

## 1. INTRODUCTION

This policy statement formally expresses BKFA's belief in and commitment to the principle contained in Article 19 of the UN Convention on The Rights of The Child that all children, wherever they may live and whatever may be their circumstances, have the right to be protected, nurtured and to be free from all forms of violence, abuse, neglect, maltreatment and exploitation.

BKFA takes its responsibility to protect children seriously and will aim at all times to provide the safest possible programs and environments for children; appropriately identify and manage risks, and; appropriately respond to incidents that are in breach of this policy. Whilst not explicitly a child focused organisation, BKFA staff (and representatives) and partners will at times come into contact with children and our programs themselves may have some inherent risk for unintentional harm; all staff (and representatives) and partners should therefore have a nuanced understanding of their responsibilities for safeguarding children.

*Child Abuse:* In this policy statement, the term "abuse" is used for ease of expression and has the same meaning as is given to it in the UN Convention on The Rights of The Child and includes all forms of physical and mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse.

*Child:* A child is regarded to be any person under the age of 18 years.

## 2. PURPOSE

The objectives of this policy are to –

- affirm that all children in all circumstances have the right to feel and to be safe and to live free from harm, exploitation and abuse;
- ensure that all people associated with BKFA, including its Directors, staff, volunteers and partners understand and share our commitment to this principle;
- ensure that BKFA has procedures in place, which will protect both the children with whom its representatives may come into contact, from any adverse consequences of that contact and the representatives themselves from being placed in a vulnerable position as a consequence of that contact;
- clearly express the actions BKFA will take in the case of any breach of this policy and the consequences of such breach;
- Ensure that BKFA is aware of and adheres to Australian and international child protection criminal laws protecting children;
- Demonstrate our commitment to the ACFID Code of Conduct and the Australian Government Department of Foreign Affairs and Trade's Child Protection Policy 2017.

## 3. GUIDING PRINCIPLES

1. *Zero tolerance of child harm, abuse or exploitation:* BKFA will not tolerate child abuse or exploitation within its programs by our personnel, representatives, sub-contractors or partner organisations. Child exploitation and abuse will attract criminal and disciplinary action; and/or punitive measures. BKFA will not knowingly employ, contract or partner with – directly or indirectly– anyone who poses a risk to children.
2. *Assess and manage child protection risk and impact:* While it is not possible to eliminate all

risks of child exploitation and abuse, BKFA will identify, mitigate or manage the risks to child that may be associated with our programs.

3. *Recognition of the needs of children to feel safe:* BKFA recognises in working and potentially coming into contact with children that our personnel and partner organisations are placing themselves in a position of trust and that we have a shared responsibility to effectively manage risks.
4. *Recognition of unintentional harm:* BKFA recognises that unintentional harm or physical injury to a child may occur during the provision of BKFA programs. BKFA will work to support safe practise by our partner services and train personnel to recognise and respond appropriately to unintentional harm.

## **4. SCOPE**

This policy applies to all BKFA personnel and its representatives including Board Directors and short-term contractors and volunteers.

BKFA has an obligation to ensure to the extent reasonably possible that our partner organisations meet minimum child protection standards and will exercise due diligence to ensure the protection of children associated with our joint projects and activities.

## **5. POLICY IMPLEMENTATION**

BKFA implements this policy statement in the following ways:

### **6.1 Employing and engaging Staff, Volunteers and Board Directors**

BKFA carries out child safe recruitment and all potential staff, board and volunteers are asked on their application forms whether or not they are willing to apply for a National Criminal History Record Check if they are selected for employment. Where a role has a field or potential child related component, targeted child protection and behavioral questions are included at interview. Referee and ID checks on all personnel are mandatory.

BKFA's standard Employment Contract and Volunteer Form contain reference to this policy and acceptance of its provisions forms part of the acceptance of the terms and conditions of paid employment or volunteer engagement. A National Criminal History Record Check will be mandatory for all paid staff and BKFA Volunteers. This will be repeated after five years for all staff and every two years for staff with a field role.

BKFA's Board has approved and adopted this policy statement for incorporation into the Policies & Procedures Manual. In doing so, they have acknowledged and accepted its application to themselves. New Directors are provided with a copy of this statement and reference to it and its application to them is contained in the Consent to Act as Director form that all Directors are required to complete prior to taking up their positions. BKFA's Directors have also been asked to apply for a National Criminal History Record Check and provide a copy of the National Police Certificate to the Board of

Directors; this will be updated every five years and or every two years where Board members are travelling to project sites as representatives of BKFA.

All BKFA personnel and representatives are required to sign and adhere to the BKFA Child Safe Code of Conduct (Appendix 1), which provides clear behavioural guidelines and expectations for all personnel and BKFA representatives.

All BKFA staff will receive training on child protection issues and on their obligations under the policy, including mandatory reporting of concerns or allegations of child abuse in accordance with the provisions of this procedure. As a minimum, at least one member of the program team will have completed all three ACFID Child Protection e-modules.

## **6.2. In-country partners**

Most countries in which the BKFA has partner organisations distributing kits or providing village birth attendant training have legislation to prevent child abuse, which will also cover mothers who are themselves children. Contracts and agreements must include a clause specifying that such partner organisations agree to abide by local legislation pertaining to the prevention of child abuse, including laws relating to child labour, failing which they agree to comply with the standards enshrined in the UN Convention on the Rights of the Child.

In addition, Community Development Program (CDP) must commit to the development and implementation of a relevant Child Protection Policy and put in place safeguards to protect children. BKFA is responsible for ensuring CDP partner awareness of risks and compliance to minimum standards in BKFA funded activities.

## **6.3 Communications and Use of children's images for work related purposes**

BKFA will undertake all reasonable precautions to protect and limit paper and electronic information about children. BKFA has some contact details of children within Australia in its data base. These details are kept according to our BKFA Privacy Policy and are not to be forwarded to anyone without first receiving permission from a parent or guardian. Except in the very limited circumstances indicated below, BKFA does not know and does not need or seek to know any personal details about the children who are helped by or otherwise benefit from BKFA's programs. Except in the particular circumstances indicated below, BKFA staff and volunteers have neither the need nor opportunity for direct contact with children where that contact is not directly supervised. In the event of taking photographic or video images, the following should be considered (in compliance with policy 031);

- Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images;
- Before photographing or filming a child, obtain consent from the child or a parent or guardian of the child. As part of this, explain how the photograph or film will be used;
- 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.

## 6.4 Risk Management

While it is not possible to eliminate risk entirely, every effort must be carried out to reduce opportunities for child abuse and to minimise the risks of unintentional harm. BKFA has adopted a risk based approach to child protection.

BKFA will to the best of its ability assess risks to children during initial risk assessments of programs in Australia and overseas. Together with partners, BKFA will assess each of our projects for potential impact on children.

BKFA will to the best of its ability work with its overseas NGOs to ensure they are aware of the potential risk to children and ensure they take appropriate measures to limit the risk.

BKFA works with many individuals including birthing mothers who may be under 18 years. It is the prime responsibility of our NGOs to ensure the safety of children.

## 6.5 Breach of this Policy and Reporting

BKFA has appointed a nominated Child Protection Officer, presently the Program Coordinator, to whom any actual or suspected incidents of child abuse must be reported in the first instance. The Child Protection Officer must inform the CEO and cause all such incidents to be fully investigated, either directly or by reporting the matter to the Police. Reports may also be made to the Chair of the Board.

BKFA will fully investigate any actual or suspected breach of this policy by any of its representatives and, where grounds are found to exist, will report the matter to the relevant authorities for possible criminal proceedings being taken against the offender. In the case of employees, such action may constitute “gross misconduct” under the terms of their employment contract and may result in the immediate termination of their employment, along with the mandatory report to police.

In the case of in-country partner’s representatives, such action may constitute breach of contract and BKFA reserves its rights to take whatever action may be open to it at law. The overseas based organisation will be given first opportunity to deal with the problem under its local laws. If this is unsatisfactory, the BKFA then reserves its rights to take whatever action may be open to it at law.

Confidentiality is a key principle of reporting and managing child protection concerns. All reports will be handled professionally and expediently, and will be treated confidentially in accordance with MA’s Privacy and Security Policy and relevant Commonwealth legislation, including the Privacy Act 1988.

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. BKFA will aim to ensure the interests of anyone

reporting in good faith are protected.

BKFA will make every effort to protect the rights and safety of the child throughout any investigation.

## **Reporting child abuse in Australia:**

In all Australian states and territories, sexual and physical abuses of children are crimes. The age of consent in most Australian states and territories is 16. Additionally, in some jurisdictions it is a criminal offence for persons in positions of power and trust (e.g. teacher, parent, carer) to engage in sexual activity with children under the age of 18. Reports relating to child abuse can either be made to the local state police or the state child protection authorities as follows:

- If there is an allegation or suspicion of child sexual abuse by BKFA personnel, these matters will be reported to the state police.
- If there are concerns that a child is being sexually abused by someone external to the organisation, BKFA will contact the state police and/or child protection authorities.
- Concerns about the welfare of a child in relation to neglect and/or emotional abuse will be reported to the child protection authorities.
- Concerns about people engaging in child sex tourism, child sex trafficking and child pornography should be reported to the Australian Federal Police (Sexual Assault Team).

Contact details for the agencies noted above can be found in Appendix 2.

The Board will review this Policy every 3 years or earlier if warranted.