



help the mother  
help the child...

# CHILD SAFEGUARDING POLICY AND PROCEDURE

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## 1. Introduction

CINI Australia is a not-for-profit organisation registered as a charity in Australia. The objective of CINI Australia is to relieve suffering and poverty and to advance the health, nutrition, education and protection of women, adolescents and children in need in India. CINI Australia enables Australians to contribute to sustainable development programs in India that increase individual and community capacity, skills, and dignity.

Children have a right to survival, development, protection and participation as stated in the United Nations Convention on the Rights of the Child. (UNCRC). CINI Australia will uphold these rights.

## 2. Purpose and commitment

CINI Australia recognises that its operations may, on occasion, pose a risk to children. As such, this policy has been prepared to:

1. To prevent child abuse occurring within CINI Australia and its development initiatives in India.
2. To ensure an organisational culture of child safety.
3. To ensure that all members, staff, volunteers and visitors are aware of their responsibilities for identifying and reporting any allegations or occasions of child abuse.
4. To establish controls and procedures for preventing such abuse and for detecting such abuse when it occurs.
5. To provide a clear statement to all members, staff, volunteers and visitors forbidding any such abuse.
6. To provide assurance that all allegations or occasions of abuse will be reported and fully investigated.

Child abuse is a global issue, however, in line with our objective to relieve the suffering and poverty of children, CINI Australia will work, through the implementation of this policy, to address the denial of children's protection rights and ensure that children are not harmed in any way as a result of their involvement in our work. CINI Australia is deeply committed to preventing child abuse within the operations of the organisation and will maintain, at all times, an environment which protects and safeguards children, in line with its duty of care and legal obligations to protect children.

## 3. Scope

The protection of children is the responsibility of all personnel, partners and associates of CINI Australia. This policy and procedure and duty applies to all CINI Australia Board, members, staff, contractors, volunteers, supporters and visitors, whether in Australia or while visiting projects in India.

This policy also applies to partnership agencies, and any other individuals that have contact with children while working with/supporting CINI Australia

## 4. Principles and policy

CINI Australia is committed to promoting and protecting at all times the best interests of children involved in its programs.

1. **Zero tolerance of child exploitation and abuse:** CINI Australia has a zero-tolerance approach to child exploitation and abuse. CINI Australia will not knowingly engage, directly or indirectly, with anyone who poses a risk to children. CINI Australia works to minimise the risks of child exploitation and abuse associated with its functions and programs and trains its personnel on their obligations under this policy.
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 CINI Australia functions and programs. CINI Australia will undertake risk assessments and will identify risks, and document steps being taken to reduce or remove these risks.
3. **Procedural fairness:** CINI Australia will apply procedural fairness when making decisions that affect a person's rights or interests.
4. **Reporting:** Everyone working, volunteering or visiting CINI Australia is **responsible for the care and protection** of the children within our care and for **reporting** information about suspected child abuse. CINI Australia will report all child exploitation and abuse allegations, breaches of the code of conduct and policy non-compliance.  
Child exploitation and abuse will attract criminal, civil and disciplinary sanctions
5. **Recognition of the best interests of the child:** Australia is a signatory to the United Nations Convention on the Rights of the Child. CINI Australia is committed to upholding the rights of the child and Australia's obligations under this convention. In all actions concerning children, the best interests of the child shall be a primary consideration
6. **Equity:** All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background, have equal rights to protection from abuse.
7. **Child Representation:** CINI Australia will **consider the opinions of children** and use their opinions to develop child protection policies.
8. **Cultural Safety:** CINI Australia is committed to **the cultural safety** of all children, including those from culturally and/or linguistically diverse backgrounds and children living with disability.
9. **Sharing responsibility for child protection:** To effectively manage risks to children, CINI Australia requires the commitment and adherence to the above principles from **partner** organisations and individuals who help to deliver programs supported by CINI Australia.

## 5. Context

Child abuse is a global problem that affects both boys and girls. CINI Australia, the CINI Australia Board, members, staff, contractors, volunteers and partners are aware of the everlasting impacts that abuse and the denial of protection and rights can have on children.

Some children are more vulnerable to abuse and exploitation than others. This includes those living in extreme poverty, children with disabilities, children from minority groups, children in residential care, children living in emergency or conflict situations and children on the move.

In India some children are forced to endure hazardous forms of child labour, girls are subjected to early enforced marriage and children are kidnapped. Children are trafficked into commercial sexual exploitation (including online) and experience severe corporal punishment in schools.

## 6. Code of Conduct

See appendix A.

## 7. Risk-based approach

CINI Australia will use a risk-based approach to the management of child protection in all activities, including programs, activities and grants. CINI Australia risk and decision-making processes will reflect the assessment and all appropriate child protection strategies. Any programs, activities and grants determined to be 'working with children' will involve an assessment of child protection requirements and all necessary protections will be applied. Regular monitoring for any change in risk and reporting on the effectiveness of the management of child protection risk will also occur.

## 8. Compliance with standards

CINI Australia will comply with compliance standards and requirements of the Department of Foreign Affairs and Trade (DFAT) and ACNC.

## 9. Responsibilities

The Board of CINI Australia has ultimate accountability for child protection in all activities of the organisation and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is responsible for ensuring that appropriate policies and procedures are in place. The Board of CINI Australia is responsible for ensuring that CINI Australia maintains its Child Protection Policy and Procedure.

## 10. Engaging new personnel

CINI Australia will undertake recruitment and screening processes for all personnel which aims to:

- a) Promote and protect the safety of all children under the care of the organisation;
- b) Identify the safest and most suitable people who share CINI Australia's values and commitment to protect children; and
- c) Prevent a person from working for CINI Australia if they pose a risk to children.

CINI Australia has robust recruitment and screening processes for all Board members, staff or contractors. The recruitment procedures include criminal record checks before engagement and verbal referee checks.

In addition to this policy, CINI Australia has a code of conduct that meets and builds on, where appropriate, the minimum standard set by DFAT.

CINI Australia requires all board members, workers and volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with CINI Australia. All new board members, workers and volunteers must review and acknowledge their understanding of this Policy.

CINI Australia ensures staff and volunteers are suitably qualified in safeguarding vulnerable people and properly supervised when working with them

CINI Australia's employment contracts will contain provisions for suspension or transfer to other duties of any employee who is under investigation and provisions to dismiss any employee after an investigation.

## **11. Educating the organization on Child Abuse and The Child safeguarding policy**

CINI Australia is committed to educating personnel and associates in child protection and abuse, in this Child Safeguarding Policy, in how to reduce risks and create child safe environments. We will promote child safe practices which keep children safe in the organisation and in their own community. Our in-country partner will 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 CINI Australia and partners member of staff or other representative in the organisation.

All CINI Australia are required to commit to Child Safeguarding and this policy.

## **12. Reporting, Investigating and Responding**

CINI Australia 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.

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. CINI Australia will ensure that the interests of anyone reporting child abuse in good faith are protected.

The rights and welfare of the child is of prime importance. Every effort will be made to protect the rights and safety of the child throughout the investigation.

Children and community members with whom CINI Australia works will be provided with information about how to report any child protection concerns about CINI Australia staff members and associates.

All CINI Australia members, staff, contractors or volunteers must immediately report any suspected or alleged case of child exploitation, abuse or policy non-compliance, including possession of child exploitation material, by any person involved or associated with any activities of CINI Australia. Any disclosure, concern or allegation from a child, community member, staff or associate regarding the safety of a child, including actual, suspected, or risk of abuse or harm to a child must be reported.

All personnel, including contractors and/or volunteers must fully cooperate with any investigation.. All reports should be made to a Board member of CINI Australia and to all relevant regulatory authorities.

The Board of CINI Australia and/or Country Director will discuss the allegations and then decide upon the next steps. This will involve one or more of the following:

- Interviewing the person/persons who made the allegations and/or other witnesses to gather more information with which to make a decision about the allegation;
- Reporting to police and or child protection authority when it is suspected that a crime has been committed;
- Handling the concern internally if it is not a criminal matter;
- Providing support to all stakeholders (including reporter) as necessary.

### **13. Review**

CINI Australia will regularly check that it has adequate systems in place for reporting, investigating and responding to any forms of child abuse. The Board will monitor the effectiveness of the reporting, investigation and response processes for any alleged offences or breaches of CINI Australia's policies or its Code of Conduct. The Board can determine if an external review is required

At least every three years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies and procedures require modification to better protect the children under the organisation's care.

### **14. Privacy, Communication and Use of Images**

CINI Australia recognizes the potential for the misuse of children's information, images and stories. CINI Australia will at all times portray children in a respectful, appropriate and consensual way. It will not use any children's images or personal information for promotion or fundraising purposes, without first obtaining informed consent from parents or the appropriate guardian. All images and information about children will be stored safely and will only be accessed by authorised personnel.

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. CINI Australia will have safeguards and practices in place to ensure any personal information is protected and accessed by authorised personnel only. Everyone is entitled to know how their personal information is recorded, what will be done with it, and who will be able to access it.

### **15. Children and Young People**

CINI Australia with Child in Need Institute works with children and young people, engaging them in child friendly mechanisms for children to raise concerns, to give feedback on and input into services, systems and programs and to develop their own standards.

Child in Need Institute informs children and their parents, care-givers and communities about both the organisations and the communities roles and responsibilities and duty of care for keeping children safe, support mechanisms and their rights to access and utilise them.

All programs provide opportunities for children's views to be heard and incorporated. The programs aim to develop child friendly communities (CFCs) and systems with the Rights of the Child at their centre.

### **16. Working With Partners: Child in Need Institute India (CINI)**

Child in Need Institute, India is CINI Australia's in-country partner.

CINI Australia acknowledges the policy of the Child in Need Institute India (CINI) titled “Child Safeguarding Policy” (February 2017). The document describes CINI’s commitment in India to creating Child Friendly Communities in India. It provides details of the child safeguarding protocols, including staff recruitment, induction and training, management systems, appropriate behaviour protocols, media and communication protocols and reporting mechanisms. The CINI Child Safeguarding Policy can be requested directly from CINI Australia.

CINI Australia works with CINI to undertake a child protection risk assessment for all programs and activities involving or affecting children, this is monitored throughout the life of the project cycle

Child in Need Institute staff are trained in child safeguarding and risk assessment. They are expected to be continually aware of potential risks to children as well as be actively minimising opportunities and situations where children can be harmed.

The Convention on the Rights of the Child (CRC) is the foundation of Child in Need Institute, India’s work on child safeguarding. Children’s rights as enshrined in the (CRC) act as the motivation for both their internal and external child protection measures and activities.

## 17. Direct Contact with Children

CINI Australia has specific procedures in place for events and activities (such as fundraising) that involve children and young people. These procedures include safety factors such as adult/child ratio’s, parental consent, medical needs, safety checks of event locations, allocation of first aid, safety briefings, reporting, child safe recruitment and training of personnel etc.

CINI Australia recognises the need to implement specific guidelines to manage the child protection risks within its sponsorship/volunteer visit/donor visit programs. These guidelines include ensuring that:

### Visits to programs in India

Sponsors/volunteers/visitors/donors will receive a child safeguarding briefing that includes clear child protection and behavioural guidelines.

All visits should be arranged in advance through our office and Child in Need Institute sponsors/volunteers/donors interviewed.

Partner agency staff will be present at all times during the visit/program.

## 18. Definitions

**Child** means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

**Child Safeguarding** includes actions, policies and procedures that create and maintain protective environments for children including to protect them from exploitation and abuse of all kinds

**Child protection** means any responsibility, measure or activity undertaken to safeguard children from harm, abuse or maltreatment.

**Child abuse** means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

**Child sexual assault** is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive



behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

**Exploitation** Commercial or other exploitation of a child refers to the use of the child in work or other activities for the benefit of others that are to the detriment of the child's physical and mental health, education, or moral and social-emotional development. It includes, but is not limited to, child labour, child trafficking and child sexual exploitation

**Reasonable grounds for belief** is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A 'reasonable belief' is formed if a reasonable person believes that:

- a) The child is in need of protection
- b) The child has suffered or is likely to suffer "significant harm as a result of physical injury"
- c) The parents are unable or unwilling to protect the child

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

## 19. Supporting and related documents

This Child Protection Policy and Procedure should be read in conjunction with the following documents which provide further supportive information:

1. CINI Australia Code of Conduct.
2. CINI Australia Complaints Handling Policy
3. CINI Australia Overseas Travel Code of Conduct.
4. CINI Australia Overseas Travel Policy and Checklist.
5. CINI Child Safeguarding Policy.
6. Department of Foreign Affairs and Trade Child Protection Policy, January 2018.
7. ACFID Code of Conduct
8. United Nations Convention on the Rights of the Child. (UNCRC)

## APPENDIX A

### CINI Australia Child Safeguarding Code of Conduct

This Child Safeguarding Code of Conduct (CS CoC) provides guidance to what is acceptable and unacceptable behaviour in relation to working with children and young people. It establishes the standards of behaviour and appropriate boundaries expected to keep children safe. It also provides boundaries to reduce the risk of false allegations being made. It provides a basis for taking disciplinary action if inappropriate or unsafe behaviours occur.

Each of us is responsible for maintaining a professional role with children, including establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship. Each of us should conduct ourselves in a manner consistent with our roles and as positive role models to children.

The Code of Conduct is to be signed by all board members, members, contractors or volunteers who have any level of contact with children in their roles with CINI Australia.

#### **I will:**

- Conduct myself in a manner that is consistent with the values of CINI Australia.
- Comply with the CINI Australia Child Safeguarding Policy and Procedures.
- 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.
- Immediately report any concerns of child abuse or breach of the Child Safeguarding Policy or this Code of Conduct.
- Provide a welcoming, inclusive and safe environment for all children and young people.
- 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.
- 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 CINI Australia.
- Take responsibility for ensuring that I am accountable and do not place myself in positions where there is a risk of allegations being made.
- Self-assess my behaviours, actions, language and relationships with children.
- Comply with all relevant Australian and overseas child protection legislation, including labour laws in relation to child labour.
- Consult with a CINI Australia Board member if I have any questions regarding child protection and how it relates to my work/relationship with CINI Australia
- Whenever possible, ensure that another adult is present when working near children.
- Be a positive role model for children

#### **I will not:**

- Engage in behaviour that is intended to shame, humiliate, belittle, degrade or exploit children.
- Use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, discriminatory, demeaning or culturally inappropriate
- Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes.

- Invite unaccompanied children into my home/hotel or other private location, unless they are at immediate risk of injury or in physical danger.
- Sleep in the same room or bed as a child.
- Smack, hit or physically assault or physically punish children.
- Involve children in sexual relationships or any form of sexual activity, including paying for sexual services
- Develop relationships with children that may be deemed exploitative or abusive
- Give or provide children with alcohol or illegal drugs;
- Show favouritism through the provision of gifts or inappropriate attention; Behave provocatively or inappropriately with a child.
- Condone or participate in, behaviour with children that is illegal, unsafe or abusive.
- Act in a way that shows unfair and differential treatment of children.
- Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- Seek to make contact and spend time with any child or young person outside the program times.
- Use any computers, mobile phones, video and digital cameras, or social media inappropriately, nor use them for the purpose of exploiting or harassing children.
- Hire minors for domestic or other labour.

**When photographing or filming a child, or using children’s images for work-related purposes I will:**

- Obtain informed and documented consent of the child and his/her parents or guardians before photography/filming.
- Provide an explanation on how the photograph/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.
- Images are honest representations of the context and facts
- 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
- Take care to ensure the local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child.

**Signature:** \_\_\_\_\_

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

**Date:** \_\_\_\_\_