



Child Protection Policy (CPP)

DOCUMENT DETAILS

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Document History

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PART 1: Introduction and Preamble

The 40K Foundation and its subsidiaries ('40K') seeks to be a professional and contributing force to the ending of extreme global poverty and a more just world. The protection of children is of paramount importance to the work of 40K, and such lays down the following CPP and commits to communicating and upholding it throughout all its operations.

PART 2: Statement on commitment to child protection

- 2.1 40K is committed to the safety and well being of all children. We support the rights of children and will act without hesitation to ensure a child safe environment is maintained.
- 2.2 40K is committed to the protection of children from harm, abuse and exploitation. Children have a right to survival, development, protection and participation as stated in the United Nations Convention on the Rights of the Child (UNCRC). 40K will uphold these rights.
- 2.3 40K takes its duty of care seriously and will aim at all times to provide the safest possible programs and environments for children. This will be achieved by identifying and managing risks that may lead to harm.

PART 3: Purpose of the policy

- 3.1 This CPP has been developed to provide a practical guide to prevent child abuse in 40K's programs. It will outline a range of risk management strategies that will be implemented which will reduce the risk of children being harmed.
- 3.2 The CPP will demonstrate 40K's commitment to protect children from harm and abuse.
- 3.3 The CPP aims to educate staff, volunteers and others about child abuse and promote a child safe and a child friendly culture where everyone is committed to keeping children safe.
- 3.4 The CPP aims to create an open and aware environment where concerns for the safety and well being of a child can be raised and managed in a fair and just manner, which protects the rights of all.
- 3.5 Additionally, the CPP will provide guidance on how to respond to concerns and allegations of child abuse. It provides guidance to staff, volunteers and others on how to work respectfully and effectively with children. This will provide all stakeholders, including staff and others with a safe working environment.

- 3.7 40K is obliged to adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include local laws where 40K's programs exist, and international laws and Conventions in relation to all forms of child abuse and child exploitation, including: child sex tourism, child sex trafficking, child labour and child pornography.

PART 4: Guiding principles

- 4.1 40K believes that any form of child abuse and exploitation is unacceptable and will not be tolerated.
- 4.2 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 have their own indivisible rights.
- 4.3 40K believes that all children have a right to be safe at all times, and we have an obligation to provide safe and protective services and environments.
- 4.4 40K recognizes its duty of care to take all reasonable steps to ensure that children are safe from harm.
- 4.5 40K will take proactive steps to create child safe and child friendly programs.
- 4.6 Adherence to this CPP is a mandatory requirement for all staff, volunteers and others.
- 4.7 40K will ensure that all staff and relevant stakeholders are made aware of the CPP and their responsibilities, the implementing partners will sign a CPP policy along with the formal agreement/MOU.
- 4.8 All decisions regarding the welfare and protection of children are made based on the Best Interests of the Child Principle. This principle refers to decisions considering that the child receives maximum benefit possible from services provided, and that the positive impacts of any course of action outweigh any negative impacts.
- 4.9 Where possible, children will be consulted in the development of the CPP and the implementation of child safe practices. Children in our programs should be given opportunities to express their views on matters affecting them.
- 4.10 40K believes that all children should be equally protected and assisted regardless of their gender, nationality, religious or political beliefs, family background, economic status, physical or mental health or criminal background.

PART 5. Definitions

Duty of Care

Duty of Care is a common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm.

Child and young person

A child or young person is regarded to be any person under the age of 18 years, unless a nation's laws recognize adulthood earlier.

Child Protection

Is the term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated.

Child Abuse

Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Child abuse includes physical, sexual, emotional, neglect, bullying, child labour and domestic violence.

Both boys and girls can be the victims of abuse, and abuse can be inflicted on a child by both men and women, as well as by young people themselves.

Physical abuse

This occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

Emotional abuse

This occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or caregiver, to the extent that it affects the child's physical and emotional growth.

Neglect

Neglect is the persistent failure or the deliberate denial to provide the child with clean water, food, shelter, sanitation or supervision or care to the extent that the child's health and development are placed at risk.

Sexual abuse

This occurs when a child or young person is used by an older or bigger child, dolescent or adult for his or her own sexual stimulation or gratification - regardless of the age of majority or age of consent locally. These can be contact or non-contact acts, including threats and exposure to pornography.

Exposure to Domestic Violence

Domestic violence occurs when children and young people witness or experience the chronic domination, coercion, intimidation and victimization of one person by another by physical, sexual or emotional means within intimate relationships.

(adapted from the Australian Medical Group definition)

Particularly vulnerable children

Child abuse takes place not only within the family environment, but also outside the family, including: institutions, at work, on the streets, in war zones and emergencies.

Children in emergencies

Children in emergencies are especially vulnerable to abuse and exploitation. In an emergency or crisis situation, children are extremely vulnerable when they become part of a displaced or traumatized population.

PART 6: Scope of the policy

This policy applies to all staff, volunteers and other key groups. 'Staff' refers to: full time, part time, international and national and also those engaged on short term contracts such as: consultancies, researchers, photographers etc. 'Others' refers to visitors, board members, trustees, staff in partnership agencies, and any other individuals or groups that have contact with the organization.

PART 7. Child protection risk management

- 7.1 40K recognizes that there a number of potential risks to children in the delivery of our programs to the vulnerable and disadvantaged. In recognizing these risks, 40K proactively assesses and manages these risks to children in our programs (and in the communities in which we work) to reduce the risk of harm. This is achieved by examining each program and its potential impact on children. Programs that involve direct work with children are considered a higher risk, and therefore require more stringent child protection procedures. However, as children are part of every community in which we work, we are always mindful of potential risks.
- 7.2 Risk management is an ongoing part of every activity, and 40K conducts a child protection risk assessment on every new and emerging program and project, included in the project management cycle.
- 7.3 Staff and others should continually be aware of risks, and be actively minimizing opportunities and situations where children can be harmed.
- 7.4 A child abuse incident reporting sheet has been developed and staff are aware of its existence.



PART 8: Code of conduct for working with children

- 8.1 Staff members and others 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.
- 8.2 All staff should conduct themselves in a manner consistent with their role as 40K representative and a positive role model to children.
- 8.3 All the staff are required to sign the CPP.

40K has developed a child safe code of conduct to protect children, staff and the organization by providing clear behavioral guidelines and expectations. 40K's child safe code of conduct includes:

I WILL:

- a) Treat all children and young people in our program with respect.
- b) Conduct myself in a manner that is consistent with the values of 40K.
- c) Provide a welcoming, inclusive and safe environment for all children, young people, parents, staff and volunteers.
- d) Respect cultural differences.
- e) 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.
- f) Report any concerns of child abuse.
- g) At all times be transparent in my actions and whereabouts.
- h) Take responsibility for ensuring I am accountable and do not place myself in positions where there is a risk of allegations being made.
- i) Self-assess my behaviors, actions, language and relationships with children.
- j) Speak up when I observe concerning behaviors of colleagues.



I WILL NOT:

- a) Engage in behavior that is intended to shame, humiliate, belittle or degrade children.
- b) Give gifts to children and also not provide alcohol or drugs to children
- c) Use inappropriate, offensive or discriminatory language when speaking with a child or young person.
- d) Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes.
- e) Take children to their own home/hotel or sleep in the same room or bed as a child.
- f) Smack, hit or physically assault children.
- g) Develop sexual relationships with children or relationships with children that may be deemed exploitative or abusive.
- h) Behave provocatively or inappropriately with a child.
- i) Condone or participate in, behavior of children that is illegal, unsafe or abusive.
- j) Act in a way that shows unfair and differential treatment of children.
- k) Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- l) Seek to make contact and spend time with any child or young person outside the program times.
- m) Use 40K's computers, mobile phones, video and digital cameras inappropriately, nor use them for the purpose of exploiting or harassing children.
- n) Hire minors as domestic labor.
- o) Additional guidelines are contained in the Inter Agency Task Force code.

The IASC Task Force on Prevention of Sexual exploitation and abuse outlines six core principles that this Group endorses:

1. Sexual exploitation and abuse by 40K Staff and visitors constitute acts of gross misconduct and are therefore grounds for termination of employment;
2. Sexual activity with children is prohibited regardless of the age of majority locally. Mistaken belief in the age of a child is not a defense;
3. Exchange of money, employment, goods or services for sex including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due beneficiaries;

4. Sexual relationships between 40K Staff and visitors and people residing in the villages in which 40K operates are strongly discouraged, since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work;
5. Where a 40K Staff or Visitor develops concerns or suspicions regarding sexual abuse by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms;
6. 40K Staff and Visitors are obliged to create and maintain an environment which prevents sexual exploitation and abuse, and which promotes the implementation of their code of conduct;
7. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.
8. Follow and adhere to image requirements, as detailed in Part 11 of this policy, if taking photographs with or amongst children, noting specifically the need for informed consent.

PART 9. 40K guidelines

40K recognises the need to implement specific guidelines to manage the child protection risks within its 40K program. These guidelines include ensuring that:

- a) Letters which contain political or religious comments which could cause offence or be inappropriate are not permitted
- b) All 40K representatives will receive clear child protection and behavioural guidelines upfront
- c) All visits should be arranged in advance through our office and 40K representatives interviewed
- d) Australian Federal Police checks are required for visiting sponsors and any accompanying family members. The cost associated with procuring the Federal Police Check shall be borne by the intending 40K member
- f) All 40K members will sign the child protection policy
- g) Children should not be invited to leave or taken away from their communities
- h) 40K members should not exchange mailing addresses with children during visits.

PART 10. Use of children's image

40K will at all times portray children in a respectful, appropriate and consensual way. Our guidelines on the use of images children's images are:

- a) A child should always be portrayed in a dignified and respectful manner and not in a vulnerable or submissive manner.

- b) Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- c) A child and its family must always be asked for consent when using their images. When asking for consent to use the image, details should be given as to how and where this image will be used.
- d) There should be no identifying information of the child used in the publication of images with their location.
- e) Children should be portrayed as part of their community.
- f) Local cultural traditions should be assessed regarding restrictions for reproducing personal images.
- g) Images should be an honest representation of the context and the facts.
- h) When sending images electronically, file labels should not reveal identifying information.
- i) All photographers will be screened for their suitability, including police checks where appropriate.

PART 11. Employment of staff and interns

40K is committed to child safe recruitment, selection and screening practices. These practices aim to recruit the safest and most suitable people to work in our programs. Our child safe practices include:

- a) Promoting our child safe commitment on our website, in other promotional materials and in all job advertisements.
- b) All applicants will receive a copy of 40K's CPP and be informed of the screening requirements when they are sent the application form.
- c) Applicants will be required to submit a detailed application form when applying for a position. This form will ask for extensive information about the applicant's background such as dates and places of employment, education and other activities.
- d) All positions will be assessed for the level for risk in relation to contact with children. Positions working directly with children will require the highest level of screening.
- e) Job descriptions are required for all positions (staff, consultants –short long term etc.), which describe key selection criteria and outline tasks and accountabilities.
- f) Interviews will be conducted for all positions, ideally face-to-face, but telephone interviews may be necessary in the international context.
- g) Behavioral-based questions will be used to ask for examples of the candidate's past behavior and experiences. In positions working directly working with children, the panel will explore the candidate's motivations for working with children, which will include value-based questions seeking information about the candidate's attitudes to children, professional boundaries, accountability, team work and how they have responded to ethical dilemmas.

- h) A minimum of two reference checks will be required for all preferred candidates. This would include short and long terms positions, volunteers on placement and consultants. The candidate's most recent employer/supervisor must be one of these referees. 40K will verify the identity of the referee and make direct contact with each of these referees. Written references will not be accepted. 40K reserves the right to request additional references.
- i) All staff and all others involved with the organization will be required to have an Australian Federal Police clearance or relevant criminal history checks depending on the country of origin.
- j) Where the candidate is working directly with children in Australia, they may require a Working with Children Check (depending on the jurisdiction).
- k) All staff will be required to provide proof of identify including birth certificate, passport, drivers license and relevant qualifications. Original documents are required.
- l) All positions will be subject to a probationary period depending on the length of the contract.
- m) Issues relating to child protection will be included in staff performance reviews.
- n) All staff and others will be required to read and sign the 40K's CPP.
- o) 40K reserves the right to refuse employment to or terminate any person's employment that may pose a risk to children.

PART 12: Child abuse reporting processes and how to respond to a child who has been abused

- 13.1 40K considers the abuse and exploitation of children to be completely unacceptable. We will take all concerns and reports of child abuse seriously and act on these reports immediately.
- 13.2 It is mandatory for all 40K staff and others to report concerns or allegations of child abuse. These concerns may relate to a child or a staff member involved in the organization or a concern about a child or person/s outside of the organization's programs. If you do have a concern you should immediately follow 40K's child abuse reporting procedures.

Who should report?

- a) All 40K staff and others including people in the community and partner organizations.

What should be reported?

- a) Any disclosure or allegation from a child/community member or staff regarding the safety/abuse exploitation of a child.

- b) Any observation or concerning behavior exhibited by a 40K staff, volunteer or other relevant stakeholder that breaches the 40K code of conduct for working with children.
- c) Inappropriate use of the organization's photographic equipment or computers including evidence of child pornography.
- d) Staff engaging in suspicious behavior that could be associated with sexual exploitation or trafficking.

Who to report to?

Child abuse reports should be made to the CEO: on (+91 7022038664) – who will ask you to complete the Child Protection Incident Form and then assess the nature of the allegation

Reporting of child abuse in Australia

- a) Child abuse reports should be made directly to the CEO.
- b) Reporting child abuse in Australia is a clearer process compared to responding to incidents that occur overseas. In all Australian states and territories, sexual and physical abuse of children are crimes. The age of consent in most Australian states and territories is 16. However, it is important to check in each jurisdiction as the age limit may be different.
- c) Additionally, in some jurisdictions it is a criminal offence for persons who are in positions of power and trust (e.g. teacher, parent, career) to engage in sexual activity with children under the age of 18.
- d) Reporting child abuse can either be made to the local state police or the state child protection authorities. If there is an allegation or suspicion of child sexual abuse by a staff member or volunteer in the organization, these matters will be reported to the state police. In most Australian states there are specialized units dealing with child sexual crimes. If there are concerns that a child is being sexually abused by someone external to the organization, 40K will contact the state police and/or child protection authorities.
- e) Concerns about the welfare of the child in relation to neglect and/or emotional abuse will be reported to the child protection authorities in each state or territory. In such a case, 40K member should report it to the local police station.
- f) Concerns about people engaging in child sex tourism, child sex trafficking and child pornography should be reported to the Australian Federal Police (Transnational Sexual Crimes Squad). The member of 40K should call the AFP's Crime Stoppers on **1800 333 000**.

Reporting of child abuse allegations overseas

- a) Child abuse reports should be made to 40K CEO. An initial assessment will be made based on the quality and reliability of the information and a decision will be made (in consultation with the Chairman) on what steps to take.

- b) A local reporting procedure will guide the process based on whether the allegation constitutes a criminal offence in the country, or whether it is a breach of the 40K's code of conduct and will be dealt with as a disciplinary matter.
- c) The first step will be to gather all the relevant information and address any health and protection needs of the child. The matter may be directly referred to the local police and or authorities if the allegations are considered to be criminal offences.
- d) If the incident has occurred outside of the program the matter will be referred to an external body or agency dealing with child protection matters in the country.

When to report?

Child abuse concerns should be raised immediately.

How should it be reported?

Verbally and by completing the 40K child abuse incident reporting sheet.

What will happen next?

- a) The CEO will consult the board and will discuss the allegations and then decide upon the next step. This will involve either:
 - Interviewing the person/persons who made the allegations or other witnesses to gather more information with which to make a decision;
 - Report to local police and or child protection authority;
 - Report made to the Australian Federal Police
 - Concern handled internally if it is not a criminal matter
 - No further action taken
- b) 40K will treat all concerns raised seriously and ensure that all parties will be treated fairly and the principles of natural justice will be a prime consideration. All reports will be handled professionally, confidentially and expediently.
- c) All reports made in good faith will be viewed as being made in the best interests of the child regardless of the outcomes of any investigation. 40K will ensure that the interests of anyone reporting child abuse in good faith are protected.
- d) Any employee who intentionally makes false and malicious allegations, will face disciplinary action.
- e) The rights and welfare of the child is of prime importance. Every effort must be made to protect the rights and safety of the child throughout the investigation.
- f) Children and community members with whom 40K works will be provided with information about how to report any child protection concerns about 40K staff members and others.



Responding to disclosure by a child.

- a) When a child/young person tells you that he or she has been abused, they may be feeling scared, guilty, ashamed, angry and powerless. You, in turn, may feel a sense of outrage, disgust, sadness, anger and sometimes disbelief.
- b) If a child discloses abuse, whatever the outcome, the child must be taken seriously
- c) It is important for you to remain calm and in control and to reassure the child/young person that something will be done to keep him or her safe.
- d) When a child or young person discloses they are being harmed you can show your care and concern for the child/young person by:
 - Listening carefully
 - Telling the child/young person you believe him or her
 - Telling the child/young person it is not their fault and he/she is not responsible for the abuse
 - Telling the child/young person you are pleased he/she told you.

You will not be helping the child/young person if you:

- Make promises you cannot keep, such as promising that you will not tell anyone
- Push the child/young person into giving details of the abuse. Your role is to listen to what the child/young person wants to tell you and not to conduct an investigation (beware of asking any leading questions as this may prejudice any subsequent investigation)
- Indiscriminately discuss the circumstances of the child/young person with others not directly involved.
- Try and obtain some details such as where the abuse is taking place, school, home, work etc.; is it currently occurring or did occur in the past, name of perpetrator if possible but not necessary.
- It is possible that some children or young people will make a disclosure and then ask you not to tell anyone. It is important you seek guidance from 40K President in the agency you are working in to discuss how the child or young person can be supported and the disclosure managed.

Other actions to take:

- a) Protect the child - Once an allegation is made there should be an immediate response that protects the child from further potential abuse or victimization. The child may require medical assistance or counseling support. Where possible the child should remain in the place of residence or relevant program. Exceptions may be made where the child is deemed to be at risk of victimization by peers as a result of the allegation or because the alleged abuse has occurred in homebased care. If the child is in immediate danger you should make arrangements for the child to go to a safe place.

- b) Distance the alleged perpetrator - The best interest of the child may warrant the standing down of a staff member. The manager should recommend the appropriate action in writing to the CEO. Any staff member stood down in this manner continues to receive full pay
 - this measure recognizes that the member is entitled to a just process that does not pre-judge guilt or innocence. Any volunteers who are stood down should similarly receive any reasonable reimbursement of costs.
- c) Confidentiality - All reports, the names of people involved and the details will remain confidential. Only the in-country Manager, Country Director and the CEO, and the people involved will be informed of the report. Details will be released on a “need to know” basis or when required by relevant local or Australian law or a notification to police or child protection authorities is made.

PART 13. Involving children and young people

40K is committed to child and youth participation. We will do this by providing opportunities for children’s views to and young people be heard and incorporate their views into our policies and programs. Children will be asked for their feedback about staff and services. They will be consulted in the development and review of the CPP and will be asked to contribute to the child safe code of conduct in regards to what they consider to be appropriate and inappropriate behaviors. Children will also be informed about 40K child abuse reporting process and who to contact if they are at risk, have been abused or are concerned about another child.

PART 14. Educating the organisation on child abuse and the child protection policy

40K is committed to educating staff and others in the CPP, in how to reduce risks and create child safe environments. We will promote child safe practices which keep children safe in the organization and in their own community, and provide information about child protection to the children and communities in which we work. This information will include reporting child abuse if they have concerns about a 40K member of staff or other representative in the organization.

PART 15. Reviewing the Child Protection Policy

40K’s Child Protection Policy will be reviewed every year. The Board will manage the review of the CPP, and staff will be consulted in this process.