

[ORG-003], Version 4.0

Business Operations

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.

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

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;
- 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:

- a. Assess the child protection risks in existing and new programs and projects⁴, including programs, communication, fundraising and operational activities in Australia and overseas;
- b. 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;
- c. Maintain child protection monitoring on The Foundation's Risk Register, and retain as an item on the Risk Report sent to The Board quarterly⁵.

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.

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

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.

⁶ See section 5.3 on training

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.

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;

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.

- 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.

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.

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

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.

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 CPFPP, 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 CPFPP, 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 CPFPP, 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.

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.

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

Attachment 1: THE FRED HOLLOWES 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: _____

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