

# Anglican Board of Mission – Australia

## Policy ABM1011/AID1011

### Child Protection Policy

Accepted by the AID Board November 2022  
Accepted by the ABM Board 9 December 2022  
To be reviewed no later than 2025

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#### **VISION OF ABM AND AID**

ABM and AID want to see people everywhere experience the wholeness of life God offers in Jesus Christ. Children had a special place in the ministry of Jesus (Mk 10:13-16). He recognised their vulnerability and their rights and mandated his followers to do the same.

ABM and AID are guided, as they seek to accomplish their vision, by one or more of the five marks of mission (as agreed by the Anglican Communion):

- Witness to Christ's saving, forgiving and reconciling love for all people;
- Build welcoming, transforming communities of faith;
- Stand in solidarity with the poor and needy;
- Challenge violence, injustice and oppression, and work for peace and reconciliation; and
- Protect, care and renew life on our planet.

In light of the mandate from Jesus, ABM and AID acknowledge that the safety of Children cannot be assumed but must be specifically addressed as it seeks to respond to these marks of mission.

#### **STATEMENT OF COMMITMENT TO CHILD SAFEGUARDING**

ABM and AID are committed to upholding the rights of all Children as per the United Nations Convention on the Rights of the Child, and specifically to safeguarding the personal dignity and rights of Children towards whom they have a special responsibility. ABM and AID and all their Personnel and Associates undertake to create a safe environment for Children and young people and to prevent their physical, sexual, or emotional Abuse or Exploitation. ABM and AID have a zero tolerance of any form of Abuse or Exploitation of Children and will work to ensure that Children are not harmed in any way as a result of their involvement in ABM's or AID's work.

#### **PURPOSE OF THIS POLICY**

The purpose of this policy is to express ABM's and AID's commitment to protect Children from Exploitation and Abuse of all kinds in the delivery of ABM's and AID's programs and activities, and to provide for

procedures, guidelines and a Child Protection Code of Conduct to fulfill this commitment. This policy is also intended to provide clear behaviour protocols to ABM and AID Personnel and other stakeholders.

## **CHILD SAFEGUARDING CONTEXT**

ABM and AID recognize that Child abuse is a widespread problem both in Australia and around the world, and that Children's rights to protection are frequently denied.

ABM and AID further recognize that in various aspects of their operations, both in Australia and overseas, and through their partner organisations, Children may be vulnerable to Abuse and Exploitation by its Personnel and Associates. Risks of Child Abuse and Exploitation may occur as ABM and AID engage with churches of the Anglican Church of Australia for relationship-building and fundraising purposes. Such risks may also arise as ABM and AID deliver programs in partnership with organisations such as the National Aboriginal and Torres Strait Islander Anglican Council in Australia, and member churches of the worldwide Anglican Communion and their development and humanitarian arms.

ABM and AID recognize that some Children are more vulnerable to abuse and exploitation than others. Children living in extreme poverty, Children with disabilities, Children from minority groups, Children living in emergency or conflict situations, and Children on the move are often at higher risks of abuse than others.

Since ABM and AID, through their implementing partners, work with some of the most vulnerable of the world's Children, the nature of this work means that ABM, AID and their partners are at risk of being targeted by people who seek access to vulnerable Children through ABM's or AID's programs.

## **FORMULATION**

This policy has been formulated with reference to the Australian Government's Department of Foreign Affairs and Trade (DFAT) Child Protection Policy 2017 and its related guidance documents, the ACFID Code of Conduct (July 2017) and relevant requirements of the General Synod of the Anglican Church of Australia. The policy is referenced in and references a range of other ABM and AID policies, procedures and guidelines, including:

- Complaints Handling Policy
- Risk Management Policy
- Travel Procedures
- Communications Manual

## **SCOPE**

This Policy applies to all ABM and AID Personnel and Associates. 'Personnel' refers to all ABM and AID staff, consultants and contractors. 'Associates' refers to volunteers, governance body members, interns, visitors (including project visitors), and all who represent ABM or AID, as well as Partner organisations who are subcontracted by ABM or AID, and their respective Personnel.

## **GUIDING PRINCIPLES**

- a. ABM and AID believe that any form of Child Abuse and Exploitation is unacceptable and will not be tolerated.
- b. 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 should have their own indivisible rights.
- c. ABM and AID believe that all Children should be equally protected regardless of their gender, nationality, religious or political beliefs, age, sexual orientation, family and social background and culture, economic status, disability status, physical or mental health and criminal background.

- d. ABM and AID recognize and take seriously their duty of care and legal obligations to take all reasonable steps to ensure that Children are safe from harm.
- e. ABM and AID believe that all Children have the right to be safe at all times. ABM and AID will proactively work to provide safe and protective programs, activities and environments.
- f. All decisions regarding the welfare and protection of Children will be based on the Best Interests of the Child Principle.
- g. The protection of Children is the responsibility of all ABM and AID Personnel and Associates
- h. Where possible, Children will be consulted in the implementation of Child safe practices. In particular, Children in ABM's and AID's programs will be given opportunities to express their views on matters affecting them.
- i. Adherence to this Child Protection Policy is mandatory for all ABM and AID Personnel and Associates.
- j. ABM and AID will ensure all their staff and relevant stakeholders are made aware of this Child Protection Policy and their responsibilities.

## **POLICY**

### **A. Child Protection Code of Conduct**

- 1 ABM and AID maintain a Child Protection Code of Conduct (See Annex 1) that meets the minimum standards set by the ACFID Code of Conduct and DFAT, and the General Synod of the Anglican Church of Australia. ABM's and AID's Code of Conduct is intended as a guide for the maintenance of professional boundaries in relation to Children, serving to protect all Personnel and Associates from misunderstandings by promoting transparency and accountability of all.
- 2 ABM and AID will require all Personnel and Associates who fall within the scope of this policy to sign and subscribe to its Child Protection Code of Conduct, or to sign and subscribe to an appropriate Child Protection Code of Conduct of their own organisation. ABM and AID staff must sign this Code of Conduct as part of their employment contract (See also #22 below).

### **B. ABM Safeguarding Focal Person**

- 3 ABM and AID have appointed a Safeguarding Focal Person, with responsibility for Child Protection and Prevention of Sexual Exploitation, Abuse and Harassment.

### **C. Risk Assessment and Management**

- 4 ABM and AID recognize that there are a number of potential risks to Children in the delivery of our programs. Therefore, AID conducts regular risk assessments of partner safeguarding systems and all projects, for Child Protection risks. AID also requires partners to develop risk mitigation plans and to regularly monitor identified risks. (See Partner Safeguarding Risk Assessments).
- 5 Activities and programs that involve direct work with Children are considered a higher risk, and therefore require more stringent Child safeguarding procedures.
- 6 ABM/AID's Safeguarding Focal Person reports on Child Protection risks quarterly to both the AID and ABM boards, and the Boards conduct an annual review of risks. (See AID Program

Risk Matrix, AID Corporate Risk Matrix, ABM Board Risk Register, AID Board Risk Register)

- 7 ABM and AID conduct Child Protection checks required under Anglican Church of Australia General Synod legislation.

#### ***D. Communication and the Use of Children's Images and Stories***

- 8 ABM and AID have strict guidelines for the collection and use of Children's images and stories for publication in ABM/AID's written, audio-visual and online materials (see #9 to #16 below). These guidelines are also referenced in ABM/AID's Communications Manual and Ethical Decision Making Framework for publications.
- 9 ABM and AID will at all times portray Children in a respectful, dignified, adequately clothed, appropriate and consensual way. Children will not be portrayed in isolation, as vulnerable or submissive, or in poses that could be seen as sexually suggestive.
- 10 Informed consent must always be sought and documented for the use of a Child's story or images. This consent must be from both the Child and their parent or guardian. When asking for consent, details should be provided as to how, where and for how long the story, information or image will be used. It will be explained that ABM and AID cannot control the use of images once they are uploaded to the internet, and that they can be viewed by anyone at any time around the world.
- 11 There must be no identifying information about the Child used in the publication of images. This includes the Child's name, or the name of their community or school.
- 12 When sending images of Children electronically, file names and tags should not reveal any identifying information.
- 13 All images and information about Children will be stored safely and will only be accessed by authorized ABM and AID Personnel.
- 14 Before deciding to publish a Child's image and/or story, ABM and AID will analyse the risks to the Child of such a publication, including the risks of misuse of the Child's image once it is uploaded to the internet.
- 15 Anyone taking images of Children will be screened for their suitability and will undergo police checks where appropriate. This includes all ABM and AID personnel, and all project visitors.
- 16 Neither ABM nor AID will publish stories or images of particularly vulnerable Children.
- 17 For more details of the use of Children's images and stories, see ABM/AID's Communications Manual and ABM/AID's Ethical Decision-Making Framework for Publications.

#### ***E. Recruitment and Selection of Personnel***

- 18 ABM and AID are committed to preventing those who pose an unacceptable risk to Children from working with Children, or from having contact with Children in any of ABM's or AID's work. Neither ABM nor AID will knowingly engage – directly or indirectly – any person who poses a risk to Children.
- 19 Thus, ABM and AID are committed to Child-safe recruitment, selection and screening processes for all Personnel. These processes include:
- Promoting ABM/AID's Child-safe commitment on the ABM/AID website and in all job advertisements.

- Criminal record checks prior to engagement of all staff, volunteers, governance body members, contractors and partner staff and governance body members.
- Position risk-assessments to determine which positions will have contact with Children and which will be working with Children.
- At least three verbal referee checks prior to engagement of all Personnel who will have contact with Children, one of which must be the candidate's most recent supervisor or employer. These checks will include direct questions about whether anything in the candidate's work history would affect their suitability for working with Children.
- Interview plans that include behaviour-based questions for all Personnel who will have contact with Children.
- Working with Children checks where Personnel are likely to be working with Children.

- 20 Although ABM and AID do not normally work with Children, when recruiting for any positions that may involve working with Children, additional interview questions must be asked which probe motivations for working with Children, the candidate's attitudes to Children, professional boundaries, and how they have responded in the past to concerns raised about Children.
- 21 Personnel who work with Children must have appropriate qualifications and experience.
- 22 All ABM and AID Personnel, Partners and project visitors are required to read and acknowledge ABM/AID's Child Protection Policy (or its partner's equivalent and compliant policy). (See also #2 above).
- 23 In contractual arrangements with Partners, ABM and AID require their Partners to ensure that their own Child Protection Policies and Procedures comply with these standards, and that Partner staff, their volunteers and project visitors having Contact or Working with Children, comply with these standards.
- 24 Further details of ABM/AID's Personnel recruitment and selection requirements can be found in B2021 Staff Recruitment Procedures and ABM's and AID's Workplace Guidelines.
- 25 ABM and AID Personnel who work with or have contact with Children will require new Criminal Record Checks every three years and new Working with Children Checks every five years.

#### ***F. Training in Child Protection and Safeguarding***

- 26 ABM and AID are committed to providing training to all their Personnel and Associates in Child Protection and abuse, and in this policy and its related documents. Such training will include how to reduce risks and create Child-safe environments.
- 27 ABM and AID will promote Child-safe practices which keep Children safe in the organization/s and in their communities.
- 28 AID will provide information about Child Protection to the Children and communities in which AID works through its Partners. This information will include reporting Child Abuse should they have any concerns about any ABM or AID personnel or their Partners, or about Associates of ABM or AID and their Partners.
- 29 Depending on their role and contact with Children, ABM and AID Personnel (staff, volunteers, board and governance body members, and field visitors) will be required to participate in Child protection training as part of their induction and in regular training provided by ABM/AID. Targeted training for those working with Children and/or with images of Children will also be provided.

- 30 ABM/AID's Safeguarding Focal Person will be supported to attend Child safeguarding training externally to stay informed of current practice.
- 31 AID is committed to undertaking capacity building and training in Child safeguarding with all its development partners who implement programs that involve or affect Children.

### **G. Working with AID's Partners**

- 32 AID commits to working with all its development partners to ensure they are Child-safe organisations. As such, all ABM's and AID's partners are included in the scope of ABM's and AID's Child Protection Policy and Child Protection Code of Conduct. Thus, ABM's and AID's Child Protection Policy and Child Protection Code of Conduct will be included in all ABM's and AID's Partnership Agreements, Memoranda of Understanding, and Conditions of Funding Agreements.
- 33 The implementation by AID's partners of Child protection and safeguarding measures and any external compliance obligations are regularly monitored by AID through regular partner visits, and regular project reporting.
- 34 AID will include Child Safeguarding in its project appraisal process, and in its partner due diligence processes. AID will regularly review the Child Protection and Safeguarding policies, practices and capabilities of its Partners, and, where appropriate assist Partners to develop their capacity in this area.
- 35 Where an AID Partner does not have its own Child Protection Policy, Code of Conduct and procedures in place, AID will work with that partner to develop their own documentation and systems in line with global minimum standards, including the ACFID Code of Conduct (and DFAT Child Protection Minimum Standards for all AID Partners receiving DFAT funding through AID).
- 36 AID works with its partners to assist them to undertake Safeguarding Risk Assessments for all programs and activities involving or affecting Children, as well as their own organizational risk assessments and risk management plans. AID will monitor these risk management plans regularly and expects its partners to monitor them as well.
- 37 ABM and AID have an agreed reporting mechanism in place with all their partners for any concerns about Child abuse or a breach of ABM/AID's or the partner's Child Protection Policy. This mechanism is included in AID's annual Conditions of Funding Agreements with partners.

### **H. Programs Which Facilitate Direct Contact with Children**

- 38 ABM and AID do not normally support projects which facilitate direct contact with Children. ABM or AID Personnel and Associates will likely have contact with Children during regular staff monitoring visits to communities and pilgrimage and similar visits which ABM or AID periodically organizes for groups of supporters, accompanied by ABM/AID and partner staff. On any such visits, the ABM and AID Personnel and Associates may NOT have direct contact with Children without their parent or guardian being present. See also ABM/AID's Child Protection Code of Conduct (Annex 1).

### **I. Working in Emergency Contexts (AID)**

- 39 Although AID does not directly deliver emergency responses, it does send funds to partners to respond to a range of humanitarian and domestic emergencies. To this end, AID is committed to the Minimum Standards in Humanitarian Action<sup>1</sup> when responding, through Partners, to

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<sup>1</sup> SPHERE Minimum Standards for Child Protection in Humanitarian Action. Found at <https://spherestandards.org/resources/minimum-standards-for-Child-protection-in-humanitarian-action-cpms/> Accessed 17/7/2020.

humanitarian emergencies.

- 40 AID requires all partners funded by AID to provide Humanitarian Responses to ensure that a trained Child Protection Focal Person in each emergency response location is available to support partner staff and volunteers in conducting Child Protection risk assessments, and to be responsible for taking and managing any complaints.
- 41 AID has specific procedures in place to guide its communications work on emergency responses in order to protect the increased vulnerability of Children during emergencies.
- 42 Any AID staff or volunteers who may go into the field during or shortly after a humanitarian response must have been screened (National Police Check and Working with Children Check, or equivalent) and trained in Child Protection.
- 43 For further details about AID's Child Protection commitments during humanitarian responses, please see its current Humanitarian Response Policy and Humanitarian Response Procedure.

#### ***J. Responding to and Reporting Child Protection Concerns and Provision for Sanctions***

- 44 ABM and AID have a clear and documented Child Protection Reporting Procedure for dealing with concerns and reports of Child Exploitation and/or Abuse and any allegations or suspicions of Child Protection Code of Conduct or policy non-compliance, including the requirement to report to DFAT immediately where the report involves DFAT funds, and ABM's and AID's available sanctions for breaches.
- 45 ABM/AID's Child Protection Reporting Procedure is fair, confidential and transparent, and includes what to report, when to report, to whom to report, how to report, what will happen next, and suggestions on how to support Children and adults who make reports.
- 46 ABM and AID will work with their partners to consult with Children in the communities in which they work about the best ways to ensure that reporting actual or potential Child abuse is able to be done in a Child-friendly manner.
- 47 Further details of ABM/AID's process for responding to and reporting Child protection concerns can be found in ABM/AID's B1011 Child Protection Reporting Procedure. ABM/AID have also produced a 'Child Protection Reporting Steps' quick guide for use by ABM and AID Personnel.

ABM and AID take breaches of this Child Protection Policy very seriously, and any breaches may result in serious sanctions, including dismissal or termination.

Specifically, disciplinary action will be taken against any ABM or AID Personnel or Associate found to:

- Have failed to report a Child protection concern
- Have intentionally made a false allegation
- Have made a serious breach of this Policy, including the Code of Conduct at Annex 1

Disciplinary action may include the following sanctions:

- ABM or AID personnel – disciplinary action (which may include dismissal)
- ABM or AID associates – up to and including termination of all relations including contractual and partnership agreements with ABM or AID as relevant
- Where relevant – reporting to authorities

Minor breaches may result in action such as refresher training or increased supervision.

#### ***K. Involving Children and Young People***

- 48 AID aims to work with Children and young people to ensure their voices are heard and their views taken into consideration when designing, implementing, monitoring and evaluating development projects and humanitarian responses. AID requires its partners to consult with Children at all stages of the project cycle, and during emergency responses, including encouraging Children to contribute to Child Protection risk assessments in communities.
- 49 AID requires its partners, where possible, to consult with Children when formulating feedback and complaints processes, and Children in project sites will be informed of how to make a complaint.
- 50 Complaints mechanisms of ABM and AID and their partners aim to be Child-friendly.
- 51 As part of AID's monitoring and evaluation, where possible, Children will be asked their views about Child Protection reporting mechanisms and whether/how they might be improved.

#### **L. Child Protection Guideline Documents**

- 52 ABM and AID have a comprehensive set of Procedures, Guides and Forms relating to Child Protection which are regularly reviewed, as well as relevant external agency policies and guidelines. These include:
- Child Protection Code of Conduct (Annex 2)
  - Code of Conduct
  - Complaints Handling Policy
  - Complaints and Critical Incidents Handling Procedures
  - Partner Safeguarding Risk Assessment Tool
  - Child Protection Reporting Steps (Quick Guide)
  - Complaints and Critical Incidents Register
  - Complaints Record Form
  - Critical Incident Reporting Form
  - Child Protection Incident Reporting Form
  - Terms of Reference for ABM/AID Safeguarding Focal Person
  - ACFID Code of Conduct
  - Anglican Church of Australia, Faithfulness in Service, Section 5: 'Children' 2017
  - CAN DO Safeguarding Standard Operating Procedure
  - ACT Alliance Child Safeguarding Guidance Document
  - ACT Alliance Child Safeguarding Policy
  - DFAT Child Protection Policy
  - DFAT Child Protection Policy
  - DFAT Child Incident Notification Form
  - DFAT Child Protection Risk Assessment Guidance

#### **REVIEW**

This policy will be reviewed at least every three years, or more often if required by changes to regulatory requirements or other changes in circumstances. All changes will be signed off by the ABM and AID boards.

AID also undertakes a three-yearly review of this Child Protection Policy and AID's Child Protection practices, as well as those of AID's partners. Such reviews are managed by the ABM/AID's Safeguarding Focal Person.



## DEFINITIONS

### *Associates*

Refers to volunteers, governance body members, interns, visitors (including project visitors), and all who represent ABM or AID, as well as partner organisations who are subcontracted by ABM or AID, and their respective Personnel. See also *Personnel*.

### *Behavioural-based Interview Questions*

Interview questions that probe the applicant's past behaviour in specific situations relevant to the position. Behavioural-based questions give interviewers additional information about the applicant's suitability to Work with Children

### *Changes in Circumstances*

Personnel and Associates should report to their management any involvement in criminal activity disciplinary procedures and criminal or civil court proceedings relating to Child Exploitation and Abuse that has occurred since their last National Police Check

### *Child (plural Children)*

According to the United Nations Convention on the Rights of the Child, 'Child' means every human being below the age of 18 years.

### *Child Abuse*

All forms of physical or mental (especially emotional) violence, injury or Abuse, maltreatment or exploitation, including sexual Abuse, is Child Abuse. Child Abuse occurs when adults or other Children hurt Children either physically, sexually, emotionally, psychologically or in some other way. Child Abuse also occurs when a Child's parent or sibling is subjected to any of the behaviours listed below in the presence or hearing of that Child.

There are five main kinds of Abuse:

- **Physical Abuse** is the use of physical force against a Child, such as hitting, punching, slapping, shoving, kicking, shaking, throwing, burning, biting, strangling or poisoning, whether inflicted, threatened or knowingly not prevented, and which causes harm to the Child. No visible injury is required for the Abuse to have taken place.
- **Emotional Abuse** is harm done by persistent or severe emotional ill-treatment or rejection, such as degrading punishments, threats, bullying, and not giving care and affection, resulting in adverse effects on the behaviour and/or emotional development of a Child. Indicators that emotional Abuse may have or is occurring include emotional development regression, attention seeking behaviour, bullying and other maladaptive behaviours.
- **Neglect** is a failure by a parent or caregiver of a Child to provide a Child (where they are in a position to do so) with the conditions that are culturally acceptable as being essential for their physical and emotional development and well-being.
- **Ill Treatment** is the disciplining or correction of a Child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a Child; hostile use of force towards a Child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a Child.
- **Sexual Abuse** occurs when a Child is pressured or forced to take part in any kind of sexual activity, whether or not the Child is aware of, or consents to, what is happening. Sexual Abuse can include: fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the Child to, or involving the Child in, Pornography. Sexual Abuse may involve siblings or other family members, or persons outside the family.

Abuse may be carried out by adults or by Children.

#### *Child Abuse Material*

Material that depicts (expressly or implicitly) a Child under 18 years of age as a victim of torture, cruelty or physical Abuse

#### *Child Exploitation*

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 Child for profit, labour, sexual gratification, or some other personal or financial advantage

#### *Child Exploitation Material*

Material, irrespective of its form, which is classified as Child Abuse material or Child pornography material

#### *Child Pornography*

In accordance with the *Optional Protocol to the Convention on the Rights of the Child*, 'Child pornography' means 'any representation, by whatever means, of a Child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a Child for primarily sexual purposes'. For further information regarding Child pornography offences, refer to the *Criminal Code Act 1995 (Division 273)*.

#### *Child Pornography Material*

Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive

#### *Child Protection*

An activity or initiative designed to protect Children from any form of Child Abuse and/or Child exploitation, including reducing the risk of harm to Children.

#### *Child Protection Focal Person*

A person who is sufficiently experienced and familiar with ABM's and AID's Child Protection policy, particularly as it relates to ABM's and AID's work with partners, to (1) act as a leader and guide for the implementation of ABM's and AID's Child Protection Policy and related Procedures (2) who is a trusted person that staff or volunteers can easily contact to seek advice or discuss any concerns they have for the safety or wellbeing of a Child; and (3) who ensures Child Safeguarding becomes part of everyday practice by having Child Protection Champions in the field. (See also *Safeguarding Focal Person*). *ABM and AID have a Safeguarding Focal Person who is tasked with implementing the above for both Child and Vulnerable Adult Safeguarding.*

#### *Child Protection Policy*

A statement of intent that demonstrates a commitment to safeguard Children from harm and makes clear to all what is required in relation to the protection of Children. It helps to create a safe and positive environment for Children and to show that the organisation is taking its duty and responsibility of care seriously

#### *Child Safeguarding*

The broad obligation on ABM, AID and partner Personnel to ensure that the design and delivery of programs and organisational operations does not expose Children to adverse impacts, including the risk of Abuse and Exploitation, and that any concerns about Children's safety within the communities where they work are appropriately reported.

### *Child Sex Tourism*

The sexual Exploitation of Children by persons who travel from one place to another, usually from a richer country to one that is less developed, and there to engage in sexual acts with Children. For further details, refer to the *Commonwealth Criminal Code Act 1995* and the *Crimes Act 1914* (which sets out laws governing the way legal proceedings under the *Criminal Code Act 1995* are conducted).

### *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 (also see *Working with Children* definition)

### *Criminal Code Act 1995*

A piece of Australian legislation which is relevant to Child Protection. Especially Divisions 272, 273, 474. Others are *The Crimes Act 1914*, and various State legislation including the New South Wales *Child Protection (Working with Children) Act 2012*.

### *Criminal Record Check*

A check of an individual's criminal history record. In Australia, national Criminal Record Checks are available through the Australian Federal Police. It usually takes around two weeks for the resulting police clearance certificate (referred to in this Procedure as a National Police Certificate) to be finalised.

As ABM or AID personnel travelling overseas are expected to visit communities where they may come into contact with Particularly Vulnerable Children as part of their work, ABM and AID require an appropriate National Police Certificate. In the various Australian States and Territories relevant authorities issue an additional certification as to an individual's status in respect of Working with Children. This certification has a variety of names but herein will be referred to by the description Working with Children Check. ABM and AID require all staff whose work may bring them into Contact with Children, or whose work involves Working with Children to be eligible for this additional certification.

### *DFAT*

The Australian Government's Department of Foreign Affairs and Trade

### *DFAT-Funded Project*

Any project that receives DFAT administered funding from AID through one of AID's partners

### *Grooming*

Generally, refers to behaviour that makes it easier for an offender to procure a Child for sexual activity. For example, an offender might build a relationship of trust with the Child, and then seek to sexualise that relationship (for example by encouraging romantic feelings, or exposing the Child to sexual concepts through pornography)

### *Harm*

Any detrimental effect on a Child's physical, psychological or emotional wellbeing. Harm may be caused by financial, physical or emotional Abuse, neglect, and/or sexual Abuse or Exploitation whether intended or unintended

### *Impact*

The overall long-term effect produced by an ABM- or AID-funded activity (including any activities funded through AID by DFAT). This includes positive and negative changes produced by such an activity (directly or indirectly, intended or unintended).

### *Informed Consent*

Ensures the Child and the parent or guardian understand the implications, purpose and potential use of any photographs or videos taken of, or stories written about, a Child.

### *Online Grooming*

The act of sending an electronic message with indecent content to a recipient whom the sender believes to be under 16 years of age, with the intention of procuring the recipient to engage in or submit to sexual

activity with another person, including but not necessarily the sender. For further details, refer to the *Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C)*.

#### *National Police Certificate*

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

#### *Particularly Vulnerable Children*

Children who are particularly vulnerable to Abuse, such as Children with physical and mental disabilities, homeless Children and Children from disadvantaged socio-economic backgrounds, Child sex workers, Children who are refugees or asylum seekers, Children who live in residential care, and Children impacted by disasters.

#### *Personnel*

Personnel are either employed by ABM, AID or their partners, engaged by ABM or AID or their partners on a subcontract basis, or engaged by ABM, AID or their partners on a voluntary or unpaid basis. Personnel can include paid staff, volunteers, interns, trustees, board members, contractors, consultants. See also *Associates*.

#### *Safeguarding Focal Person*

Person appointed to assume responsibility for safeguarding at an organisation. This includes safeguarding of Children and vulnerable adults. (See also *Child Protection Focal Person*)

#### *Statutory Declaration*

A written statement which is signed and declared to be true before an authorised witness.

#### *Unacceptable Risk*

The portion of identified risk that cannot be tolerated, and that must be either eliminated or controlled. For people deemed an unacceptable risk to Children, control mechanisms are not considered appropriate.

#### *United Nations Convention on the Rights of the Child*

This is the main international instrument relating to the rights and Protection of Children. Two related instruments are: the *Optional Protocol to the United Nations Convention on the Rights of the Child* on the sale of Children, Child prostitution and Child Pornography; and the *Optional Protocol to the United Nations Convention on the Rights of the Child* on the involvement of Children in armed conflict. Other international instruments relevant to Child Protection include the *Geneva Declaration of the Rights of the Child (1924)* and the *International Labour Organisation Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*. All are available online.

#### *Volunteers*

Includes all who do voluntary work for ABM or AID: such as Board Directors, Committee members, office and field volunteers.

#### *Working with Children*

Being engaged in an activity with a Child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid work.

#### *Working with Children Check*

A Check available in New South Wales, where ABM is registered, which is a requirement for people who work or volunteer in Child-related work. It involves a National Criminal History Check and a review of findings of workplace misconduct. The result of a Working with Children Check is either a clearance to Work with Children for five years, or a bar against Working with Children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

## ANNEX 1: ABM and AID CHILD PROTECTION CODE OF CONDUCT



- 1.1 All ABM and AID staff members and those representing ABM or AID 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.
- 1.2 All staff should conduct themselves in a manner consistent with their role as an ABM or AID representative and a positive role model to Children. ABM and AID have developed this Child Safeguarding Code of Conduct to protect Children, staff and the organisations by providing clear behavioural guidelines and expectations. Therefore –
- 1.3 WHILST ENGAGED ON ABM OR AID BUSINESS I WILL:**
- 1.3.1 Conduct myself in a manner that is consistent the values of ABM and AID.
- 1.3.2 Provide a welcoming, inclusive and safe environment for all Children and young people.
- 1.3.3 Respect all Children and treat them equally regardless of gender, race, religious or political beliefs, age, physical or mental health, sexual orientation, family and social background and culture, economic status or criminal background.
- 1.3.4 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.

- 1.3.5 Immediately report any concerns of Child exploitation or abuse or breach of ABM's and AID's Child Protection Policy or this Code of Conduct according to the guidelines outlined in ABM's and AID's Child Protection Policy.
- 1.3.6 Immediately disclose all charges, convictions and other outcomes of an offence that relates to Child exploitation and abuse, including those under traditional law, which occurred before, or during my association with ABM and/or AID.
- 1.3.7 Take responsibility for ensuring that I am accountable and do not place myself in positions where there is a risk of allegations being made.
- 1.3.8 Self-assess my behaviours, actions, language and relationships with Children.
- 1.3.9 Comply with all relevant Australian and overseas Child protection legislation, including labour laws in relation to Child labour.
- 1.3.10 Consult with ABM/AID's Safeguarding Focal Person or other relevant staff if I have any questions regarding Child protection and how it relates to my work/relationship with ABM.
- 1.3.11 Comply with the ABM and AID Child Protection Policy and related Procedures.
- 1.3.12 Whenever possible, ensure that another adult is present when working near Children.
- 1.3.13 Be a positive role model for Children.

**1.4 WHILST ENGAGED ON ABM BUSINESS I WILL NOT:**

- 1.4.1 Engage in behaviour that is intended to shame, humiliate, belittle, degrade or exploit Children.
- 1.4.2 Use language or behaviour towards Children that is inappropriate, harassing, abusive, sexually provocative, discriminatory, demeaning or culturally inappropriate.
- 1.4.3 Do things of a personal nature that a Child (who is not part of my family) can do for him/herself, such as assistance with toileting or changing clothes.
- 1.4.4 Invite unaccompanied Children (who are not part of my family) into my home/hotel or other private location, unless they are at immediate risk of injury or in physical danger.
- 1.4.5 Sleep in the same room or bed as a Child (who is not part of my family) unless absolutely necessary, and then only with permission of my supervisor, and ensuring if possible that another adult is also present.

- 1.4.6 Smack, hit or physically assault or physically punish Children.
- 1.4.7 Involve Children in sexual relationships or any form of sexual activity, including paying for sexual services.
- 1.4.8 Develop relationships with Children that may be deemed exploitative or abusive.
- 1.4.9 Give or provide Children with alcohol or illegal drugs.
- 1.4.10 Show favouritism through the provision of gifts or inappropriate attention.
- 1.4.11 Behave provocatively or inappropriately with a Child.
- 1.4.12 Condone or participate in behaviour with Children that is illegal, unsafe or abusive.
- 1.4.13 Act in a way that shows unfair or differential treatment of Children.
- 1.4.14 Hold, kiss, cuddle or touch a Child (who is not part of my family) in an inappropriate, unnecessary or culturally insensitive way.
- 1.4.15 Seek to make contact and spend time with any Child (who is not my own) or young person (who is not part of my family) outside the times when this forms part of my work.
- 1.4.16 Use any computers, mobile phones, video cameras, cameras, or social media inappropriately, nor use them for the purpose of exploiting or harassing Children, nor to access Child exploitation material through any medium.
- 1.4.17 Hire Children for domestic or other labour.

**1.5 WHEN PHOTOGRAPHING OR FILMING A CHILD, OR USING CHILDREN'S IMAGES FOR WORK-RELATED PURPOSES, I WILL:**

- 1.5.1 Obtain informed and documented consent of the Child and his/her parents or guardians **before** photography/filming.
- 1.5.2 Provide an explanation on how the photograph/film will be used.
- 1.5.3 Ensure photographs, films, videos and DVDs present Children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.

- 1.5.4 Ensure that images are honest representations of the context and facts.
  - 1.5.5 Ensure file labels, meta data or text descriptions do not reveal identifying information about a Child when sending images electronically or publishing images in any form.
  - 1.5.6 Take care to ensure the local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a Child.
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*I have read the above document and agree to observe the principles and ABM and AID Child Protection Code of Conduct described in this document.*

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Name** \_\_\_\_\_

**Position** \_\_\_\_\_

**Company (if a contractor)** \_\_\_\_\_



## Table of Responsibilities for Implementation of this Policy

Responsible Body/Person	Area of Responsibility	Timeframe
ABM and AID Boards	<p><b>Guiding Principles</b>            Ensure ABM and AID exercise their duty of care to ensure the safety of Children impacted by their work in Australia and overseas;            Maintain an organisational culture of adherence to the Rights of the Child, ensuring all ABM and AID personnel take responsibility for Child Protection and Safeguarding;            Provide leadership in commitment of ABM and AID to Child Safeguarding and Protection</p> <p><b>Section A Child Protection Code of Conduct</b> – Exercise policy oversight over this Code of Conduct</p> <p><b>Section C Risk Assessment and Management</b> –            Receive quarterly reports of Child Protection Risks</p> <p><b>Section J Responding to and Reporting Child Protection Concerns</b> – Receive reports of all Child Protection concerns and incidents</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Quarterly</p> <p>As reported</p>
ABM/AID Senior Management team	<p><b>Section B ABM/AID Safeguarding Focal Point</b> – Appoint and review Safeguarding Focal Point, according to an agreed Terms of Reference</p> <p><b>Section E Recruitment and Selection</b>—            Ensure all ABM personnel are screened via interview questions, verbal referee checks and National Police Checks prior to appointment at ABM and at required intervals thereafter            Ensure those who will have contact with Children undergo Working with Children Check</p>	<p>Annually, or at an agreed interval</p> <p>Prior to appointment of ABM or AID personnel, then every 3 years for police checks, every 5 years for Working with Children Checks</p>
AID Sustainable Communities and Humanitarian program team/Church to Church team/Reconciliation team	<p><b>Section C Risk Assessment and Management</b> –            Ensure risk assessment of partner organisations and projects take place and are monitored and updated</p> <p><b>Section G Working with Partners</b> –</p>	<p>Ongoing, checked at least twice annually</p>

	<p>Ensure all partners with whom ABM works have Child Protection and Safeguarding measures in place commensurate with their level of risk; monitor and review regularly</p> <p><b>Section I Working in Emergency Contexts—</b> Ensure all elements of Section 1 are followed by implementing partners when ABM sends funds for emergency responses</p> <p><b>Section K Involving Children and Young People –</b> Encourage involvement of Children and young people in all consultation processes where ABM's or AID's work will affect them; Work to include Children and young people in development and review of complaints mechanisms</p>	<p>At commencement of partnerships and ongoing (monitoring and reviewing)</p> <p>Prior to funding an emergency response</p> <p>Ongoing, at project design, monitoring and evaluation phases</p>
ABM and AID Boards	<p><b>Section C Risk Assessment and Management –</b> Receive quarterly Safeguarding reports which include reporting on Child Protection Risks, training, incidents etc</p>	Quarterly
Marketing & Fundraising Manager/Safeguarding Focal Person	<p><b>Section J Responding to and Reporting Child Protection Concerns –</b> Draft reports of all Child Protection concerns and incidents and ensure these are taken to the ABM and AID Boards; Assist in updating Child Protection component of Corporate Risk Report</p>	Quarterly and as required
ABM/AID Safeguarding Focal Person/ Compliance Officer	<p><b>Section F Training in Child Protection &amp; Safeguarding –</b>Ensure training is provided to staff, Boards and Committee members and volunteers on commencement at ABM and annually thereafter</p>	At least two-yearly
All ABM and AID personnel	<p><b>Section A Child Protection Code of Conduct—</b> Ensure you have signed and follow Child Protection Code of Conduct when on ABM business</p> <p><b>Section E Recruitment and Selection—</b> Update their criminal record checks</p> <p><b>Section D Use of Children's Images and Stories –</b> Abide by all of Section D. Ensure images and stories provided from outside ABM or AID also comply with this section</p> <p><b>Section H Programs which facilitate direct contact with Children –</b> Ensure Section H is adhered to by all project visitors to projects where Children are present. Ensure project visitors have signed and abide by ABM/AID's Child Protection Code of Conduct</p>	<p>Upon commencement of work with ABM or AID (staff), and when about to have contact with Children (others) Three yearly</p> <p>Ongoing</p> <p>As applicable</p>

ABM and AID personnel who have contact or work with Children	<b>Section E Recruitment and Selection—</b> Update Working with Children Checks	Every five years
Marketing and Fundraising Manager	<b>Section D Use of Children’s Images and Stories –</b> Ensure all stories and images of Children published by ABM/AID comply with Section D, including stories and images supplied from outside ABM/AID.	Prior to publication of any material for ABM/AID
ABM and AID Policy Committee/Compliance Officer	<b>Review</b> Review this policy regularly, and at least three-yearly, ensuring compliance with General Synod, ACFID Code and DFAT requirements	As compliance requirements change, and at least three-yearly

<b>Policy History</b>	
<b>Name of Policy</b>	<b>Date Adopted</b>
Child Sex Tourism Policy	October 2004
Child Protection Policy & Guidelines	September 2010
A1011 Child Protection Policy & Guidelines	November 2013
A1011 Child Protection Policy (with separate Procedures)	March 2016
A1011 Child Protection Policy (with separate Procedures)	September 2018
A1011 Child Protection Policy	September 2020
ABM1011/AID1011 Child Protection Policy	April 2021
ABM1011-AID1011 Child Protection Policy	November/December 2022