

Culture Identity and Resource Use Management - CIRUM



Child Protection Policy and Procedures

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Issue Date	April 2015
Review Date	April 2017

Introduction

Culture Identity and Resource Use Management (CIRUM) is a local environmental NGO working with forest living and forest-margin living ethnic minority people in mountainous areas of Vietnam. We work with them because they are the most deprived and excluded people in Vietnamese society. Over the past decades, these forest people have watched helplessly the mismanagement and destruction of their lands. The ever increasing pressures on forest lands and forest conflicts are a continuous source of challenge to minority groups to sustain their livelihoods, stability and identity. Therefore, all of CIRUM's interventions aim to solve forest and land conflicts, and secure ethnic minority people's rights to access, control and benefit from their forest and land resources in a way that is sustainable and in line with their own values, needs, knowledge and customs.

CIRUM has developed a child protection policy in order:

- To protect children that CIRUM staff may come in contact with through CIRUM's programs from all forms of abuse and exploitation;
- To protect employees and representatives from false or malicious allegations of misconduct;
- To protect CIRUM from being held liable for the failure to take "reasonable steps" to prevent or protect children from abuse.

CIRUM is committed to protecting the safety and wellbeing of children and are dedicated to protecting children from harm, exploitation and abuse. Through the identification and management of risks that may lead to harm of children, CIRUM aims to provide the safest possible environments for any children with whom it may come in contact with during work. CIRUM encourages child-safe practices within the organisation with the aim of children experiencing zero harm as a result of CIRUM programs.

1. Policy Overview

CIRUM understands that it has a fundamental duty of care towards protecting children engaged within its programs and activities and is committed to the safety and protection of children from all forms of abuse and exploitation. This Child Protection Policy recognises that children can be extremely vulnerable, especially in situations of poverty or conflict and need to be protected.

CIRUM will use a risk management approach to minimise the likelihood of child abuse and provide clear and practical guidelines for staff and representatives responding to child abuse and managing complaints.

This Policy has been developed to adhere to international standards such as the United Nations Convention on the Rights of the Child. This Policy operates in conjunction with common and statute law and does not exclude or replace the rights and obligations of any individual under Vietnamese law. This Policy should be seen as a component of the broader ethical framework and Code of Conduct of CIRUM. Disciplinary processes are a means to establish and maintain an ethical, efficient and effective organisation and should not be seen in isolation from the overall goals of the organisation.

2. Purpose

This Child Protection Policy aims to achieve the following:

To protect children from harm, exploitation and abuse, by adopting a goal of children experiencing 'zero harm' as a result of our programs. This will be achieved by identifying and managing the risks associated with working with children, and ensuring that internal procedures are in place and known by staff for handling complaints related to child protection;

To protect CIRUM staff and representatives from undue suspicion or incorrect allegations by having a clear and transparent reporting system; and

To protect CIRUMs organisational integrity and reputation, as well as that of its partners, by deterring child sex offenders with a sound Child Protection Policy and related procedures.

This policy outlines

- definitions of child abuse and other relevant terms;
- outline child protection legislation, conventions and guidelines;
- CIRUM's set of commitments to child protection;
CIRUM's risk management approach to minimising the likelihood of child abuse and exploitation;
- CIRUM's Code of Conduct governing interaction with children
- CIRUM's practical reporting procedures and response mechanisms.

3. Scope

This Policy applies to all CIRUM staff.

4. Definitions

Child means every person below the age of 18.¹

Child abuse is the physical, sexual, emotional mistreatment or neglect of a child resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

Child protection is an activity or initiative designed to protect children from any form of harm, particularly harm arising from abuse, neglect or exploitation.

Physical abuse of a child is when a person purposefully injures or attempts to injure a child from an interaction or lack of interaction which is reasonably within the control of a person in a position of responsibility, power or trust over the child. This may take the form of slapping, punching, shaking, kicking, burning, shoving, grabbing or choosing not to assist a child when a situation is causing them physical pain. There may be a single incident or repeated incidents.

Emotional abuse of a child is any action that is not physical but that has a negative effect on the social, intellectual or emotional development of a child. Emotional abuse is categorised loosely as the chronic behavioural pattern directed at a child whereby a child's self-esteem and social competence is undermined or eroded over time. It can take the form of name-calling, threatening, belittling, ridiculing, intimidating, isolating, ignoring or other non-physical forms of hostile or rejecting treatment towards the child.

¹As defined by the Convention on the Rights of the Child (United Nations, Article 1).

Neglect of a child is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, education, supervision emotional development and/or protection from foreseeable harm in the context of resources reasonably available to the family or caretakers of the child and to the extent that the child's health and/or development are at risk.

Sexual abuse of a child is when a person who is in a position of responsibility, trust or power over a child involves the child in sexual activity which is intended to gratify or satisfy the needs of the other person and which the child does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared and cannot give consent. This can include contact acts (such as rape or sexualized touching) or non-contact acts (such as exposure to pornography or taking sexualized photographs of the child).

Domestic violence is a pattern of assaultive and/or coercive behaviours conducted within the family environment or domestic (home) environment which can include physical abuse, sexual abuse, emotional abuse and/or economic coercion.

Child Exploitation is when a child is used in work or other activities for the benefit of others. This includes, but is not limited to, the **commercial sexual exploitation of children** whereby a child is sexually abused in return for cash or for kind and **child labour** whereby a child is forced to work or perform other acts to an extent detrimental to the child's physical, social or mental development.

Guiding Principles of this Policy

This Policy is based upon the following guiding principles:

- **Zero tolerance** of child abuse;
- Recognition and promotion of children's **best interests**;
- Sharing **responsibility** for child protection;
- Use of a **risk management** approach to prevent child abuse; and
- **Report and respond** to all incidents of child abuse.

5. CIRUM's Commitments

CIRUM is committed to implementing and maintaining child protection measures to the highest standard. These include:

- Culturally specific issues relevant to child protection will be incorporated into project specific risk management strategies, training and response procedures;
- Preventative child protection measures are implemented to the highest standard;
- Child-safe recruitment and screening processes are employed;
- Child protection training will be provided to relevant CIRUM employees and representatives;
- A child protection Code of Conduct exists and is understood and signed, wherever applicable, by all CIRUM employees and representatives that are bound by it;
- Clear and current reporting procedures exist and are known by CIRUM employees and representatives;
- National laws and processes and local resources are taken into account within reporting and response mechanisms;

- No person is permitted to work with children if they pose an unacceptable risk to children’s safety or wellbeing;
- All employment contracts involving CIRUM outline that CIRUM has the right to dismiss, suspend or transfer to other duties personnel who breach the child protection code of conduct; and
- The highest levels of confidentiality and sensitivity are employed pending an official investigation of an incident.

6. The Child Protection Code of Conduct

Acceptable Behaviours

CIRUM personnel shall:

- Treat children with dignity and respect regardless of ethnicity, race, gender, age, language, religion, political or other opinion, disability, or other status;
- Conduct themselves in a manner appropriate with their position representing of CIRUM in all their dealings with children;
- Immediately raise concerns regarding a child’s safety or wellbeing in accordance with CIRUM’s Reporting Procedures and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them;
- Comply with all relevant Vietnamese legislation and legislation of other countries that CIRUM work in, including labour laws in relation to child labour;
- Follow organisational policy and guidelines regarding the safety of children.

Unacceptable Behaviours

CIRUM personnel shall not:

- Use language or demonstrate behaviour towards children that is inappropriate, harassing, abusive, demeaning, sexually provocative, or culturally insensitive;
- Engage children in any form of activity that is demeaning, offensive, sexually provocative, abusive or culturally inappropriate or insensitive;
- Engage children in any form of sexual activity or acts, including paying for sexual services or acts;
- Access child pornography through any medium;
- Hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- Exclude or favour a particular child;
- Use equipment including but not limited to computers, mobile telephones, video or digital cameras to capture images inappropriately and without the consent of the child and his/her parent or guardian;
- Physically assault, discipline or punish children in an inappropriate way;
- Touch a child in an inappropriate or culturally insensitive manner. Personnel in direct medical care positions are to follow Australian and/or overseas industry best practice guidelines.

7. Reporting and Incident Response

Reporting Child Abuse

Any suspicion or disclosure of child abuse must be immediately reported to the relevant CIRUM Director, senior management or LISO senior staff. All incidents will be reported and managed in accordance with the CIRUM's Child Protection Incident Reporting Process (refer to Appendix 2).

Guidelines to responding to Child Abuse Allegations

1. CIRUM takes all allegations of child abuse by CIRUM personnel, seriously;
2. All allegations will be thoroughly investigated; and
3. Where an incident has been reported the following procedures will be followed:

For non-critical incident allegations

A non-critical allegation of child abuse is one which does not pose immediate risk to a child supposing the allegation was true. These incidents may well be critical in nature but the time frame for responding is not as immediate; an example is accessing child pornography.

1. The incident will be documented and investigated in accordance with the CIRUM Incident Reporting and Response Procedure;
2. the incident will be investigated with full respect for the privacy of the accused and the alleged victim and information will be dispersed on a "need to know" basis with the primary concern being the rights and welfare of the people involved;
3. the accused person will be given an opportunity to express their views/opinions/version of facts;
4. the views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse; and
5. where the incident is reasonably proven to have occurred, appropriate disciplinary measures will be taken, including, but not limited to:
 - Warning; and/or
 - Suspension; and/or
 - Dismissal.

The disciplinary measure will depend on the nature and severity of the offence and will be at the discretion of the relevant Manager and will be fully documented and reported to CIRUM's Director.

For critical allegations

A critical allegation is an allegation whereby there may be an immediate risk to the welfare of a child should the allegation be found true – an example is inappropriate sexual activity.

1. Where the allegation involves a violation of either the laws of the country in which the incident occurs, or the laws of Vietnam, the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation;
2. All efforts will be taken to ensure the confidentiality and rights of the accused person and information related to the incident will only be shared on a "need to know basis";
3. If the incident involves a breach of the Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation;

4. where a breach of the Code of Conduct is found to have occurred, all circumstances will be considered and the appropriate action will be taken;
5. where an allegation is found to be false or unfounded, all efforts will be taken to ensure the rights of the accused person is upheld;
6. Where allegations amount to a violation of laws of Vietnam , privacy will no longer be applicable unless deemed necessary to uphold the rights of the victim.
7. Where appropriate in investigations, CIRUM will consider and take into account legal advice as well as advice from any responsible authorities.

8. Recruitment and Reference Checking

CIRUM will not knowingly permit any person to be employed or engaged as a volunteer if they pose an unacceptable risk to children.

In addition:

- All new CIRUM personnel are required to provide an appropriate current police check (criminal record check) or make a statutory declaration as to their criminal record history (see appendix 1).
- At least two verbal reference checks with former employers / referees will be conducted. Verbal referees cannot include partners or spouse. For any position deemed to be working with children, referees will be asked about the applicant's suitability for the role to work with children and/or to have regular unsupervised contact with children. Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with working or having contact with children.
- For any position working with children new personnel will be required to provide written disclosure regarding whether they have been charged with child exploitation offences in the past.
- Applicants are required to provide documentation to prove their true identity.
- For any position working with children the interview process for candidates at **CIRUM** should include behaviour based interview questions that relate directly to working with children to probe the applicant's attitude, experience and approach to working with children relevant to the post applied for. Where appropriate, questions may be taken from the list below:
 - ✓ Have you worked/volunteered with children in a similar position before? What did you like about it? What did you find difficult?
 - ✓ How have you handled children who did not want to participate in an activity?
 - ✓ Do you mind being supervised?
 - ✓ What motivates you/why do you want to work with children in this program?

9. Child Protection Education and Training

All new CIRUM personnel will receive:

- A Child Protection Policy induction by their Manager and/or senior CIRUM staff. The induction should include a discussion regarding the responsibility of CIRUM and the individual, to build and maintain a child-safe organization, and appropriate behaviour when interacting with children or child-sensitive material.
- A copy of CIRUM's Child Protection Policy and associated procedures.

Declaration of Commitment

All CIRUM staff will attend Child Protection Training in May 2015. At the completion of this training all staff will sign the policy registration and this will be kept with the CIRUM Director. New staff will complete the Child Protection training and sign the declaration within the 1st month of starting with CIRUM.

By signing this document, I indicate my understanding and acceptance of the provisions outlined within the document. I understand my legal and ethical obligations as detailed within the document. I understand that a breach of this Policy and/or Code of Conduct may provide grounds for my employment with CIRUM to be terminated. I also understand that a breach of this Policy and/or Code of Conduct could result in criminal prosecution.

I declare that:

- I have read and understand CIRUM's Child Protection Policy.
- I will work within the procedure as laid out in CIRUM's Child Protection Policy.
- I will report any suspected child abuse by others immediately
- I have not been accused or convicted of any offence involving physical or sexual abuse of children or young people.
- I understand that if a complaint is brought against me regarding the abuse of children whilst I am engaged in CIRUM's activities, the allegation will be thoroughly investigated in cooperation with the appropriate authorities.
- I understand that it is my responsibility as a person engaged by CIRUM to avoid actions or behaviours that are abusive or exploitative of children or actions that could be construed as such.
- I authorise CIRUM to undertake any necessary enquiries, including criminal record checks and reference checks as part of my appointment and recruitment process.
- I confirm my willingness to participate in CIRUM training sessions on child protection.

Date	Name	Position	Signature

NB: All staff are to sign in the appropriate space above to declare their commitment to the policy

Appendix 1: Statutory Declaration of Criminal Record Form

Statutory Declaration of Criminal Record Form

Applicant's Name:		Role applying for:	
Have you ever been charged or convicted of any offence?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:			

Please note: if you are applying for a position where you will have regular contact with children, (this may be frequent or infrequent), you are required to give details of **all** convictions or criminal offences and cautions, or pending prosecutions.

Have you ever been dismissed from employment or had any disciplinary action taken against you which may be related to work with a child/children under 18 years of age?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Have you received any formal reprimands, final warnings, or cautions from the police?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Is there any other information which may be relevant to your application e.g. pending prosecutions	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Signature:	Date:	

Appendix 2: Child Protection Incident Reporting Sheet

CHILD PROTECTION INCIDENT REPORTING SHEET

Please fill out as many sections as possible with as much detail as you can. This form is confidential.

Location:
Your name:
Your position:
Child's name:
Age/date of birth:
Child's address (if known):
Name of Parents/guardians/carers and addresses (if known):
Date and time of incident:
Member of staff involved in incident (if any):
Place where incident occurred:
Your observations:
Details of Concern/ Suspicion/ Incident: Describe what happened: time, dates, names of person(s) involved, behaviour or physical signs observed, any other details:
Details of any conversation with the child:

Action taken so far (if any):	
External agencies contacted (date and time)	
Police Yes/no	If yes – which station: Name and contact number: Details of advice received:
Social services Yes/no	If yes – which one: Name and contact number: Details of advice received:
CIRUM’s child protection officer or child focal point person/manager:	Name and contact number: Details of advice received:
Local authority:	If yes – which authority: Name and contact number: Details of advice received:
Other:	Which organisation: Name and contact number: Details of advice received:
Signature:	
Print name:	
Date:	

CIRUM

[Insert logo or picture depicting the organisation]

Child Protection Risk Register

Identify and manage the risks and dangers to children in your programs and activities

Risk Register Owner	[Insert name of who will take responsibility to monitor the risk register within the organisation]
Approved By	[Insert name of staff member who will approve the risk register]
Issue Date	[Insert last date that the risk register was reviewed]
Review Date	[Insert a date for review of risk register, a date in the future, usually annually or when new risks arise/ are identified].




Child protection risk management is child abuse prevention. You need to identify potential risks and ways children can be harmed in your organisation. Only by identifying risks can you develop strategies to minimise and prevent child abuse.

Risk means the potential for something to go wrong. Risk management means identifying the potential for an accident or incident to occur and taking steps to reduce the possibility of it occurring.



Work with your staff and participants to ask (some examples are provided below to give you an idea of how to approach this task).

Activity Type	Risks to Children	Protocols/procedures to reduce risks to children	Who will be responsible for strategies/action taken? By when?
<p><i>Example:</i> Overnight camp</p>	<p><i>Example:</i> Children left alone with an adult and may come to harm</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> • More than one adult should accompany children, particularly when all sleeping in the same room • No one adult should be left responsible to sleep in same room as children • Adequate recruitment and selection processes of paid employees and volunteers • Provide correct instruction to all those taking children on camp 	
<p><i>Example:</i> Friends or Family periodically visit my place of work when child is in attendance</p>	<p><i>Example:</i> Children left alone on premises while parent is working and may come to harm</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> • Ensure processes are in place to prevent visitors from being alone with any child • Ask visitors to sign to abide by the child protection policy • Provide a safe place for children to play or do homework while parent is busy with work • Educate staff about potential risks to children on the premises and their responsibilities for care and reporting 	
<p><i>Example:</i> Child says that he/she does not want to go home with parent</p>	<p><i>Example:</i> Child may be experiencing harm at home</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> • Ask child for reason • If answer suggests harm to child from someone at home, report to relevant authorities • If not, discuss with parent 	

<p><i>Example:</i> Swimming lessons</p>	<p><i>Example:</i> Children required to change clothes where change rooms are unsupervised and open to the public</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> • Keep children in same-sex groups • Educate children to stay in a group and avoid speaking to strangers in the change room 	
<p><i>Example:</i> Members of the public have been invited to come to an event at the organisation</p>	<p><i>Example:</i> Child may be abused if separated from parents and pushed into an unlocked utility room.</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> • Lock all empty rooms • Security guard and rostered parents will circulate grounds throughout event • Buildings and toilets will be checked regularly 	
<p><i>Example:</i> Supervising a large group of children</p>	<p><i>Example:</i> Responsible adult may resort to violence/physical force, abusive, shaming, humiliating or other harmful discipline methods to control group</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> • Educate responsible adults in positive discipline strategies • Provide a support person for adult • Split large groups into more manageable sizes • Educate children about their rights and acceptable disciplinary methods • Work with children to brainstorm and then implement methods of discipline that are not abusive • Have a child friendly reporting system, eg. a letterbox that children can put suggestions/complaints into (either in words or in the form of a drawing). Create reporting cards for children to utilise (picture form for young children). 	
<p><i>Example:</i> Children sometimes walk home late at night from activities</p>	<p><i>Example:</i> Child may be abducted</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> • The community will be consulted to determine appropriate strategies to ensure children do not walk home late at night unaccompanied by an adult. • Timing of activities will be reviewed and adjusted • Staff who organise the activity must arrange for safe transportation. 	
 Write down your own examples relevant to your organisation's activities with children			

Once your organisation has identified risks to children in your care you need to implement policies and procedures to address and minimise those risks. The framework is a Child Protection Policy. All issues identified above will need to be included in your organisation's child protection policy.

Instructions:

1. It is suggested that the Organisation's President/CEO, managers and administrators come together as a team to work through this risk register.
2. Write down the activities your organisation provides.
3. For each activity that involves contact with children and young people use the table below to look at the different child protection factors (using the examples as a guide).
4. You can use this information to help write your Child Protection Policy and Code of Conduct as it will highlight areas you will need to provide procedures for.
5. You can also decide who will be responsible for actions taken and a time frame.

Example Child Protection Factors to be considered:

Children and Young People:

- Age of children involved (young/adolescent)
- Children with disabilities
- Gender
- Children who have been in conflict with the law
- Children living in institutions/orphanages
- Children not used to having a say/opinion

Staff and Volunteers:

- Level of experience, skills, community leadership
- Previous experience working with children
- Ratio of children to adults
- Level of supervision
- Training provided

Policies and Procedures:

- What is already in place?
- What are the gaps in this area?
- Are staff and volunteers aware of existing policies and procedures?
- How can children, staff, volunteers, parents, community members report a concern for the safety of a child involved in your program?

Program activities:

- Do children generally participate in groups or one on one with an adult?
- Amount of physical contact required in delivering services
- Are there any physical dangers in the environment where the activity takes place i.e. water, traffic, building site?
- Do activities occur during the day or evening?
- Risk of injury to a child
- What methods of discipline are used by the staff/volunteers?
- Travel to attend events which may involve overnight stays

Community factors:

- Are parents/carers involved in the program activities?
- Are community leaders involved?
- What formal and informal systems exist to protect children locally?
- Local risk factors to children in the community i.e. risk of violence when walking home late at night

Appendix 1: Statutory Declaration of Criminal Record Form

Appendix 2: Child Incident Reporting Form

Appendix 3: Child Protection Risk Register