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<b>Title: Safeguarding: Child Protection Policy</b>	

# Safeguarding: Child Protection Policy

## Background

Fundamental to Burnet's operations is respect for the dignity and basic human rights of people within Australia and throughout the world. Every person who represents Burnet is expected to reflect these values in their professional conduct.

Burnet works with a range of partners from government through to community levels, both in Australia and overseas. Engagement with intended beneficiaries and community members should have a basis of respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong "do no harm" focus.

Sexual exploitation, abuse and harassment (SEAH) is a violation of basic human rights.

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 provides guidance and direction on the responsibility that Burnet has to those children with whom its staff, volunteers, consultants, partners, supporters and representatives may come into contact.

The Burnet Safeguarding Procedures also set clear monitoring and reporting requirements to ensure that the policy and procedures are implemented effectively.

## Scope

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The policy covers all Burnet employees in the course of their work and persons representing Burnet, which includes:

- Members of the Burnet Board;
- All Burnet employees, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements
- Contractors, sub-contractors; suppliers and volunteers;
- Burnet honorary staff and associates;
- Supporters, donors and other participants on field visits organised by Burnet;
- 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 applies to:

On-site, off-site or after hours work; work-related social functions; conferences wherever and whenever employees may be as a result of their Burnet related duties.

This policy covers concerns about harm to children and youth by 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 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 of 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.

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**Child safeguarding:** Burnet staff and representatives 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

**Access to children:** Through our work there are many ways in which we come into contact with children. Burnet has defined two categories in which contact could be made and they are:

**Working with children – Direct contact:**

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

Direct contact is usually when there is face to face contact or direct electronic contact with a child, this may also include being within close proximity to a child or children.

This can happen in a number of ways such as:

- Provision of health services to a local community
- Field trips to visit local communities, particularly schools and health centres
- Organised events
- Work experience in the office
- Film and photography

**Indirect Contact with Children:**

Indirect contact is when you are not physically close to a child but may still have an ability to communicate or impact a child or group of children in some way, including via marketing and communications, or access to personal information via research and program activities.

This can happen in a number of ways such as:

- Emails
- Social media (e.g. Facebook, twitter, YouTube)
- Telephone
- Written communication on our website
- Design of programme work

**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.

Racism and other types of discrimination are also considered by Burnet as forms of child abuse. Like other kinds of abuse they can harm a child physically and emotionally.

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**Sexual abuse:** When a child is used, forced or enticed into taking part in sexual activities by an adult or significantly older child or adolescent. Sexual abuse involves contact and non-contact activities which encompasses all forms of sexual activity involving children, including exposing a child to online child sexual exploitation material, or taking sexually exploitative images or videos of children.

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.

## Policy statement/overview

### Guiding Principles

The policy is guided by the following principles:

#### **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.

### Safeguarding Code of Conduct

As part of this Policy a number of key commitments have been identified and incorporated in the Safeguarding Code of Conduct. The Code of Conduct outlines the expected behaviours of all Burnet representatives when interacting with children. All staff, volunteers, consultants, and participants on field visits organised by Burnet are required to sign the Safeguarding Code of Conduct (Annex A to this policy).

### Reporting procedures

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It is mandatory for all Burnet staff and representatives to immediately report any concerns, incidents or allegations 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 relating to:

- child exploitation
- child abuse
- non-compliance with this policy, the Safeguarding Procedures or Safeguarding Code of Conduct

Once any concerns, incidents or allegations have become known, the individual must follow the reporting guidelines outlined in the Safeguarding Procedures. A safeguarding incident report form is located in the Procedures.

## **Recruitment and selection 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.

These include:

- An assessment of the position's level of child safeguarding risk and whether a Working with Children check of the candidate needs to be completed before finalising selection.
- In line with the Burnet safeguarding Procedures and national legislation, criminal records / police checks will be carried out on all Burnet staff. In limited circumstances where it proves impossible to obtain a reliable criminal record check, a statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted instead.
- Verbal referee checks asking questions regarding the applicant's suitability to work with or be in contact with children.
- Behavioural interview questions regarding child protection for roles identified as working with children.
- Signing of the Safeguarding Code of Conduct.
- A documented request for an applicant to disclose whether they have been charged with child exploitation offences and their response.

## **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 Burnet Child Protection Policy or Safeguarding 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 Safeguarding Code of Conduct. If a person knowingly and willfully reports false or malicious information regarding other Burnet staff or representatives relating to Child

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Protection, further disciplinary action may be taken.

Burnet may terminate a Contract with a consultant, sub-contractor, partner, volunteer or supporter immediately and without prejudice to any claim for damages on giving written notice to the person/organisation if the person is in breach of the Child Protection Policy.

## **Awareness Raising and Training**

All Burnet Representatives are made aware of child protection requirements and the risks to children. All Burnet representatives will receive information relating to Burnet Safeguarding policies and procedures during induction, briefings and regular training. Where needed, further training will be provided for relevant individuals, for example, responsible officers.

## **Assessing Child Protection Risks**

Burnet considers and assesses the child protection risks in all activities where representatives have direct or indirect contact with children and adopt strategies for managing perceived risks. Risk assessments are to be documented, reviewed/monitored and updated over the life of the project/activity. Guidance on how to conduct a child protection risk assessment is provided in the Burnet Safeguarding procedures.

## **Working with Partners**

Burnet will work with partner organisations & research collaborators to build their capacity and ensure compliance with this Policy. Burnet will include agreed requirements in partnership agreements, sub-contracts, MOUs as appropriate, and if the organisation is in breach, the agreement may be terminated.

## **Use of Children's Images and Personal Information**

The Safeguarding Code of Conduct and Procedures outline expected behaviours and guidelines associated with the use of children's images and personal information. Additional information is outlined in the Burnet Media Policy.

## **Responsibility for implementation**

1. All Burnet employees & representatives are required to report any suspicions or incidences of Child abuse. Failure to report to a relevant person suspicion of child abuse is a breach of Burnet's policy and could lead to disciplinary action being taken against employees and the termination of Burnet's relationship with non-employees.
2. Members of the Board: hold overall accountability for this policy and its implementation.
3. The Executive: is responsible for the application of this policy and will ensure that a standing agenda item on Safeguarding is considered at every meeting
4. The Head of Human Resources (Melbourne Office) has institute-wide responsibility for Child Protection policy implementation and compliance. They ensure that all Melbourne-based employees are informed of their responsibilities and obligations under the Child Protection Policy, sign the Safeguarding Code of Conduct and receive appropriate training. They also ensure that Australian based employees obtain an Australian National Police Check. The Head of Human Resources will submit all Child Protection reports to the Executive and to the Governance Audit & Risk Committee every six months.
5. The Head, Occupational, Health, Security & Compliance is responsible for conducting an internal RISK\_audit to monitor compliance against this policy.

6. Human Resources Managers (for PNG & Myanmar offices) ensure that all locally based employees are informed of their responsibilities and obligations under the Child Protection Policy and Safeguarding Code of Conduct and receive appropriate training. They ensure that locally based employees sign the Safeguarding Code of Conduct. They also ensure that locally based employees obtain a National Police Check or location specific equivalent.
7. The Safeguarding and Inclusion focal point promotes and contributes to program/activity compliance in relation to child protection (as well as PSEAH and disability inclusion). They ensure that all research, program and activity proposals include a Child Protection risk assessment before the research, program or activity commences. They ensure research, program and activity reporting routinely advises on compliance with the Child Protection policy and procedures. They monitor Child Protection compliance with Working Group Heads and Activity Leaders.
8. Country Representatives are responsible for in-country Child Protection compliance. They ensure that all in-country Human Resources Managers are informed of their responsibilities and obligations under the Child Protection Policy and Safeguarding Code of Conduct.

## Related legislation

Criminal Code Act 1995 (Commonwealth)

Crimes Act 1914 (Commonwealth)

Working with Children Act 2005 (Vic)

Children, Youth and Families Act 2005 (Vic)

## Related Policies/ Procedures/Guidance

Burnet's Prevention of Sexual Exploitation, Abuse and Harassment Policy (</policies/risk-management-and-governance/safeguarding-preventing-sexual-exploitation-abuse-and-harassment-pseah-policy/>)

Burnet's Safeguarding Code of Conduct (</policies/risk-management-and-governance/safeguarding-code-of-conduct/>)

Burnet's Safeguarding Procedures (</media/3331/burnet-safeguarding-procedures-jan-2021.pdf>)

ACFID Code of Conduct (<https://acfid.asn.au/code-of-conduct>)

DFAT Child Protection Policy (<https://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx>)

## Appendices

Safeguarding Code of Conduct

Safeguarding Reporting Form

