Child Safeguarding Policy

1. INTRODUCTION

Safeguarding children is at the heart of everything Hagar Australia does. Children make up a significant number of the clients the organisation supports directly through its programs and Hagar Australia works to bring about systemic changes that advance child safeguarding in the countries in which it works. Hagar Australia is committed to demonstrating leadership in protecting the rights of and safeguarding children, and involving them in the decisions and activities that affect them.

Hagar Australia engages with child clients in accordance with the Hagar International Client, Vulnerable Adult & Child Protection Policy. Children who have been abused and had their rights violated are particularly vulnerable and may be impacted by both physical and mental health issues, a fear of adults, and destructive behaviour towards themselves and/or others. This policy has been developed to address the safeguarding needs of children who have experienced trauma. Beyond its clients, Hagar Australia owes all children it engages with a duty of care to protect them from reasonably foreseeable harm.

Child safeguarding is both an individual and an organisational responsibility. Every person engaged in the work of Hagar Australia, including Board members, employees, contractors, volunteers, representatives, visitors and partners, shares a responsibility to take all appropriate measures to protect children.

This policy addresses the exploitation and abuse of children. Where an adult is being, suspected of being or at risk of being abused, Hagar Australia personnel and partners should refer to the Hagar Australia Prevention of Sexual Exploitation, Abuse and Harassment Policy reporting procedure.

2. PURPOSE

This policy has been developed to provide guidance on how Hagar Australia will ensure that children are protected from exploitation and abuse across all operations. It outlines measures that safeguard and reduce the risk of children being harmed during visits to programs overseas and promotes a culture of child safeguarding within the organisation. This policy also provides guidance on how to respond to concerns and allegations of child abuse in connection with official duties or business.

3. SCOPE

Hagar Australia recognises that children are a particularly vulnerable group. As such this policy applies to:

- Hagar Australia personnel (as defined)
- Contractors and representatives (including consultants, researchers and photographers) engaged by Hagar Australia to perform any part of an activity that may involve contact with children,
- Visitors to Hagar Australia-funded projects

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- Hagar Australia-funded partners (as defined)

Hagar Australia management will take steps to ensure that all Hagar Australia personnel, contractors, representatives, visitors to Hagar Australia-funded projects and partners are made aware of their obligations under this policy.

4. PRINCIPLES

This policy is underpinned by the five principles outlined in the Department of Foreign Affairs and Trade's (DFAT) Child Protection Policy.

1) *Zero tolerance of inaction:* Child exploitation and abuse are never acceptable, and will attract criminal, civil and disciplinary sanctions. Hagar Australia will not knowingly engage, directly or indirectly, anyone who poses a risk to children; will work to minimise risks of child exploitation and abuse in its operations and programs, and train its personnel and partners on their obligations under this policy. Hagar Australia defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

2) *Assess and manage child protection risk and impact:* While it is not possible to entirely eliminate risks of child exploitation and abuse, careful management can identify, mitigate, manage or reduce the risks to children that may be associated with Hagar Australia operations and programs.

3) *Child safeguarding is a shared responsibility:* Hagar Australia recognises that all organisations, including those in partnership with Hagar Australia, have a collective responsibility to build their child safeguarding capacity. Hagar Australia requires the commitment, support and investment of its partners for this policy to be effective.

4) *Procedural fairness:* Hagar Australia will apply procedural fairness when making decisions that affect a person's rights or interests. Hagar Australia's partners are expected to adhere to this principle when responding to concerns or allegations of child exploitation and abuse.

5) *Recognition of the best interests of the child:* Hagar Australia is committed to upholding the rights of the child, as stated in the UN Convention of the Rights of the Child. In all actions concerning children, the best interests of the child shall be a primary consideration. Children will be treated with dignity and respect, involved in decision-making and provided with information and support.

5. RISK AND RISK MANAGEMENT CONTROLS

Hagar Australia understands that assessing risk and designing appropriate mitigation strategies is a vital part of child safeguarding. To mitigate the possibility of inflicting unintended harm, Hagar Australia will proactively assess its own organisational risks and manage its projects to understand their impact; as well as supporting its partners and the communities in which it works. Hagar Australia will assess the level of partner and project risk at the start of collaboration, classifying them into very high, high, medium or low risk categories, based on the nature of projects, impact on and level of contact with children. Hagar Australia will then support partners in conducting organisational, project and activity risk assessments before the start of projects, which will include identification, treatment

and escalation of child protection risks; as well as regular reporting and review of risk registers (higher risk projects will be reviewed more regularly).

5.1 Internal Operations

Hagar Australia's internal risk management controls are to:

- Clearly state Hagar Australia's commitment to child safeguarding in recruitment materials, human resource policies, and all partnership agreements.
- For recruitment of Hagar Australia personnel positions that may involve **'working with children'** or '**contact with children**' observe the requirements of section 6.
- Undertake police and verbal referee checks, prior to appointment, of all contractors and representatives whose engagement may involve **'working with children'** or '**contact with children**', as well as of visitors prior to Hagar Australia-funded partner and project visits, and review if circumstances change (for example, disciplinary or court proceedings relating to children). This is to identify individuals who may pose an unacceptable risk to children.
- Ensure all Hagar Australia personnel, partner and contractor agreements include a statement of their commitment to child safeguarding; and further that the agreements include provisions: to prevent a person from working with children, if they pose an unacceptable risk; to impose sanctions such as suspension or transfer to other duties of any person who is under investigation, and dismissal if evidence is found after an investigation.
- Provide Hagar Australia's Child Safeguarding Policy, including Code of Conduct, reporting requirements and procedures, to all Hagar Australia personnel, contractors, representatives and visitors to Hagar Australia-funded projects; take steps to ensure they understand the Policy and sign the Code of Conduct, and discuss it with Hagar Australia personnel during annual Performance Reviews (where required).
- Ensure that all Hagar Australia personnel and contractors complete introduction and annual refresher training (evidenced by certificates and other documentation) on child safeguarding, including their obligations and Hagar Australia reporting/ complaints handling procedures.
- Include 'Safeguarding' as a standing Board bi-monthly meeting agenda item to monitor Child Safeguarding Policy compliance.
- Undertake a periodic assessment (every 3 years) of Hagar Australia's child safeguarding practices.
- Immediately report any suspected or alleged instances of child abuse, exploitation, harm or child safeguarding policy non-compliance to DFAT in the delivery of Australian Government-funded business, including charges, convictions or outcomes of a child exploitation and/or abuse-related offence (including under traditional law) which occur before or after Hagar Australia's association with the donor.

5.2 Hagar Australia Funded Partners and Programs

All Hagar Australia funded partners are expected to act in accordance with the principles outlined in this policy. Non-compliance with the minimum child safeguarding standards where required may lead to suspension or termination of funding arrangements.

Hagar Australia's programmatic risk management controls are to:

- Forge partnerships that promote child safeguarding and inclusion, supported by partnership agreements that reflect the principles and requirements in this policy, and are discussed with partners.
- Take steps to ensure Hagar has a deep understanding of the child safeguarding issues within each operational context.
- Ensure that due diligence assessments are conducted for all partners who receive Hagar Australia funds, including police checks/ statutory declarations and verbal referee checks for all personnel in contact and working with children, including for country(ies) of citizenship and each country an individual has lived in for 12 months or longer over the past 5 years; ensure that all such personnel enter into compliant personnel agreements and sign Codes of Conduct, the latter to be summarised and distributed in local languages to clients, their families and communities with reporting information.
- Ensure that Hagar Australia-funded partners develop and implement their own Hagar Australia-compliant child safeguarding policy with clear investigation and reporting procedures, or formally adopt Hagar Australia's Child Safeguarding Policy. This includes a requirement to report any suspected or alleged instances of child abuse, exploitation, harm or child safeguarding policy non-compliance through the organisation's internal processes and to Hagar Australia, and a requirement to identify a Child Safeguarding Focal Person for reporting and awareness purposes. The reporting procedure should be displayed in local languages in each office and discussed with clients and communities, within 6 months of signing a partnership agreement with Hagar Australia.
- Ensure child safeguarding is included in project planning, monitoring and evaluation. Partner (annual) and project (bi-annual) child safeguarding risk and compliance will be reported to Hagar Australia throughout the project cycle.
- Support partners in their compliance with child safeguarding requirements, including regularly assessing capacity, addressing training needs (including annual refresher training), explaining partnership and personnel obligations, as well as regular monitoring and review by Hagar Australia.
- Undertake a periodic assessment (every 3 years) of the child safeguarding practices of Hagar Australia partners.

6. EMPLOYEE RECRUITMENT PROCESSES AND TRAINING

Hagar Australia's recruitment processes include obtaining declarations by all potential employees of any charges, convictions and other outcomes of an offence relating to child exploitation and abuse.

Personnel recruited for positions that involve contact with children, either under the position description or due to the nature of the work environment, shall be screened through the following procedures:

- Criminal record checks before engagement[1]
- Verbal referee checks

[1] This includes criminal record checks for country(ies) of citizenship and each country an individual has lived in for 12 months or longer over the past 5 years.

Personnel recruited for positions that involve working with children shall be screened using additional measures:

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

All employees are required to sign an employment contract which contains provisions for dismissal, suspension or transfer to other duties for any employee who breaches Hagar Australia's Code of Conduct.

Hagar Australia provides personnel during induction with training on child safeguarding issues and on their responsibilities to protect children under this policy, including mandatory reporting of concerns or allegations of child exploitation and abuse. Training is also delivered when the policy is reviewed as part of Hagar Australia's regular staff training program.

7. CODE OF CONDUCT

All Hagar Australia personnel, all contractors and representatives whose engagement by Hagar Australia may involve **'working with children'** or '**contact with children**', and all visitors to Hagar Australia-funded projects must read, sign and comply with Hagar Australia's Code of Conduct (Annex 1) which sets out strict standards of behaviour in relation to children. All signatories to the Code of Conduct are required to treat all people with respect and without discrimination.

8. PROCESSES FOR REPORTING CONCERNS OR ALLEGATIONS

8.1 How to Report

Hagar Australia has mandatory and immediate reporting procedures for handling alleged or suspected cases of child exploitation and abuse, as well as breaches of this Child Safeguarding Policy and the Code of Conduct. Concerns or allegations of child exploitation and abuse, as well as policy breach or non-compliance must be reported immediately as follows:

- At https://hagar.org.au/reporting (this can be anonymous and Google Chrome can assist with webpage translation; child safeguarding reports will be received by the Safeguarding & Reporting Focal Person) and
- Contact Hagar Australia's Quality Officer (Safeguarding & Reporting Focal Person) and/ or Executive Director on +61 3 9416 1960.

If in doubt, Hagar Australia personnel and partners should report an alleged incident, in line with the principle of zero tolerance of inaction. Community members can also report via Hagar Australia's website and phone number (details above). Any person reporting a suspected or alleged incident in good faith will not be penalised. A failure to report or deliberately making a false allegation, regarding Child Safeguarding incidents, will be considered a breach of this policy and will be managed accordingly (see Section 8.3). Reports of abuse or exploitation of individuals over the age of 18 years should follow Hagar Australia's Prevention of Sexual Exploitation, Abuse and Harassment Policy.

8.2 How the Report will be managed

A survivor-centred approach will be taken and all reports handled confidentially on a 'need to know' basis, which may include the Executive Director and/ or Board Chair, where appropriate, with transparency and procedural fairness to all parties. For Hagar Australia's Investigation Procedure, see Annex 2. Wherever possible, victim/survivor information will be de-identified.

Where safe to do so and, in accordance with the wishes of the victim/survivor and/or report-maker, all alleged child safeguarding incidents involving a criminal aspect will be reported through the correct local law enforcement channels.

8.3 Sanctions

If it is determined that a person has engaged in child exploitation or abuse, or a person or an organisation has failed to comply with this Child Safeguarding Policy or Code of Conduct, then Hagar Australia may apply an appropriate sanction as follows:

- dismissal, suspension or transfer to other duties for any employee who breaches the Child Safeguarding Policy and Code of Conduct;
- cancellation of a contract or relationship, or the termination of a visit to a Hagar-funded project;
- if the incident is criminal, reporting to the relevant law enforcement agencies, in Australia or the country where the incident occurred.

9. DEFINITIONS

Term	Definition
Hagar Australia personnel	Hagar Australia's Board of Directors, employees (full time, part-time and casual) and volunteers.
Hagar Australia-funded partners	This includes Hagar International, its Program Offices and other entities engaged to perform any part of a Hagar Australia-funded activity where working with or contact with children is involved. These entities have agreed roles and responsibilities monitored by Hagar.
Child	Any person under the age of 18 years.
Child safeguarding	The broad obligation on staff and partners to ensure that the design and delivery of Hagar Australia programs and organisational operations do 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 protection	An activity or initiative designed to protect children from any form of harm, particularly that arising from child exploitation and abuse.
Abuse	**Physical abuse:** The use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. **Neglect:** The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. **Emotional abuse:** Refers to a parent or caregiver's inappropriate verbal or symbolic acts toward a child, or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence. **Sexual abuse:** The use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours 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[2] **Ill-treatment:** Disciplining or correcting 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. *Note: the above includes a child or children being present (hearing or seeing) while a parent or sibling is subjected to any of the above*
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 minor 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 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.
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).
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.
Online Grooming	The act of sending an electronic message to a child, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender; or of sending an electronic message with indecent content to a recipient who the sender believes to be a child.
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, control mechanisms are not considered appropriate.
Working with children	Working with children means 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 (also see *Contact with children* definition).

[2] Fact Sheet No. 12 What is child abuse and neglect? National Children's Clearinghouse, Australian Institute of Family Studies.

10. RELEVANT LEGISLATION AND CONVENTIONS

Hagar Australia personnel, contractors, representatives, visitors to Hagar Australia-funded projects and partners must adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include Australian Commonwealth, state and territory laws, and international conventions and local laws in the countries where Hagar Australia works in relation to all forms of child abuse and child exploitation, including: child sex tourism, child sex trafficking, child labour and child pornography.

Australian legislation

a) *Criminal Code Act 1995*
b) *Crimes Act 1914*

State and territory child protection legislation

a) Victoria: *Working with Children Act 2005; Children, Youth and Families Act 2005*
b) New South Wales: *Child Protection (Working with Children) Act 2012*
c) Queensland: *Commission for Children and Young People and Child Guardian Act 2000*
d) Western Australia: *Working with Children (Criminal Record Checking) Act 2004; Children and Community Services Act 2004*
e) South Australia: *Children's Protection Act 1993*
f) Tasmania: *Education and Care Services National Regulations 2011; Education and Care services National Law (Tas)*
g) Australian Capital Territory: *Working with Vulnerable People (Background Checking) Act 2011; Children and Young Persons Act 2008*
h) Northern Territory: *Care and Protection of Children Act 2007*

International child protection instruments that Australia is a signatory to

a) *The United Nations Convention on the Rights of the Child*
b) *Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*
c) *Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict*
d) *Geneva Declaration of the Rights of the Child*
e) *International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*

Each Hagar office is legally obliged to comply with relevant country laws relating to child protection.

11. RELATED POLICIES

- Prevention of Sexual Exploitation, Abuse & Harassment Policy
- Whistleblowing Policy
- Feedback & Complaint Handling Policy
- Risk Management Policy
- Human Resources Policy
- Travel, Safety & Security Policy
- Incident Reporting Procedure

12. POLICY REVIEW

This policy will be reviewed at least every three years, or as required, incorporating lessons learned.

Contact:

For questions about this policy, contact Hagar Australia's Quality Officer (Safeguarding & Reporting Focal Person) or Executive Director on +61 3 9416 1960.