

## PROTECTION AND SAFEGUARDING POLICY

### CONTENTS

PROTECTION AND SAFEGUARDING POLICY .....	1
POLICY STATEMENT .....	2
PURPOSE .....	2
SCOPE .....	3
DEFINITIONS .....	3
POLICY DETAILS .....	5
Guiding Principles .....	5
Risk based approach .....	7
Recruitment .....	8
Safeguarding training .....	8
Code of Conduct .....	8
Strengthening capacity of FPA Board, staff, contractors and volunteers .....	8
Use of images of children .....	9
Working with partners and contracts .....	9
Reporting of concerns and incidents .....	9
RELATED DOCUMENTS .....	10
COMPLIANCE STRATEGY .....	12
MONITORING, EVALUATION AND REVIEW .....	12
APPENDIX 1: CHILD PROTECTION MINIMUM STANDARDS .....	13
APPENDIX 2: PSEAH MINIMUM STANDARDS .....	18
APPENDIX 3: PROTECTION AND SAFEGUARDING CODE OF CONDUCT .....	19
APPENDIX 4: GUIDE TO A CHILD FRIENDLY COMPLAINT HANDLING PROCESS .....	21

## POLICY STATEMENT

Family Planning Australia (FPA) is committed to the safeguarding of children and vulnerable adults and recognises that in the international development setting the protection of children and vulnerable adults face particular challenges.

FPA has a zero tolerance to child exploitation and abuse and to sexual exploitation, abuse and harassment (SEAH). We believe everyone has the right to be safe at all times and are committed to the safety and wellbeing of all staff, partners, beneficiaries and volunteers. For all international development activities in which it takes part, FPA will take all measures necessary to ensure the rights of children and vulnerable adults to protection, safety and well-being.

## PURPOSE

There is international recognition that the nature of international development and humanitarian initiatives can exacerbate inequitable power dynamics within the communities which we work.

Furthermore, adults who have a formal role in working with or supporting children are in positions of trust and authority. Children are dependent on adults to care for and protect them and all adults share the responsibility to prevent child exploitation and abuse. FPA recognises the importance of preventing child exploitation and abuse and SEAH and maintaining the highest professional and ethical standards.

This policy aims to:

- protect children and prevent SEAH by increasing accountability and outlining the responsibilities of FPA Board and staff, volunteers, partners and others in the relation to prevention, reporting and response to incidents of SEAH, and to implement processes that keep children and vulnerable adults safe
- create awareness of FPA's commitment to the prevention of SEAH and to child safety, and encourage people to raise and manage issues and concerns in a fair and just manner
- engage with in-country partners and work collaboratively to build their capacity to keep children safe and prevent SEAH from occurring

## SCOPE

All FPA staff including the CEO and board of directors, contractors, students and volunteers engaged in managing or delivering international projects.

All in-country partners and organisations contracted to deliver FPA international projects and their staff, contractors and volunteers.

Importantly, there are instances that are not in scope, but where potential harm is caused by a child protection or SEAH incident. For example, complaints against another organisation or Government department. It is important that these complaints are not disregarded simply because they fall outside the scope of this policy. See "reporting" below for details.

## DEFINITIONS

Term	Meaning
<b>Child</b>	Any person under the age of 18 years unless a nation's laws recognises adulthood later.
<b>Child abuse</b>	<p>It includes</p> <ul style="list-style-type: none"> <li>• <b>physical abuse</b> - the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning</li> <li>• <b>neglect</b> - the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being</li> <li>• <b>emotional abuse</b> - inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence</li> <li>• <b>sexual abuse</b> - the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling breasts, voyeurism, exhibitionism and exposing the child to, or involving the child in, pornography (as defined under the Criminal Code Act 1995)</li> <li>• <b>ill treatment</b> – disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child.</li> </ul> <p>Note: the above includes a child or children being present (hearing or seeing) while a parent or sibling is subjected to any of the above. Both men and women abuse children. Health workers, teachers other professionals and adults can all be responsible for child abuse.</p>
<b>Child exploitation</b>	<p>One or more of the following:</p> <ul style="list-style-type: none"> <li>• Committing or coercing another person to commit an act or acts of abuse against a child</li> <li>• Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material</li> <li>• Committing or coercing another person to commit an act or acts of grooming or online grooming</li> <li>• Using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.</li> </ul>
<b>Child protection</b>	An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.

<b>Contact with children</b>	Working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment.
<b>Fraternisation</b>	Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.
<b>Grooming</b>	Generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise the relationship (for example by encouraging romantic feelings, or exposing the child to sexual concepts through pornography).
<b>Informed consent</b>	Ensures the child and the parent or guardian understand the implications, purpose and potential uses of photographs or videos.
<b>Online grooming</b>	The act of sending an electronic message to a recipient who the sender believes to be under 16 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender; or of sending an electronic message with indecent content to a recipient who the sender believes to be under 16 years of age. Refer to the Criminal Code Act 1995.
<b>Perpetrator</b>	A person (or group of persons) who commits an act of SEAH or other type of crime or offence.
<b>PSEAH</b>	Prevention of sexual exploitation, abuse and harassment.
<b>Safeguarding</b>	The broad obligation on staff and partners to ensure that the design and delivery of FPA programs and organisational operations do not expose children or adult beneficiaries to adverse impacts, including the risk of abuse and exploitation, and that any concerns about children's or adult's safety with the communities where they work are appropriately responded to and reported.
<b>SEAH</b>	Sexual exploitation, abuse, and harassment.
<b>Sexual abuse</b>	The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under Australian law [16 years], whichever is greater) is considered to be sexual abuse.
<b>Sexual exploitation</b>	Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.

<b>Sexual harassment</b>	<p>A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms.</p> <p>It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.</p>
<b>Transactional sex</b>	The exchange of money, employment, goods or services for sex, including sexual favours.
<b>Victim/ Survivor</b>	A person who is, or has been, sexually exploited, harassed or abused.
<b>Vulnerable adults</b>	A person aged over 18 years who due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.
<b>Working with children</b>	Working with children means being engaged in an activity with a child where the contact would reasonably be expected as normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid work.

## POLICY DETAILS

Family Planning Australia takes a victim/survivor-centred approach that prioritises the rights, needs and wishes of victim/survivor in both the prevention and response to child protection and SEAH. This involves ensuring practices are accessible and relevant to the communities we work with and that complaints are investigated confidentially, sensitively and in a timely manner.

Our work aligns with the Department of Foreign Affairs and Trade (DFAT) principles and minimum standards for child protection and the prevention of SEAH. We will:

- assess and manage the risk in all activities in relation to child protection and SEAH
- work to build the capacity of partner organisation and staff to understand their safeguarding and protection responsibilities
- prohibit transactional sex for all personnel, while engaged in the direct delivery of FPA business
- prohibit fraternisation for all non-national personnel, while engaged in the direct delivery of FPA business
- when SEAH or child exploitation and abuse, or policy non-compliance, is suspected or disclosed, internal reporting procedures will be followed and DFAT will be notified.

FPA has adopted the principles from the DFAT Child Protection Policy and PSEAH Policy as guiding principles to reflect FPA's commitment to ensure the rights of children to protection, safety and well-being and to address SEAH.

### Child Protection guiding principles

#### **Principle 1: Zero tolerance of child exploitation and abuse**

FPA has a zero-tolerance approach to child exploitation and abuse. Such action attracts criminal, civil and disciplinary sanctions.

FPA will not knowingly engage—directly or indirectly—anyone who poses a risk to children. FPA works to minimise the risks of child exploitation and abuse associated with its functions and programs and trains its staff and partners on their obligations under this policy.

#### **Principle 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 FPA functions and programs.

#### **Principle 3: Sharing responsibility for child protection**

To effectively manage risks to children, FPA requires the commitment, support and cooperation of FPA staff, contractors, volunteers and partner organisations who help to deliver programs managed by FPA.

#### **Principle 4: Procedural fairness**

FPA will apply procedural fairness when making decisions that affect a person's rights or interests. FPA's partners are expected to adhere to this principle when responding to

concerns or allegations of child exploitation and abuse.

### **Principle 5: Recognition of the best interests of the child**

Australia is a signatory to the United Nations Convention on the Rights of the Child. FPA 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.

## **PSEAH guiding principles**

### **Principle 1: Zero tolerance of inaction**

Sexual exploitation, abuse and harassment are never acceptable. FPA recognises that achieving a significant reduction in SEAH is a long-term endeavour. Reports of incidents may increase as we improve safeguards. Increasing reports may indicate growing awareness of SEAH and changing attitudes, with victims/survivors feeling more comfortable to report. Zero tolerance is defined as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

### **Principle 2: Strong leadership accelerates culture change**

FPA recognises that strong leadership is essential in setting organisational culture. This involves modelling respectful behaviour and setting clear expectations to ensure communities are supported and victims/survivors feel safe to report concerns and trust that their allegations will be managed appropriately and confidentially. Strong leaders address SEAH by taking measures to improve diversity and inclusion and encourage scrutiny of their own behaviour and that of senior management.

### **Principle 3: Victim/survivor needs are prioritised**

FPA has a "do no harm" approach which prioritises the rights, needs and wishes of the victim/survivor, while ensuring procedural fairness to all parties. This approach:

- treats the victim/survivor with dignity and respect
- involves the victim/survivor in decision making
- provides the victim/survivor with comprehensive information
- protects privacy and confidentiality
- does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics
- considers the need for counselling and health services to assist the victim/survivor with their recovery.

### **Principle 4: Preventing PSEAH is a shared responsibility**

Preventing Sexual Exploitation, Abuse and Harassment is everyone's responsibility. To effectively manage risks to children, FPA requires the commitment, support and cooperation of FPA staff, contractors, volunteers and partner organisations who help to deliver programs managed by FPA.

## **Principle 5: Gender inequality and other power imbalances are addressed**

Power imbalances and gender inequalities can increase the risk of SEAH for particular groups. Available data indicates that the majority of SEAH victims/survivors are female and the majority of perpetrators are male. However, there are also other power imbalances at play. Inequalities based on the distinctions of worker/beneficiary; ability/disability; ethnic and Indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can also result in SEAH.

## **Principle 6: Stronger reporting will enhance accountability and transparency**

SEAH is a failure of responsibility. The organisations and individuals who deliver FPA's business are not only accountable to FPA and our donors, but also to the communities, customers and clients for whom the business is intended. Stronger reporting and awareness throughout the organisation will improve systems and safeguards accordingly.

### **Risk based approach**

FPA will take a risk-based approach to child protection and PSEAH by establishing the risk context of all international projects and activities. In the design phase of projects, the Project Conceptual Analysis Tool identifies potential risks.

Projects planning and implementation addresses risk through the project plan, which includes risk and issues registers, child protection audit tool, and a PSEAH audit tool. The audit tools include risk assessment checklists with actions based on the identified risk. These audit tools are aligned to DFAT's child protection risk context tool (within the Child Safeguarding Procedure), and the PSEAH minimum standards (Appendix 1). These plans are assessed by the Manager International Programme and Director Planning, Education and International Programme through the project appraisal process.

Risk assessments are managed in accordance with FPA Risk Management Framework following the principles of AS/NZ 31000:2009 International Standard on Risk Management.

The risk assessment will take place as part of the Partnership Capacity Assessment with a new partner, at the start of a newly funded project or project cycle, or when any significant change occurs within the partner organisation.

Risk management strategies and safeguarding will be assessed and identified in the project design and documented in the project plan and Memorandum of Understanding. This will then be monitored during regular reporting, monitoring visits and communication with partners.

### **Recruitment**

FPA aims to recruit and select people who are committed to safeguarding of all people who our projects and work come into contact with. FPA will ensure robust screening processes for all staff working in the International Programme. This includes ensuring a criminal record check and a Working with Children Check is provided prior to engagement and verbal referee checks are performed and documented. FPA employment contracts 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. These details



are all outlined in the recruitment, selection and appointment policy.

When in-country partners are recruiting project staff, they are supported by FPA to identify ways that applicants can be screened. This may include asking questions about child protection during interviews, documenting a request for an applicant to disclose whether they have been charged with child exploitation offences and their response, conducting behavioural-based interviews, and speaking to referees.

## **Safeguarding training**

FPA will ensure there is an orientation to the Protection and Safeguarding Policy provided to all staff involved in the International Programme, Board members and members of the International Programme Advisory Committee. Any FPA staff member who is working temporarily on international activities or projects will be oriented to the Protection and Safeguarding policy and procedures prior to any trips.

FPA International Programme staff will be required to undertake any appropriate training on child safeguarding including training provided by DFAT or ACFID within 3 months of commencing employment and prior to any in-country visits to partners. Once training is completed, the staff member will email the Manager, who will record completion in ELMO.

Child protection training for partners will be identified in the project design phase to ensure all staff and volunteers engaged in project activities have the appropriate training.

### **Code of Conduct**

All FPA staff engaged in the management and implementation of international projects will be inducted to and are required to comply with the FPA Protection and Safeguarding Code of Conduct on an annual basis. The Code of Conduct is a commitment to and to child protection professional behaviours and PSEAH (Appendix 2) as part of their duties.

### **Strengthening capacity of FPA Board, staff, contractors and volunteers**

FPA will ensure that all staff involved in the management and implementation of international projects are provided with appropriate orientation and training in the policy prior to involvement in any international project activities.

### **Use of images of children**

FPA will ensure that images and messages used in marketing and fundraising portray children in a dignified, respectful, honest and culturally appropriate way.

Images will only be taken and used with informed consent of an adult, parent or guardian. All efforts should be made to make this consent written, but where this is not possible, the consent can be verbal and documented by the photographer. Consent forms will be retained by the FPA Communications and Marketing Unit. Images will be saved in a repository with appropriate electronic security to ensure they are only accessible to approved staff members.

Any images used by FPA are to be approved by Director International Programme and will present positive respectful and dignified images relevant to the context in which they are used.

### **Working with partners and contracts**

FPA extends the Protection and Safeguarding Policy requirements to in-country partners,

staff and volunteers of partners and contractors. In-country partners must ensure any downstream organisations including individual subcontractor complies with these policies.

An individual contractor is required to sign the Protection and Safeguarding Code of Conduct as part of their contract of engagement.

In-country partners must fully commit to the safeguarding of children and vulnerable adults. This compliance will be included in the memorandum of understanding (MOUs) which details the requirements and the Code of Conduct. Through the Partnership Capacity Assessment, compliance with regards to relevant safeguarding policies and procedures are confirmed, and where gaps are identified these are included on the capacity gap analysis and FPA will support compliance.

Monitoring of compliance also occurs through visits to partner organisations where staff training logs and incident management and complaints procedures are reviewed.

### **Reporting of concerns and incidents**

FPA responds seriously to all concerns raised of suspicion or disclosure of exploitation, abuse, or harassment and Code of Conduct and policy non-compliance. All people involved in any report or investigation will be treated fairly and their rights respected. All reports will be handled professionally, confidentially and in a timely manner.

FPA staff will follow this policy in terms of reporting, noting that it aligns with the principles outlined in the FPA Feedback and Complaints Policy and the Incident Management procedures.

### **Child protection reporting**

It is mandatory for all FPA staff and partners to report immediately any suspected or alleged case of child exploitation, abuse or policy non-compliance. The CEO will review the incident and if it involves any behaviour that is suspected of being child exploitation or abuse (including possession of child exploitation material) or policy non-compliance by personnel of a DFAT funded program, including in-country partners, volunteers, DFAT funded staff members, any Australian citizens or an Australian company, a report must be made to the DFAT Child Protection Compliance Section. The CEO will be responsible for notifying incidents to DFAT.

Reports should be made to [childwelfare@dfat.gov.au](mailto:childwelfare@dfat.gov.au). The DFAT Child Protection Compliance Section will also provide confidential advice on what constitutes child exploitation and abuse, or policy non-compliance. It is important that any concerns or incidents are responded to as quickly as possible. It may be necessary to take immediate action to ensure the safety of a child.

### **SEAH reporting**

If a complaint involves allegations of sexual abuse or exploitation, we are committed to providing appropriate assistance and referrals to victims/survivors. Assistance can take several forms (such as medical, social, legal, and financial) and decisions on support (including what is appropriate and for how long) will be decided by the FPA CEO. Assistance may also include referrals for the victim/survivor and information on how to access these services. In all our actions, FPA will ensure that the response shows a duty-of-care that is commensurate with the nature of the incident, as determined by FPA, and that

this response is based on the needs and wishes of the victim/survivor. The CEO will be responsible for notifying incidents to DFAT.

Reports of sexual exploitation, abuse and harassment or concerns about the welfare of a vulnerable person should be notified to [seah.reports@dfat.gov.au](mailto:seah.reports@dfat.gov.au) using the SEAH Incident Notification Form on the DFAT website.

### **In-country partner reporting**

In-country partners will follow their own policy for reporting child protection issues and are also required to report incidents to DFAT. This can be done directly to DFAT, contacting the FPA Director International Programme, or by contacting a FPA International Programme staff member. The procedure for reporting child protection incidents is provided to partners in writing as part of the Memorandum of Understanding.

### **Out of scope reporting**

As noted in the scope above, there are instances where complaints will fall outside the scope of this policy (e.g., complaints against another organisation or Government department), but where there is a duty of care to ensure that complaints are properly referred. As a principle, FPA will not disregard complaints simply because it may not be within our organisational scope. In such an instance, the CEO shall be informed and presented with options including referral to support services and/or legal mechanisms, short-term support from FPA while other mechanisms are established, and discussions with DFAT or other organisations who might be able to support. These steps should only be undertaken with the victim/survivor's consent and agreement.

## **RELATED DOCUMENTS**

### **FPA policies and procedures**

- Incident management policy
- Code of Conduct and Ethics policy
- Recruitment, selection and appointment policy
- Disciplinary action policy
- Media policy
- Feedback and complaints policy
- Whistleblowing policy
- Child protection procedure

### **Forms**

- Memorandum of Understanding template
- Incident Reporting form
- Protection and Safeguarding code of conduct

## REFERENCES

- DFAT Child Protection Policy 2019, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- ACFID Code of Conduct Guidelines for the Development of a Prevention of Sexual Exploitation, Abuse and Harassment Policy 2019
- ACFID Code of Conduct Guidelines for the Development of a Child Protection Policy 2016
- DFAT Guidance Note: Assessing Risk, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- Establishing Child Protection Risk Context, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- DFAT Guidance Note: Use of Images and Social Media, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- DFAT Child Protection Guidance Note: Education Programs 2017, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- DFAT Child Protection Guidance Note: Health Activities 2018, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- DFAT Child Protection Guidance Note: Monitoring and evaluation 2017, Department of Foreign Affairs and Trade website
- DFAT Child Protection Guidance Note: Women’s Economic Empowerment 2017, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- Australian Council for International Development (ACFID) Code of Conduct 2017 United Nations Convention on the Rights of the Child
- NSW Child Protection (Working with Children) Act 2012

## COMPLIANCE STRATEGY

Item	Audit frequency /evidence	Person responsible
FPA complies with child protection and PSEAH requirements	Annually	Director Planning, Education, and International Programme
In-country partners comply with child protection and PSEAH requirements	Annually	Director Planning, Education, and International Programme
All staff, partners, and contractors sign the code of conduct	Annually	Manager International Programme

## **MONITORING, EVALUATION AND REVIEW**

Child Protection and SEAH protection indicators are included in the FPA Development Effectiveness Framework. These are then included in project design and planning where appropriate.

FPA is responsible for supporting in-country partners to measure and report their activities against these indicators.

The Chief Executive Officer will report to the FPA Board and International Program Advisory Committee on compliance with this policy and incidents, risks and issues in its implementation on an annual basis.

The policy will be reviewed every five years or earlier as necessary.

## APPENDIX 1: CHILD PROTECTION MINIMUM STANDARDS

These minimum standards have been drawn from the DFAT policy. The table below reflects FPA's adherence to these measures.

Minimum standard	Why this is required	Evidenced by	FPA compliance measures
<p>1. The organisation has a child protection policy that applies to all personnel, partner's downstream personnel and subcontractors that are engaged by the organisation to perform any part of a DFAT-funded activity.</p> <p>The managing partner must ensure the downstream organisation of individual subcontractor complies with the minimum child protection standards.</p> <p>An individual contractor is not required to have a child protection policy. However, they will be required to sign a code of conduct that applies and builds on where appropriate DFAT's Child Protection Professional Behaviours and provide evidence of their commitment to child protection.</p>	<p>A child protection policy provides clear guidance and demonstrates how the organisation, across its operations, will ensure that children are protected from child exploitation and abuse in the delivery of DFAT administered/funded programs.</p>	<p>Partners</p> <ul style="list-style-type: none"> <li>- Child protection policy in place</li> <li>- Personnel aware of the organisation's child protection policy (e.g. through internal communication and training)</li> <li>- Documented plan for ensuring downstream DFAT funded partners are meeting the minimum standards</li> <li>- Initial risk assessment of organisation and activities to inform policy development</li> </ul> <p>Individuals</p> <ul style="list-style-type: none"> <li>- Attend child protection training</li> <li>- Sign code of conduct</li> <li>- Commitment to child protection</li> <li>- Current Criminal Record Check</li> </ul>	<ul style="list-style-type: none"> <li>- Child protection staff training</li> <li>- Documented plan of compliance in FPA Protection and Safeguarding policy</li> <li>- Risk assessment performed as part of the initial partnership engagement</li> <li>- Staff member acknowledges compliance with child protection policy and signs the code of conduct on engagement and annually</li> <li>- All staff members are required to have current criminal record check and working with children check</li> </ul>
<p>2. The organisation's Protection and Safeguarding policy includes a</p>	<p>An effective child protection policy requires a report</p>	<ul style="list-style-type: none"> <li>- Organisation's guidelines for managing concerns or allegations of child</li> </ul>	<ul style="list-style-type: none"> <li>- FPA Incident Management procedure enables staff to report concerns to the CEO</li> </ul>

Minimum standard	Why this is required	Evidenced by	FPA compliance measures
<p>documented reporting procedure for child exploitation and abuse allegations and policy non-compliance, including available sanctions for breaches.</p>	<p>handling procedure. One of the biggest hurdles to personnel reporting child exploitation and abuse is that there is no formal system in place to do so, or that personnel are not aware of a formal system to report concerns or allegations.</p> <ul style="list-style-type: none"> <li>- Reporting systems must respect the rights of the alleged victim and alleged offender.</li> </ul>	<p>exploitation and abuse, and policy non-compliance.</p> <ul style="list-style-type: none"> <li>- Documentary evidence that personnel can raise concerns about a child's safety or well-being or unacceptable behaviour by personnel.</li> <li>- Documentary evidence outlining the organisation's details of available sanctions for breaches of the code of conduct.</li> <li>- Documentary evidence that policy and reporting information is publicly available and accessible to community members</li> </ul>	<ul style="list-style-type: none"> <li>- Child Protection Mandatory Reporting template included in Memorandums of Understanding to guide partners in reporting process</li> <li>- All FPA staff are required to sign the FPA Code of Conduct and Ethics prior to commencement of employment. The Code stipulates that disciplinary action will be taken in the event of breaches.</li> <li>- Memorandums of Understanding outline sanctions applicable to partners</li> <li>- Protection and Safeguarding policy and reporting information loaded onto the FPA website</li> </ul>
<p>3. The organisation provides child protection training for personnel, including downstream partners.</p>	<ul style="list-style-type: none"> <li>- Personnel must be fully aware of their responsibilities to protect children and how to report concerns or allegations about child exploitation and abuse.</li> </ul>	<ul style="list-style-type: none"> <li>- Training attendance records</li> <li>- Training agendas and timeframes for training</li> <li>- Materials used in training</li> </ul>	<ul style="list-style-type: none"> <li>- Child Protection staff training - as documented in staff development register</li> <li>- Commitment to provide child protection training to partners every three years and this is incorporated into project plans and budgets</li> </ul>
<p>4. The organisation's child protection policy includes a commitment to preventing a person from working with children if they pose an unacceptable risk to children.</p>	<ul style="list-style-type: none"> <li>- The organisation, as an employer, must have clear grounds to determine whether a person is the most appropriate to work with</li> </ul>	<ul style="list-style-type: none"> <li>- Referenced in relevant documentation, including policies, contracts and human resource guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>- The FPA Code of Conduct and Ethics outlines action to be taken in the event of breaches. In cases where the breach involves serious misconduct, this may result in instant dismissal or termination of contract. In cases</li> </ul>

	children.		where a breach of the policy involves a breach of any law, then the relevant government authorities or the police will be notified.
--	-----------	--	---



Minimum standard	Why this is required	Evidenced by	FPA compliance measures
<p>5. The organisation’s child protection policy is subject to regular review—at least every five years or earlier if needed.</p>	<ul style="list-style-type: none"> <li>- Contexts change, particularly in the development sector. There must be a commitment to review and update the policy as required.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy review report at least every five years.</li> </ul>	<ul style="list-style-type: none"> <li>- FPA policies and procedures are reviewed at least once every five years.</li> <li>- ACFID self-assessment process provides a record of annual review</li> </ul>
<p>6. The organisation undertakes a risk assessment to reduce the risk of any child being harmed as a result of operations or activities funded by DFAT. The assessment must identify risks, and document steps being taken to reduce or remove these risks.</p>	<ul style="list-style-type: none"> <li>- Some activities are higher risk than others. This may be due to the nature of the activity or the location. For example, working with children with disability or in an emergency situation involves higher risks.</li> </ul>	<ul style="list-style-type: none"> <li>- Risk plan identifying activities and measures to reduce or remove the risk to children.</li> <li>- Evidence Documentation that risk assessments are reviewed/updated regularly throughout the lifecycle of the activity</li> <li>- Evidence of adaptation to local context (when a different approach to standard risk controls is required).</li> </ul>	<ul style="list-style-type: none"> <li>- During planning and monitoring stages of the project, risks are assessed in consultation with project partners</li> <li>- A comprehensive risk assessment is conducted and documented at project design and reviewed annually</li> </ul>
<p>7. The organisation’s employment contracts 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.</p>	<ul style="list-style-type: none"> <li>- Robust recruitment, screening and employment practices reinforce the importance of the organisation’s policy to personnel.</li> </ul>	<ul style="list-style-type: none"> <li>- Contracts with personnel and contractors contain appropriate provisions</li> </ul>	<ul style="list-style-type: none"> <li>- The FPA Code of Conduct and Ethics outlines action to be taken in the event of breaches. In cases where the breach involves serious misconduct, this may result in instant dismissal or termination of contract. In cases where a breach of the policy involves a breach of any law, then the relevant</li> </ul>

			<p>government authorities or the police will be notified.</p> <ul style="list-style-type: none"><li>- FPA Disciplinary Action policy</li></ul>
--	--	--	--

Minimum standard	Why this is required	Evidenced by	FPA compliance measures
<p>8. Contact with children positions -</p> <p>The organisation has robust recruitment screening processes for all personnel in contact with children. These recruitment procedures include:</p> <ul style="list-style-type: none"> <li>- criminal record checks before engagement</li> <li>- verbal referee checks</li> </ul> <p>Working with children positions -</p> <ul style="list-style-type: none"> <li>- Additional screening measures (such as interview plans that incorporate behavioural-based interview questions) must be used when candidates are applying for positions that involve working with children.</li> </ul>	<p>Child-safe recruitment and screening processes are essential to enable an organisation to choose the most appropriate person for a position that involves contact with children. Recruitment and selection can strengthen external inhibitors by preventing access to children by those with a known history of harming children.</p> <p>Child safe recruitment and selection processes can discourage individuals who pose an unacceptable risk to children from applying for jobs.</p>	<ul style="list-style-type: none"> <li>- Documented criminal record checks for personnel in contact with children.</li> <li>- Documented verbal referee checks.</li> <li>- Documented request for an applicant to disclose whether they have been charged with child exploitation offences and their response.</li> <li>- Interview plans incorporating behavioural-based interview questions that are specific to positions that involve working directly with children.</li> <li>- Review checks when personnel have a change in circumstances</li> <li>- In limited circumstances it may prove impossible to obtain a reliable criminal record check. A statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted instead.</li> <li>- Checks must be conducted for each country in which the individual has lived for 12 months or longer of the last 5 years and for the individual's</li> </ul>	<ul style="list-style-type: none"> <li>- The FPA Recruitment, Selection and Appointment Policy establishes protocols which ensure that all staff recruited in Australia are screened including criminal record checks prior to engagement, working with children checks, targeted interview questions and verbal referee checks as appropriate.</li> </ul>

Minimum standard	Why this is required	Evidenced by	FPA compliance measures
<p>9. The organisation has a child protection code of conduct that meets the minimum standard set by DFAT</p>	<ul style="list-style-type: none"> <li>- A code of conduct makes clear the organisation's standards for acceptable and unacceptable behaviour in relation to children, including use of images and must be signed by all personnel.</li> <li>- It protects personnel by providing guidance on how to avoid situations that may be perceived as harmful to children. It also provides employers with a sound basis on which to conduct disciplinary action.</li> </ul>	<ul style="list-style-type: none"> <li>- A risk based safeguarding code of conduct based on <i>DFAT's Child Protection - Professional Behaviours</i></li> <li>- Signed codes of conduct or a register documenting details of personnel who have signed the code of conduct.</li> <li>- Signed image consent forms/verbal consent file notes</li> </ul>	<ul style="list-style-type: none"> <li>- Safeguarding Code of Conduct is included in the partner's Memorandum of Understanding and all staff and volunteers working on DFAT funded projects are required to sign and uphold the Code</li> <li>- Memorandum of Understanding requires partner organisation to maintain Register of signed Codes of Conduct and on request, present the Register for inspection by FPA staff.</li> <li>- FPA International Programme staff sign Safeguarding Protection Code of Conduct on an annual basis</li> <li>- The FPA Media Policy establishes protocols in relation to seeking and obtaining consent for the use of images.</li> </ul>

## APPENDIX 2: PSEAH MINIMUM STANDARDS

These minimum standards have been drawn from the DFAT policy. The DFAT Policy takes a risk-based, proportional approach to PSEAH. FPA has conducted an analysis against these standards.

Minimum Standard	Organisation	Individuals	Low Risk	Med Risk	High Risk	Very High Risk
1. Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.	Must have a PSEAH policy or other documented policies and procedures in place, which clearly meet the expectations of this Policy.	Sign a document outlining appropriate and enforceable standards of conduct, compliant with the requirements of this Policy	Yes	Yes	Yes	Yes
2. Have reporting and investigation procedures in place.	The PSEAH policy documents how SEAH incidents will be managed, reported and investigated. Reporting and investigation processes must include engagement of and reporting to senior management and executive boards.	Through a document which outlines appropriate and enforceable standards of conduct, confirm awareness of DFAT's PSEAH reporting requirements for concerns or incidents and policy non-compliance.	Yes	Yes	Yes	Yes
3. Have risk management processes that include the risk of SEAH.	Have effective risk management processes that include consideration of the risk of SEAH. The process must document the controls already in place or to be implemented to reduce or remove risks.	Must meet the reporting requirements under their agreement, aligned to DFAT's PSEAH Policy.	No	Yes	Yes	Yes
4. Effective PSEAH training in place.	PSEAH training for personnel, including downstream partners and individuals that deliver DFAT business.	Complete PSEAH training and provide evidence of this.	No	No	Yes	Yes
5. Recruitment and screening processes and employment practices address and manage the risk of SEAH.	Can demonstrate robust PSEAH recruitment and screening processes for all personnel/consultants including having in place appropriate and enforceable standards of conduct.	Based on a risk assessment, assurances could include police check, working with vulnerable people check that provides assurance reasonable SEAH precautions have been taken. Local requirements must also be followed.	No	No	Yes	Yes
6. Prohibit transactional sex for all personnel.	Prohibits transactional sex in the field for all staff and downstream partners while engaged	Employment agreements include clauses prohibiting transactional sex	No	No	No	Yes
7. Prohibit fraternisation for all non-national personnel.	Prohibits fraternisation for all non-national personnel in the field while engaged	Employment agreements include clauses prohibiting fraternisation for all non-national individuals	No	No	No	Yes

## APPENDIX 3: PROTECTION AND SAFEGUARDING CODE OF CONDUCT

I, \_\_\_\_\_, acknowledge that I have read and understand the

- DFAT Affairs and Trade *Prevention of Sexual Exploitation Abuse and Harassment Policy*
- *Family Planning Australia Protection and Safeguarding Policy*

I agree that in the course of my work, I must

- Prohibit any form of sexual exploitation, abuse and harassment activity
- Report any suspected or alleged cases of sexual exploitation, abuse or harassment within the scope of the Policy in line with Family Planning Australia policies and procedures
- Maintaining an environment in which beneficiaries, volunteers, staff, contractors and other representatives know expected behaviours and how to raise complaints and concerns
- Will treat all beneficiaries with respect and not use language or behave towards them in an inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate manner
- Will always strive to create and maintain an environment that promotes adherence to and implementation of this Policy
- Will not exchange money, employment, goods or services, protection or assistance for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour
- Prohibit transactional sex and fraternization for all non-nation individuals while engaged in the delivery of Family Planning Australia business
- Will commit to communicating prevention of sexual exploitation, abuse and harassment expectations to partners
- Any concern or suspicion regarding possible violation of the policy will be reported within 48 hours and any all alleged Policy non-compliance will be reported within five working days
- Will take all reasonable steps commensurate with their role to prevent, oppose and combat all sexual exploitation, abuse and harassment
- Conduct that is criminal will be reported to the relevant authorities, both in Australia and countries where we work, where it is safe to do so and is in accordance with the wishes of victims/survivors.
- Failure to comply with these standards is grounds for disciplinary action, and may be considered as gross misconduct resulting in termination of contract or agreement.

I agree that in the course of my work, I must

- treat all children with respect
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage children under the age of 18<sup>1</sup> in any form of sexual intercourse<sup>2</sup> or sexual activity, including paying for sexual services<sup>3</sup>
- wherever possible, ensure that another adult is present when working near children
- not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger
- not sleep close to unsupervised children unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensuring that another adult is present if possible (noting that this does not apply to an individual's own children)
- not supply alcohol and/or illicit drugs to children under the age of 18 years

---

<sup>1</sup> Where the child is 16 years or older and the other party is not more than 2 years older; and it can be established that the child consented to the relationship, an exception can be recorded promptly on personnel files.

<sup>2</sup> As defined under the *Criminal Code Act 1995*.

<sup>3</sup> As defined under the *Criminal Code Act 1995*.

- discriminate against, show differential treatment to, or favour particular children or young people to the exclusion of others (this includes not giving gifts to individuals or groups of children unless it is a planned and assessed part of a program)
- not hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium
- not use physical punishment on children
- not 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
- comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures
- 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 occurs during association with DFAT
- be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse

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

- take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child
- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided
- 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, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form

Signed:.....

Date: .....

Witness Signed:.....

Date: .....

## **APPENDIX 4: GUIDE TO A CHILD FRIENDLY COMPLAINT HANDLING PROCESS**

Children have the right to voice a complaint. Family Planning Australia is committed to develop appropriate ways to listen, be responsive and accessible for children.

### **GUIDELINES**

Children communicate in a different way to adults and need to know that:

- the complaint is treated with respect
- the process is clear and accessible for children
- the procedures are responsive and flexible
- there is an advocate available
- there will be action taken

The main elements of a child friendly complaints process is appropriate access and response, such as:

- ensure that complaints can be made in a number of different ways (face-to-face, telephone, online, in writing)
- allow complaints to be made anonymously when the complainant sends it through a friend or the beneficiary reference group
- recognise that children and young adults may feel more comfortable with face-to-face complaints, and are heard by someone with a respectful and patient manner
- make sure the child or young person's comments are wanted and ensure a relaxed open environment
- make sure the person dealing with the child or young person's complaint is an active listener who is helpful, understanding and responsive
- make sure that you respond to the child or young person as soon as possible, even just to acknowledge receipt of the complaint
- give the child or young person the option to choose how and whether they will be kept informed of the progress of their complaint and how often they would like to be kept up to date

### **PARTNERS**

Have a complaints officer who is appropriately trained to facilitate child friendly complaint handling procedures and to raise awareness with local community stakeholders and children of the procedures and how to implement them

Local staff receive training in the proposed child friendly processes and procedures, interviewing children, facilitating feedback sessions with children and adults and recording of complaints

Ensure an environment that guarantees confidentiality of any complainant.

*\*Adapted from ADRA Australia complaints policy in line with ACFID Code of Conduct requirements*