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Title: Child Protection Policy	

Background

The Burnet recognises that children and youth have a right to be protected from all forms of harm and abuse (see definitions section).

Burnet maintains the principle that the protection of the child and their rights are paramount and that child abuse is never acceptable.

Purpose

Burnet works with a range of partners from government through to community levels, both in Australia and overseas, involving young people in programs such as peer education, school programs and as researchers. Some programs target vulnerable groups such as sex workers and drug users including some young people under the age of 18 years. Children and young people are likely to be present in all communities that Burnet staff and representatives work in or visit through the course of their work.

This policy has been written to recognise and provide guidance and direction on the responsibility that Burnet has to those children with whom its staff, volunteers, consultants, partners and supporters may come into contact.

The Burnet Child Protection Procedure also sets clear monitoring and reporting requirements to ensure that the policy and procedures are implemented effectively.

Scope

The policy covers all Burnet representatives in the course of their work and when representing Burnet Institute., which includes:

- Burnet staff in Australia and overseas (those employed and paid by Burnet) including casual staff and students.
- Burnet volunteers
- Consultants and contractors
- Burnet honorary staff and associates.
- Supporters and other participants on field visits organised by Burnet.
- Members of the Burnet Board.
- Overseas partner organisations (where Burnet staff are placed).
- Partner organisations (engaged in overseas activities with Burnet programs).
- Any person representing the organisation at Burnet's request.

This policy provides the minimum child protection requirements to be applied across all of Burnet Institute's geographic areas of influence and programming. Countries should determine additional specific national legislation or practice to be included in their procedures.

This policy covers concerns about harm to children and youth ¹by Burnet staff or associated people as listed above. Incidents of harm to children and youth that are the result of actions by members of communities in which we work are beyond the scope of this policy. However, Burnet will endeavour to respond to such cases by providing

¹ Burnet defines 'children and youth' as any individual aged under 18 years.

support, advice and arranging referrals and reporting to relevant authorities when necessary and appropriate.

Definitions

Children and youth: For the purposes of this policy Burnet Institute considers a child or youth as any individual under the age of 18 years.

Child abuse: Any child can be the victim of child abuse, and abuse can be inflicted on a child by men, women and older children. It includes physical abuse, emotional abuse, sexual abuse, neglect or negligent treatment or commercial or other exploitation. It results in actual or potential harm to a child's health, development and dignity.

Child exploitation: includes one or more of the following:

- committing or coercing another person to commit an act or acts of abuse against a child
- possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material
- committing or coercing another person to commit an act or acts of grooming or online grooming
- using a minor for profit, labour, sexual gratification or some other personal advantage

Child pornography: 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 Criminal Code Act 1995.

Child protection: activities or initiatives designed to protect children from any form of harm, particularly that arising from child exploitation and abuse.

Child safeguarding: Burnet staff and partners must ensure that the design and delivery of activities and organisational operations do not expose children to adverse impacts, including the risk of abuse or exploitation, and that any concerns about children's safety within the communities where Burnet works is appropriately reported

Contact with Children: Working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment.

Working with children:

Being engaged in any activity with a child where the contact would reasonably be expected as a normal path of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works.

Emotional abuse: involves a pattern of behaviour by adults towards children which includes threat, rejection, isolation, belittling, name calling or other non-physical forms of hostile or rejecting treatment which erodes social competence and self-esteem over time.

Neglect or negligent treatment: failure to provide a child (within the context of resources reasonably available) with the conditions essential for their physical and emotional development and well-being. This may include love, food, warmth, safety, education and medical attention.

Physical abuse: intentional causing of physical harm to a child. This may take the form of slapping, shaking, hitting, kicking, punching, burning, biting, strangling, poisoning or other ways physically hurting a child.

Sexual abuse: occurs when someone uses their power or authority to involve a child in sexual activity. Sexually abusive behaviours can include kissing, fondling genitals or breasts, masturbation, oral sex, vaginal or anal penetration, voyeurism, exhibitionism or exposing a child to, or involving a child in, pornography. This policy prohibits sexual activity with children and young people aged under 18, regardless of the legal age of consent in each country. Mistaken belief regarding the age of the child will not be considered as an acceptable excuse.

Guiding Principles

The policy is guided by the following principles²:

- Zero tolerance of child exploitation and abuse

Burnet does not tolerate child exploitation and abuse and any such action will attract disciplinary action. Burnet will not knowingly engage any person or organisation who poses an unacceptable risk to children.

- Recognising Children's Rights

The UN Convention on the Rights of the Child underpins Burnet's approach to decision-making about protecting children and youth. Burnet will promote children's rights to life, survival and development; participation non-discrimination and to have their best interests considered.

- Sharing responsibility for child protection

To effectively manage risks to children, Burnet requires the commitment of its representatives who must also be accountable for complying with the terms of this policy.

- Risk management approach

Careful management can reduce the risks to children that may be associated with Burnet's activities. Burnet will identify these risks during risk assessments, and manage them according to risk management plans.

- Procedural fairness

Burnet uses fair and proper procedures when making decisions that affect a person's rights or interests when responding to concerns or allegations of child exploitation and abuse.

Responsibility for implementation

Burnet considers that protecting and safeguarding children and youth is a shared responsibility.

Burnet Institute promotes child protection awareness and expected behaviours to all staff and representatives through regular training, clear procedures and encouraging open discussions and proactive risk management about protecting and safeguarding children.

All Burnet staff and representatives are required to comply with the 'Child Protection Code of Conduct' as a condition of their engagement with the Institute.

All funded partners and sub-contracted organisations or individuals are made to comply with the minimum child protection standards outlined in the Burnet's Child Protection Policy and Child Protection Code of Conduct and through provision in partnership and sub-contractor agreements. The Human Resources (HR) Manager has institute-wide responsibility for child protection compliance and will ensure that all Melbourne based staff are informed of their responsibilities and obligations under the Child Protection Code Policy. The HR Manager also ensures that Australian based staff sign the Child

² DFAT Child Protection Policy for the Australian Government's aid program (reprinted June 2014)

Protection Code of Conduct and obtain an Australian National Police Check where appropriate.

The Head of International Operations (or delegate) has responsibility in relation to the overseas Burnet offices. Country Representatives/Country Program Managers has responsibility for in-country compliance ensuring that Burnet policy and procedures in relation to Child Protection are upheld.

A focal point for Protection, Gender and Inclusion promotes and contributes to whole-of-organisational learning around program quality, effectiveness and accountability in the field of Child Protection, Gender and Inclusion. All research and programming proposals undertakes a child protection risk assessment and/or where relevant undergo ethics approval before the research or programming commences. Research and program reporting routinely advises on adherence to the Child Protection policy and procedures.

Reporting procedures

All Burnet representatives have a duty to protect children and youth and to report any allegations of harm or abuse using the reporting procedures outlined in the Child Protection Procedures document.

It is mandatory for all staff and representatives to report to Burnet whenever they have a reasonable belief that a child or youth has been harmed or is at potential risk of harm by a staff member, representative or partner organisation.

Recruitment procedures

Burnet takes all reasonable precautions to ensure that Burnet staff and representatives have passed screening procedures and do not pose an unacceptable risk to children.

Where Burnet is directly responsible for recruitment, we consistently apply robust recruitment procedures.

Contact with Children positions (see definitions section)

Staff or representatives working in contact with children are assessed through criminal records checks (where appropriate) and verbal referee checks.

This includes all staff and representatives visiting Burnet projects or activities overseas.

Working with Children positions (see definitions section):

Staff or representatives working with children undergo additional screening measures, including behavioural based interview questions before engagement.

This includes staff or representatives providing clinical care or treatment, working as peer educators in a school etc.

NOTE: not all staff positions in the institute require a criminal record check.

Confidentiality

Burnet ensures that any child protection concerns raised are handled with procedural fairness, timeliness and impartiality.

All concerns, and the names of people involved, are handled confidentially. Details will only be disclosed if required as part of an investigation.

Consequences

Any breach of the institute's Child Protection Policy or Child Protection Code of Conduct will lead to further disciplinary action which may include termination of employment for staff or termination of association and/or contract with Burnet for other Burnet representatives.

There will be no action taken against those who report, in good faith, concerns involving a breach of the Burnet Child Protection Policy and/or Child Protection Code of Conduct. If a person knowingly and wilfully reports false or malicious information regarding other Burnet staff or representatives relating to Child Protection, further disciplinary action may be taken.

Related legislation

Criminal Code Act 1995 (Commonwealth)

Crimes Act 1914 (Commonwealth)

Working with Children Act 2005 (Vic)

Children, Youth and Families Act (Vic)

Related Policies/ Procedures/Guidance

Burnet Institute Child Protection Policy

Burnet Institute Child Protection Code of Conduct

ACFID Code of Conduct

DFAT Child Protection Policy

Appendices

Child Protection Reporting Form