidents, complaints and Compliments form
 - Incidents, Complaints and Compliments Register
 - Employee induction checklist
 - Contractor/Representative/Participant Induction checklist
 - Project Complaints Form for Public Display
 - CPP Compliance Process Flow Chart for Project Leaders
 - Image Use Consent form
 - Project Story for ERFA form



Title	Child Protection Policy and Procedure
Guidelines	<p>The following policy and procedure has been developed to provide instruction and guidance on appropriate, suitable and expected behaviors of all staff and associates of the Edmund Rice Foundation (Australia) when interacting and engaging with children as a representative of the Foundation in Australia or overseas.</p> <p>The policy also contains a section relating to projects that are funded but not managed by the Foundation.</p> <p>As a guide Associates and Representatives of the Foundation must ensure:</p> <ul style="list-style-type: none">• They are familiar with the Foundation’s Child Protection Policy and CPP Code of Conduct.• They have read, agreed to and signed the Child Protection Self Declaration Form prior to engaging or interacting with any children whilst in the capacity of an ERFA representative.• Be responsible for maintaining a professional role with children ensuring clear boundaries are developed that serve to protect everyone from misunderstandings or a violation of the professional relationship.• Speak up if an observation of another colleague’s behaviour is concerning.
Applicability	This policy and procedure applies to all Staff and Associates that have contact with the Foundation. ‘Staff’ refers to: full time, part time, international and national and also those engaged on short term contracts such as: consultants, researchers, photographers etc. ‘Associates’ refers to: visitors, volunteers, interns, board members, trustees, staff in partnership agencies, immersion participants and any other individuals or groups involved with the Foundation and the projects it supports.
Project Partner Compliance	Projects which are funded but not managed by the Foundation are required to meet stringent criteria relating to Child Protection in order to be eligible to receive funding. These criteria are outlined in section 5 of the Foundation’s CPP.



Child Protection Policy (“CPP”)

This policy for the protection of children is designed to ensure that children who come into contact with the Foundation’s work are protected from any form of violence; that their safety is guaranteed and that their rights as human beings are respected.

1. The Foundation’s commitment

- The Foundation is committed to the strict adherence to the Child Protection Policy in all regions in which the Foundation operates or has partners. This includes both Australia and overseas.
- The Foundation is committed to the safety and well being of all children. We support the rights of all children and will act without hesitation to ensure that a child safe environment is maintained.
- The Foundation is committed to the protection of children from harm, abuse and exploitation. Children have a right to survival, development, protection and participation as stated in the United Nations Conventions on the Right of the Child. The Foundation upholds these rights.
- The Foundation takes its duty of care very seriously and aims at all times to provide the safest possible programs and environments for children. This is achieved by identifying and managing risks that may lead to harm.

2. Purpose

This CPP has been developed to provide a practical guide to prevent child abuse in the Foundation’s programs. The Foundation will outline a range of risk management strategies that must be implemented to reduce the risk of children being harmed.

- The CPP demonstrates the Foundation’s commitment to protect children from harm and abuse.
- The CPP aims to educate staff and others about child abuse and promote a child safe and a child friendly culture where everyone is committed to keeping children safe.
- The CPP aims to create an open and aware environment where concerns for the safety and well being of a child can be raised and managed in a fair and just manner, which protects the rights of all.
- Additionally, the CPP provides guidance on how to respond to concerns and allegations of child abuse. It provides guidance to staff and others on how to work respectfully and effectively with children. This will provide all stakeholders, including staff and others with a safe working environment.
- As a signatory to the ACFID Code of Conduct, the Foundation is obliged to have policies and procedures implemented which promote the safety and well-being of all children accessing its services and programs, in particular to minimise the risk of abuse to children (See Clause 2.6 of the ACFID Code of Conduct).
- The Foundation is obliged to adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include local laws where the



Foundation's programs exist, and international laws and Conventions in relation to all forms of child abuse and child exploitation, including child sex tourism, child sex trafficking, child labour and child pornography.

3. Guiding Principles

The Foundation follows the below guiding principles and Commonwealth Legislation. These apply to staff, contractors, volunteers, immersion participants, contractors and ERFA representatives.

- Criminal Code Act 1995. An Australian citizen or resident can be prosecuted for an offence against a child in another country under laws that have an extra-territorial application.
 - Division 272 (child sex offences outside Australia)
 - Division 273 (offences involving child pornography material or child abuse material outside Australia)
 - Division 474 (telecommunication offences, subdivision C)
 - Criminal Act 1914 – this law 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
- The Foundation believes that any form of child abuse and exploitation is unacceptable and it will not be tolerated.
 - The United Nations Convention on the Rights of the Child is the universal foundation for child protection. The fundamental principle of the Convention is that children have their own indivisible rights.
 - The Foundation 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.
 - The Foundation recognizes its duty of care to take all reasonable steps to ensure that children are safe from harm.
 - The Foundation takes proactive steps to create child safe and child friendly programs.
 - Adherence to this CPP is a mandatory requirement for all staff and associates of the Foundation.
 - The Foundation will ensure that all staff and relevant stakeholders are made aware of the CPP and their responsibilities.
 - All decisions regarding the welfare and protection of children are made based on the best interests of the Child Principle. *'This principle refers to decisions considering that the child receives maximum benefit possible from services provided, and that the positive impacts of any course of action outweigh any negative impacts.'*
 - Where possible, children will be consulted in the development of the CPP and the implementation of child safe practices.
 - Children in programs supported by the Foundation should be given opportunities to express their views on matters affecting them.



- The Foundation believes that 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.

4. Risk Management

The Foundation recognises that there are a number of potential risks to children in the delivery of our programs to the vulnerable and disadvantaged. In recognising these risks, the Foundation proactively assesses and manages these risks to children in our programs (and in the communities in which we work) to reduce the risk of harm. This is achieved by examining each program and its potential impact on children. Programs that involve direct work with children are considered a higher risk, and therefore require more stringent child protection procedures. However, as children are part of every community in which we work, we are always mindful of potential risks.

- Risk management is an ongoing part of every activity, and the Foundation conducts a child protection risk assessment on every new and existing program and project, included in the project management cycle.
- Staff and others should continually be aware of risks, and be actively minimizing opportunities and situations where children can be harmed.
- An Incidents, Complaints and Compliments Reporting Form (ICC) has been developed for reporting any instances or form of child abuse and staff are aware of its existence.

5. Compliance Criteria for Independently Managed Projects Funded by the Foundation

The Foundation provides funding to projects that are managed independently. In order to be eligible for funding, the following criteria must be met. The project/program being funded:

- must have an up to date CPP in place that all project/program staff are required to comply with. A copy of this CPP must be provided with funding applications, when updated or whenever requested by the Foundation.
- provide information on CPP training and education for staff and volunteers in regular reporting and when requested.
- must have a delegated On-Site CP Officer whose details are provided to the Foundation.
- must notify the Foundation within 24 hours of serious allegations of breaches of the CPP by staff or volunteers.
- must display complaints process signage in local language in a public area (template available at Appendix if required).
- sign off on any images sent through to Foundation.
- will be assessed for compliance by ERFA on a regular basis.



6. Use of Children's images

The Foundation will at all times portray children in a respectful, appropriate and consensual way. Our guidelines on the use of children's images, which are in line with the ACFID Code of Conduct Clause 4.2, are:

- A child should always be portrayed 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.
- A child and its family must always be asked for consent when using their images. When asking for consent to use the image, details should be given as to how and where this image will be used. The ERFA "Image use consent Form" should be completed where possible and returned to CEO Executive Office – Brisbane, Australia.
- There should be no identifying information of the child connected with the location used in the publication of images.
- Children should be portrayed as part of their community.
- Local cultural traditions should be assessed regarding restrictions for reproducing personal images.
- Images should be an honest representation of the context and the facts.
- When sending images electronically, file labels should not reveal identifying information.
- All photographers will be screened for their suitability, including police checks where appropriate.

7. Employment of Staff and Volunteers

The Foundation is committed to child safe recruitment, selection and screening practices. These practices aim to recruit the safest and most suitable people to work in our programs. Our child safe practices include:

- Promoting our child safe commitment on our website, in other promotional materials and in all job advertisements.
- All applicants will receive a copy of the Foundation's CPP and be informed of the screening requirements when they are sent the application form.
- Applicants will be required to submit a detailed application form when applying for a position. This form will ask for extensive information about the applicant's background such as dates and places of employment, education and other activities.
- All positions will be assessed for the level for risk in relation to contact with children. Positions working directly with children will require the highest level of screening and the applicant must possess relevant qualifications and experience in working with children.



- Job descriptions are required for all positions (staff, volunteers, consultants – short/long term etc), which describe key selection criteria and outline tasks and accountabilities.
- Interviews will be conducted for all positions, ideally face-to-face, but telephone interviews may be necessary in the international context.
- Behavioural-based questions will be used to ask for examples of the candidate's past behaviour and experiences. In positions working directly with children, the panel will explore the candidate's motivations for working with children, which will include value-based questions seeking information about the candidate's attitudes to children, professional boundaries, accountability, team work and how they have responded to ethical dilemmas.
- A minimum of three reference checks will be required for all preferred candidates. This includes short and long terms positions, volunteers on placement and consultants. The candidate's most recent employer/supervisor must be one of these referees. The Foundation will verify the identity of the referee and make direct contact with each of these referees. Written references will not be accepted. The Foundation reserves the right to request additional references.
- All staff and associates of the Foundation will be required to have a police clearance or relevant criminal history checks depending on the country of origin.
- Where the candidate is working directly with children in Australia or overseas, they will require a Working with Children Check (depending on the jurisdiction).
- All staff will be required to provide proof of identify including birth certificate, passport, drivers licence and relevant qualifications. Original documents are required.
- All positions will be subject to a probationary period depending on the length of the contract.
- Issues relating to child protection will be included in staff performance reviews.
- All staff and associates will be required to read the Foundation's CPP and to sign the Child Protection Self Declaration Form.
- The Foundation reserves the right to refuse employment or terminate any person's employment that may pose a risk to children.

8. Reporting Child Abuse

The Foundation considers the abuse and exploitation of children to be completely unacceptable. We will take all concerns and reports of child abuse seriously and act on these reports immediately.

It is mandatory for all Foundation staff and others to report concerns or allegations of child abuse. These concerns may relate to a child or a staff member involved in the organisation or a concern about a child or person/s outside of the organisation's programs. If you do have a concern you should immediately follow Foundation's child abuse reporting procedures.

8a Who should report any suspected breach?

All Foundation staff and others, including people in the community and partner organisations.

8b What should be reported?

- Any disclosure or allegation from a child/community member or staff regarding the safety, abuse or exploitation of a child.



- Any observation or concerning behaviour exhibited by a Foundation staff member, volunteer or other relevant stakeholder that breaches the Foundation code of conduct for working with children.
- Inappropriate use of the organisation's photographic equipment or computers including evidence of child pornography.
- Staff engaging in suspicious behaviour that could be associated with sexual exploitation or trafficking.

8c When to report?

Child abuse concerns should be raised immediately with the in-country CPO or Project Manager.

8d Who to report to?

Reporting of child abuse allegations in Australia or overseas

- All child abuse reports should be made to the Executive Officer, based in Australia. An initial assessment will be made based on the quality and reliability of the information and a decision will be made (in consultation with the Executive Chairman) on what steps to take.
- A local reporting procedure will guide the process based on whether the allegation constitutes a criminal offence in the country, or whether it is a breach of the Foundation's code of conduct and will be dealt with as a disciplinary matter.
- The first step will be to gather all the relevant information and address any health and protection needs of the child. The matter may be directly referred to the local police and or authorities if the allegations are considered to be criminal offences.
- If the incident has occurred outside of the program the matter will be referred to an external body or agency dealing with child protection matters in the country.

8e How should it be reported?

- Verbally and by completing the ICC Form.
- Via phone: +61 7 3621 9649
- Via email: awryan@edmundrice.org
- Via post:

**Chief Executive Office
131 Queens Road
Nudgee
Brisbane
PRIVATE AND CONFIDENTIAL**

8f What will happen next?

The In-Country Manager in consultation with the Foundation's CEO will discuss the allegations and then decide upon the next step. This may involve:

- Interviewing the person/persons who made the allegations or other witnesses to gather more information with which to make a decision
- Performance management and/or further education on the CP Policy and Code of Conduct



- Formal warning and monitoring
- Transfer to other duties
- Suspension pending investigation
- Internal and/or criminal investigation
- Report to local police and/or child protection authority
- Dismissal

The Foundation will treat all concerns raised seriously and ensure that all parties will be treated fairly and the principles of natural justice will be a prime consideration. All reports will be handled professionally, confidentially and expediently.

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 employee, who intentionally makes false and malicious allegations, will face disciplinary action.

The rights and welfare of the child are of prime importance. Every effort must be made to protect the rights and safety of the child throughout the investigation.

Children and community members with whom the Foundation works will be provided with information about how to report any child protection concerns about Foundation staff members and others.

8g Responding to disclosure by a child

- When a child/young person tells you that he or she has been abused, 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.
- If a child discloses abuse, whatever the outcome, the child must be taken seriously.
- It is important for you to remain calm and in control and to reassure the child/young person that something will be done to keep him or her safe.
- When a child or young person's discloses they are being harmed you can show your care and concern for the child/young person by:
 - Listening carefully
 - Telling the child/young person you believe him or her
 - Telling the child/young person it is not their fault and he/she is not responsible for the abuse
 - Telling the child/young person you are pleased he/she told you.
- You will not be helping the child/young person if you:
 - Make promises you cannot keep, such as promising that you will not tell anyone.
 - Push the child/young person into giving details of the abuse. Your role is to listen to what the child/young person wants to tell you and not to conduct an investigation (beware of asking any leading questions as this may prejudice any subsequent investigation).



- Indiscriminately discuss the circumstances of the child/young person with others not directly involved.
- Try and obtain some details such as where the abuse is taking place, school, home, work etc; is it currently occurring or did occur in the past, name of perpetrator if possible but not necessary.
- It is possible that some children or young people will make a disclosure and then ask you not to tell anyone. It is important you seek guidance from the In-country CPO, Project Manager or equivalent and/or the Executive Officer in Australia to discuss how the child or young person can be supported and the disclosure managed.

Other actions to take:

8h Protect the child

Once an allegation is made there should be an immediate response that protects the child from further potential abuse or victimisation. The child may require medical assistance or counselling support. Where possible the child should remain in the place of residence or relevant program. Exceptions may be made where the child is deemed to be at risk of victimisation by peers as a result of the allegation or because the alleged abuse has occurred in home based care. If the child is in immediate danger you should make arrangements for the child to go to a safe place.

8i Distance the alleged perpetrator

The best interest of the child may warrant the standing down of a staff member or volunteer. The manager should recommend the appropriate action in writing to the Chief Executive Officer. Any staff member stood down in this manner continues to receive full pay - this measure recognises that that the member is entitled to a just process that does not pre-judge guilt or innocence. Any volunteers who are stood down should similarly receive any reasonable reimbursement of costs.

8j Confidentiality

All reports, the names of people involved and the details will remain confidential. Only the Chief Executive Officer, National Board Chairman and the people involved will be informed of the report. Details will be released on a "need to know" basis or when required by relevant local or Australian law or a notification to police or child protection authorities is made.

9. Involving Young People

The Foundation is committed to child and youth participation. We will do this by providing opportunities for children's and young people's views to be heard and incorporate their views into our policies and programs.

Children will be asked for their feedback about staff and services. They will be consulted in the development and review of the CPP and will be asked to contribute to the child safe code of conduct in regard to what they consider to be appropriate and inappropriate behaviours.

Children will also be informed about the Foundation child abuse reporting process and who to contact if they are at risk, have been abused or are concerned about another child.

10. Education in the Foundation on CPP

The Foundation is committed to educating staff and others on the CPP, on how to reduce risks and create child safe environments.



We will promote child safe practices which keep children safe in the organisation and in their own community, and provide information about child protection to the children and communities in which we work.

This information will include reporting child abuse if they have concerns about a member of staff or other representative in the organisation.



Child Protection Policy (CPP) Code of Conduct

Staff members and others associated with the Foundation are responsible for maintaining a professional role with children, which means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship.

All staff and those associated with the Foundation, its work and the projects it supports, should conduct themselves in a manner consistent with their role as a Foundation representative and be a positive role model to children. The Foundation has developed a Child Safe Code of Conduct to protect children, staff and the organisation by providing clear behavioural guidelines and expectations.

The Foundation's Child Safe Code of Conduct includes:

I will

- Treat all children and young people in our program(s) with respect.
- Conduct myself in a manner that is consistent the values of the Foundation.
- Provide a welcoming, inclusive and safe environment for all children, young people, parents, staff and volunteers.
- Respect cultural differences.
- Encourage open communication between all children, young people, parents, staff and volunteers and have children and young people participate in the decisions that affect them.
- Report any concerns of child abuse.
- Be transparent in my actions and whereabouts.
- Take responsibility for ensuring I am accountable and do not place myself in positions where there is a risk of allegations being made.
- Self-assess my behaviours, actions, language and relationships with children.
- Speak up when I observe concerning behaviours of colleagues.

I will not

- Engage in behaviour that is intended to shame, humiliate, belittle or degrade children.
- Use inappropriate, offensive or discriminatory language when speaking with a child or young person.
- Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes.
- Take children to my own home/hotel or sleep in the same room or bed as a child.



- Smack, hit or physically assault children.
- Develop sexual relationships with children or relationships with children that may be deemed exploitative or abusive.
- Behave provocatively or inappropriately with a child.
- Condone or participate in, behaviour of children that is illegal, unsafe or abusive.
- Act in a way that shows unfair and differential treatment of children.
- Photograph or video a child without the consent of the child and his/her parents or guardians.
- Deal with a child in an inappropriate, unnecessary or culturally insensitive way.
- Seek to make contact and spend time with any child or young person outside the program times.
- Use the Foundation's computers, mobile phones, video and digital cameras inappropriately, nor use them for the purpose of exploiting or harassing children.
- Hire minors as domestic labour.



CHILD PROTECTION

SELF-DECLARATION AND AGREEMENT

The Edmund Rice Foundation Australia (ERFA) considers child abuse unacceptable in all circumstances and is committed to ensuring that all possible and necessary steps are taken to acknowledge the rights of and protect the wellbeing of all children (a person under the age of 18 years) that we work with.

It is of utmost importance that abuse is not perpetrated nor compounded by those that ERFA puts in contact with children and in whom children place their trust. It is therefore essential that all staff and representatives of ERFA understand their own role in protecting children and that all practical and reasonable steps are taken to counteract the risk of harm to children.

This self-declaration and agreement form relates to all individuals who come in to contact with children (in Australia and overseas) due to their relationship with ERFA.

Please read the *Child Protection Policy*. If necessary, seek clarification with an appropriate staff member and thereafter sign on this page to show you have understood and agree to abide by the contents outlined in these documents.

I (*your full name*) _____

Of (*current address*) _____

Declare that:

- I have been given a copy of, read and understand the ERFA Child Protection Policy including the CPP Code of Conduct.
- I agree to abide by the behaviour protocols and follow the reporting procedure set out in the ERFA Child Protection Policy and CPP Code of Conduct.
- I do not have a criminal record nor have undergone disciplinary action relating to forms of child abuse, neglect, or violence of any type.

I hereby agree to the conditions and guidelines set out by ERFA with regard to any contact with children in Australia and overseas as a result of an ERFA arranged activity. I understand that ERFA reserves the right to take legal action against me if I breach local or international child protection laws.

Signed: _____

Date: _____



Procedure for Child Protection Incident Reporting				
No.		Key Points	Responsibility	Timeframe
Part A: Incident Acknowledgement				
1	Notification received (verbally or written)	<p>1.1 Any inappropriate behaviour of staff and/or representatives of the Foundation in respect of this policy and procedure is required to be formally reported and handled accordingly by the appropriate personnel.</p> <p>1.2 Acknowledge notification and assess the immediate safety of the child/ren concerned.</p> <p>1.3 Make and take the necessary immediate actions required ensuring the safety and wellbeing of the child/ren concerned.</p>	Staff / Representative	Immediately
Part B: Incident Reporting				
2.	Gather information and complete Incident Reporting Form.	<p>2.1 An incident can be reported verbally or in writing. An incident reporting form (ICC form) is required for any incidents or concerns deemed inappropriate and harmful towards children by any staff or representative of the Foundation.</p> <p>2.2 The ICC form is to be completed, signed and forwarded to: Chief Executive Office 131 Queens Road Nudgee Brisbane PRIVATE AND CONFIDENTIAL Or emailed to awryan@edmundrice.org</p>	Staff / Representative	Within 1 day of incident acknowledgment



Part C: Incident Received				
3		<p>3.1 Incident report formally recorded and registered in the Incidents Complaints and Compliments Register (ICC Register).</p> <p>3.2 Formal acknowledgement note prepared and sent to the Advisee noted on the form.</p>	CEO Personal Assistant	Within 1 day of receiving incident report
Part C: Incident Management				
4.		<p>4.1 Incident will be reviewed and a basic assessment of severity will be conducted ascertaining if the incident is for internal action or is it to be referred to the Government Authorities.</p> <p>A. Internal Management</p> <p>B. External Referral</p>	Chief Executive Officer and Executive Chair	Within 1 day
	A. Internal Management	<p>4.2 A full review and assessment of the incident details will take place this may or may not include:</p> <ul style="list-style-type: none"> - confidential interview with the parties concerned - consultation with external expertise (where necessary) - consultation with Project Manager/Director (where necessary) <p>4.3 Pending the findings the appropriate disciplinary action will be undertaken.</p> <p>4.4 Incident report form to be completed with action taken</p>	Chief Executive Officer and Executive Chair	Within 2 days



	4.5	ICC register to be updated and forwarded to Board of Directors for formal acknowledgement at the next meeting.	CEO Personal Assistant	Within 2 days
	4.6	Parties involved to be formally contacted advising action taken. Incident Closed	CEO and Personal Assistant	Within 2 days
B. External Referral	4.7	If the incident is deemed to be illegal it will be forwarded to the appropriate government authorities for management.	Chief Executive Officer	Within 1 day
	4.8	Incident report form to be completed with action taken		
	4.8	Parties involved to be contacted advising action taken.	Chief Executive Officer	Immediately
	4.9	ICC register to be updated and forwarded to Board of Directors for formal acknowledgement at the next meeting. Incident Closed	CEO Personal Assistant	