



CHILD PROTECTION POLICY

SHINE CAMBODIA INCORPORATED

Approved Date

12 January 2017

Approved by

The Board

Next Review Date

12 January 2018

Policy Owner

Project Manager

1. Purpose

This Child Protection Policy (hereafter "the Policy") outlines Shine's procedures on Child Protection, and aims to be a practical guide to all Representatives by outlining mechanisms for awareness raising, as well as preventing, reporting and responding to Child Protection issues.

This policy will apply to all Shine Representatives. Each person to whom the Policy applies to is responsible for having a thorough knowledge of the Policy and the procedures set out below. All Representatives must act in accordance with the Policy and comply with the Child Protection Code of Conduct (Annexure 1).

2. Policy Objectives

The Policy demonstrates Shine's commitment to the welfare of Children and their protection from abuse and exploitation, with a focus on Children within circumstances of poverty and humanitarian crisis or conflict. The Policy makes clear to Representatives what is expected of them in relation to the protection of Children.

Shine recognises that children living in Cambodia, Children of non-English speaking backgrounds, and Children with a disability face added risks of violation of their rights. Therefore, Shine will take extra precautions when engaging with Children from these backgrounds.

Shine will not permit a person to work with Children if that person poses an unacceptable risk to Children's safety or wellbeing.

3. Definitions

Child anyone under the age of 18 years old, unless maturity is obtained earlier as in accordance with the U.N. Convention on the Rights of the Child 1989.

Child Abuse all forms of Physical Abuse, Emotional Abuse, Sexual Abuse and exploitation, Neglect or negligent treatment. It includes any actions that result in actual harm, or a substantial risk thereof.

Child Protection refers to those responsibilities, actions and activities to which Shine commits for the purpose of safeguarding Children involved with Shine from both actual and potential harm.

Emotional Abuse or psychological abuse is a chronic attack on a Child's self-esteem. It can take many forms, including, but not limited to: name-calling, threatening, ridiculing, intimidating and/or isolating the Child.

Neglect the failure to provide a Child with the basic necessities of life, such as food, clothing, shelter and supervision, to the extent that the Child's health and development are at risk.

Partner Organisation refers to any organisation Shine engages with to implement its programs and activities that may involve Children.

Physical Abuse the use of violent physical force so as to cause actual or likely physical injury or suffering to a Child.

Representative refers to any volunteer, employee and board member performing work on behalf of Shine.

Sexual Abuse when a Child is used by another Child or adult, for his or her own, or another's, sexual stimulation or gratification, or economic gain. Sexual abuse involves both contact and non-contact activities.

4. Principles

As Shine is committed to being a Child-conscious organisation, the Policy is informed by a set of principles that derive from the UN Convention on the Rights of the Child 1989 and complies with the Child Protection Policy minimum standards as set by the Department of Foreign Affairs and

Trade (hereafter "DFAT") and the Australian Council for International Development (hereafter "ACFID") standards for Child Protection. Shine will meet its commitment to the Convention, DFAT and ACFID through the Policy in the following ways:

- a) by raising awareness within the organisation about all risks and all potential risks to Children;
- b) by taking reasonable care to ensure that the Policy and the Child Protection Code of Conduct is integrated into Shine's work with Partner Organisations and government counterparts, and not permitting Representatives who pose an unacceptable risk to work with Children;
- c) ensuring that the Policy is embedded in all Shine's activities and taking on a zero- tolerance stance concerning Child Abuse towards anyone who is working within our programs or representing Shine in any way;
- d) ensuring all Representatives are vigilant to potential risks to all Children involved with Shine, and take steps to minimise such risks by identifying them, monitoring them and reasonably mitigating them;
- e) our Partner Organisations or associates adopt our Policy and Child Protection Code of Conduct, or have their own that is of a standard acceptable to Shine regarding behaviour and interactions with Children;
- f) all Representatives are informed about the reporting process to follow when concerns arise around Children's safety and that any matter raised under the Policy is dealt with in a confidential, fair and timely manner;
- g) all Representatives respond to suspicious or allegations of Child Abuse in a responsible and timely manner and inform relevant parties of the outcomes; and
- h) all Representatives sign and adhere to the Child Protection Code of Conduct.

5. Implementation

Shine commits itself to a number of implementation strategies to adopt a culture that is safe for Children.

Partner Organisations

Shine commits to ensuring its Partner Organisations adopt Shine's Child Protection Policy and Child Protection Code of Conduct, or have their own that is of a standard acceptable to Shine.

This requirement is communicated to all Partner Organisations in writing and must be satisfied before commencing joint activities with Shine.

Child Safety Officer

As part of Shine's commitment to reducing the risk of Child Abuse and exploitation, the Project Manager is assigned the role of Child Safety Officer in Cambodia. The CEO is assigned the role in Melbourne. The Child Safety Officers are responsible for ensuring the Policy is disseminated and implemented within Shine Cambodia in both countries.

The Child Safety Officer can be contacted at contact@shinecambodia.org

Child Protection Risk Management

Shine recognises that there are a number of potential risks to Children in the delivery of our programs and the communities in which we work. As such, Shine proactively assesses and manages these risks to reduce them.

This is achieved by incorporating Child Protection risks into all Risk Assessments conducted by Shine that may involve direct contact with Children. In addition, Child safety is a regular topic of discussion in Shine's Risk and Compliance Committee meetings to ensure that risks are identified and managed appropriately.

General Recruitment Screening Process

Shine will undertake Child safety recruitment and screening procedures for potential Representatives applying to work on our programs. In screening for all roles, Shine:

- a) Will ensure that Representatives in Australia or who reside or work in a jurisdiction other than Australia, have a valid Working With Children Check, or its equivalent in accordance with relevant State/Territory legislation. Newly appointed Representatives that do not have a valid check will be required to obtain one within three months of appointment; and
- b) Will require, wherever deemed applicable, potential Representatives who reside or work in a jurisdiction other than Australia, and who will come into contact with Children, to present police record checks from that jurisdiction.
- c) Outside of Australia, Shine will ensure that background reference and character reference checks are provided by Representatives.

For Shine roles that involve contact with children, recruitment screening also include:

- a) The use of targeted behavioural questions during an interview; and
- b) Verbal reference checks.

The responses from the above screening procedures are documented in writing as evidence.

Shine will not engage any person in any capacity, paid or unpaid, with a known history of Child Abuse.

Training & Development

All Representatives receive information relating to Shine's Child Protection Policy during the induction process. They are required to complete a Child Protection training session. Child Protection refresher training is provided to all Representatives at least once every two years.

A training register is maintained. Training is provided by M'Lop Tapang, Sihanoukville, Cambodia.

Representatives in roles that typically involve direct contact with Children are given further training on Child Protection, tailored to their roles' requirements. This training focuses on risk and mitigation strategies regarding the Children they come into contact with.

Where Shine is not the sole conductor implementing an activity, the organisation which is the main conductor holds primary responsibility for ensuring that risks to Children are managed effectively.

Consent to Participate in Events & Provision of Information

The organisers of a Shine event, program or activity must obtain consent from a Child's parent or guardian before allowing that Child to participate in Shine events.

To allow parents or guardians to make an informed decision regarding their Child's participation in an Shine event, detailed information regarding the event must be provided. The Child Safety Officer will review the information before distribution.

Information on the Child's emergency contact(s) must also be obtained by the organisers prior to the event.

Supervision procedures

Representatives will act as positive role models and treat Children with kindness and respect. Representatives must not show favouritism or attempt to groom Children through the provision or promise of gifts.

Representatives must not provide Children with any alcohol or illegal drugs. Representatives must not be under the influence of any alcohol or illegal drugs while supervising or caring for Children.

Recording Consent

The Child Safety Officer and event organiser will be responsible for monitoring a record of all Children

participating in each event and whether Parental or Guardian Consent has been acquired, and making the appropriate supervisors aware of the names of the Children participating.

Photographs

Pictures, images or other likenesses of Children, and/or information related to any Child that could compromise their care and protection, will not be made available through any form of communication media. Images and videos of Children will not be accompanied by detailed information relating to their place of residence. Images with corresponding text that may identify a Child will be removed.

All of Shine's images and videos of Children will always portray Children in a dignified and respectful manner. Photographs and videos of a Child will only be used if informed consent was given by that Child and the Child's guardian, prior to the photograph/video being taken.

Contacting Children

Shine does not intend to dictate the belief and value systems by which Representatives conduct their personal lives. However, a Representative must not seek to make Contact or spend time with a Child for purposes unrelated to Shine if they do not usually associate with that Child for purposes unrelated to Shine (e.g. as a family friend). This includes contact via social networking media such as Facebook. At any point in time, if a Child indicates that they no longer wish to be in contact with a Representative, the Representative must cease all communications.

6. Reporting Procedures

Allegations by a Child of Child Abuse

Representatives must acknowledge that when a Child tells someone that they are being, or had been, abused, the Child may feel scared, guilty, ashamed, angry and powerless.

Despite the emotional response of the Representative, any Representative being told by a Child that the Child has been abused must keep calm and reassure the Child that something will be done to protect them.

Representatives are expected to listen carefully and tell the Child that they:

- a) Believe the Child;
- b) It is not the Child's fault;
- c) Are glad the Child told them.

Representatives must **not**:

- a) Make promises they cannot keep (e.g. that they will not tell anyone);
- b) Push the Child to give details of the abuse (the Representative's role is to listen to what the Child wants to say); or
- c) Indiscriminately discuss the details of the abuse with anyone not directly involved.

Representatives must contact the Child's parents/carers if appropriate. If a Representative has a reasonable belief that a Child has had a sexual offence committed against them, or that a Child is at immediate risk of this occurring, the Representative must notify the police immediately.

Culturally safe practices must be applied if a Cambodian child is involved in an allegation of abuse.

Incident Reporting

It is mandatory for any allegation, belief, suspicion or concern of Child Abuse, past or present, by a Representative, partner or partner representative to be reported within 24 hours to the Child Safety Officer. If an allegation is being made against the Child Safety Officer, it should be reported to the Chief Executive Officer of Shine.

All allegations are encouraged to be made through the Incident Report Form available, or through

the External Complaints Form. Other avenues of reporting are available such as orally in person or by telephone. Where an allegation of Child Abuse is made orally, Shine will ensure our reporting of the complaint contains all the information the complainant wishes to provide. In all circumstances, allegations of criminal conduct must be reported to the relevant Police authority as the first priority.

The person receiving the disclosure of an incident must fully document the allegation using Shine's Incident Report Form as soon as possible, within 24 hours. Documentation must include the time, place and witnesses. This report will be used as the basis for investigation and possibly in court if charges are forthcoming.

Distancing Alleged Perpetrator

A Child or person reporting an incident must be taken seriously and listened to carefully. Once an allegation is received there should be an immediate response that protects the Child from further potential abuse or victimisation. Where possible, non-abusive family members of the Child should be informed of the allegation and action proposed, and consulted about the process to be followed.

The best interests of the Child may warrant the standing down, or transfer to alternative duties, of the alleged perpetrator, while an investigation commences. A person who has been stood down will receive full pay and is entitled to a just process that does not presuppose guilt or innocence. The reasons for a decision to stand down or transfer the duties of a person must be fully documented.

Investigation of Complaints

In accordance with Shine's Complaints Policies, all parties will be directed through a formal incident reporting process. Child Abuse is a criminal offence. Shine may be required to notify external authorities of Child Abuse allegations. When and how Shine notifies authorities may vary from State to State, Country to Country. All Child Abuse allegations will be escalated accordingly to the Executive Team and the Board.

Internal investigations will be undertaken as a confidential, thorough, impartial and prompt process. The allegations should not be discussed or communicated to any person outside the process until a final outcome is known. Internal investigations may consist of:

- Interviews with witnesses and others, as appropriate, to gather information about the alleged conduct;
- Gathering of documentation;
- Reporting to the local police; and/or
- Any other procedures as seen fit.

The individual alleged to have violated the Policy will have the opportunity to present his/her version of the events in question.

The rights and safety of the Child are paramount and every effort will be made to protect them throughout the investigation. Shine will protect the interests of anyone who reports an incident of Child Abuse in good faith, regardless of the outcome of the investigation.

However, disciplinary action will be taken against anyone who makes false and malicious allegations.

7. DFAT Child Protection Policy

Shine strives to comply with DFAT's mandatory Child Protection compliance standards in relation to managing risks concerning Children, as stipulated in its Child Protection Policy.

Shine will immediately notify DFAT's Child Protection Compliance Section if any DFAT funded personnel, or DFAT partner personnel, are accused of, charged with, arrested for, or convicted of criminal offences relation to Child Abuse. The Child Safety Officer will make this report to DFAT within 24 hours of learning of the allegation.

For further information on DFAT's Child Protection Policy and incident reporting procedure, please refer to <http://dfat.gov.au/about-us/publications/Pages/Child-protection-policy.aspx>

8. Review of the Policy

The Child Safety Officer will be responsible for reviewing implementation of the Policy. The Policy will be reviewed by Shine after one year and thereafter as necessary, at least every 3 years, or earlier if warranted.

Annexure 1

Shine Child Protection Code of Conduct

I, _____, confirm that I have read and understood the Shine Child Protection Policy and agree to strictly adhere to the Policy. I understand that my breach of the Policy may result in termination of my engagement with Shine.

I understand that the onus is on me, as a person engaged by Shine, to use common sense and avoid actions or behaviours that could be construed as Child Abuse when implementing Shine activities. I will conduct myself in a manner consistent with the values outlined in this Code of Conduct and the values of Shine, in recognition of Shine's zero tolerance stance towards Child Abuse.

I agree that while implementing Shine activities, I will:

- Be responsible for maintaining a professional relationship with Children, which means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship;
- Treat Children with respect regardless of: race; colour; sex; language; religion; political or other opinion; national, ethnic or social origin; property; disability; birth or other status;
- Not use language or behaviour towards Children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- Wherever possible, ensure that another adult is present when I am working in the proximity of Children;
- Never exploit or abuse a Child, or act in any way that places a Child at risk of harm. Such actions include, but are not limited to:
 - › engaging in rough behaviour or games;
 - › forming an emotional relationship with a Child;
 - › engaging Children in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the Child (including Division 272 of the Criminal Code Act 1995 (Cth) as amended) the Child is below the age of consent or the act(s) are an offence under relevant laws;
 - › inviting unaccompanied Children into my home, unless they are at immediate risk of injury or in physical danger;
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass Children or to access Child pornography through any medium (see also 'Use of Children's images for work related purposes' below);
- Refrain from physical punishment or discipline of Children (excluding my own Children);
- Refrain from hiring Children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- Comply with all relevant Australian and local legislation, including labour laws in relation to Child labour; and
- Immediately report concerns or allegations of Child Abuse in accordance with appropriate procedures.

Use of Children's Images for Work-Related Purposes

When photographing, or filming a Child for work related purposes, I must:

- before photographing or filming a Child, assess, and endeavour to comply with, any local traditions or restrictions for reproducing personal images;
- before photographing or filming a Child, obtain consent from the Child and a parent or guardian of the Child. As part of this I must explain how the photograph or film will be used;
- ensure that the image/film will not be used if consent was not obtained prior to the photograph/film being taken;
- 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;
- ensure images are honest representations of the context and the facts;
- ensure file labels do not reveal identifying information about a Child, when sending images electronically; and
- ensure that there will be no identifying information about a Child when the images are published.