

# Scope Global Child Protection Policy

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## 1. Policy Overview

Scope Global 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, humanitarian crisis or conflict, and need to be protected. This Child Protection Policy outlines a risk management approach to prevent child abuse and provides clear and practical guidelines to responding to child abuse and managing complaints.

Scope Global understands it has a fundamental duty of care towards protecting children engaged within its programs and activities.

This Policy requires all Scope Global’s programs to have appropriate mechanisms in place to protect children. This Policy has been developed to adhere to international standards in line with Australian Government child protection requirements.

This Policy operates in conjunction with common and statute law and does not exclude or replace the rights and obligations of any individual under Australian common and/or statutory law.

This Policy will be reviewed every two years (or earlier if required) in line with Scope Global’s quality management systems. Lessons learnt in the implementation of this Policy will be documented and reflected in future policies. This Policy should be seen as a component of the broader ethical framework and Code of Conduct of Scope Global. 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 Scope Global.

## 2. Purpose

This Policy aims to clearly outline:

- definitions of child abuse and other relevant terms;
- overarching child protection legislation, conventions and guidelines;
- Scope Global’s set of commitments to child protection;
- Scope Global’s risk management approach to preventing child abuse and exploitation;
- Scope Global’s code of conduct governing interaction with children both in Australia and overseas; and
- Scope Global’s practical reporting procedures and response mechanisms.

This Policy has been developed in order to:

1. Protect children engaged in Scope Global’s programs from all forms of abuse and exploitation;
2. Protect employees and representatives from false or malicious allegations of misconduct;
3. Protect Scope Global from being held liable for the failure to take “reasonable steps” to prevent or protect children from abuse.

## 3. Scope

This Policy applies to all:

1. Scope Global employees; and

2. Scope Global representatives. The term “representatives” includes but is not limited to: award holders, volunteers, dependants (supported by Scope Global projects/programs), contractors, subcontractors, agents and consultants.

Also, in accordance with program-specific application, this Policy may also be applicable to Host Organisations and other affiliates.

## 4. Definitions of Child Abuse and other Relevant Terms

**A child** means every human being below the age of 18<sup>1</sup>.

**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 categorized 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.

**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 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.

<sup>1</sup>1. As outlined by the Convention on the Rights of the Child (United Nations, Article 1).

## 5. Guiding Principles of this Policy

This Policy is founded upon the following guiding principles:

1. Zero tolerance of child abuse
2. Recognition and promotion of children's best interests
3. Sharing responsibility for child protection
4. Use of a risk management approach to prevent child abuse
5. Report and respond to all incidents of child abuse

## 6. Scope Global's Commitments

Scope Global is committed to instituting child protection measures to the highest standard.

Scope Global is committed to ensuring that:

- In all contracts involving Scope Global, all parties agree to abide by the requirements of this Policy;
- Child protection risks are included in all project and activity risk assessments;
- Preventative child protection measures are implemented to the highest standard;
- Comprehensive child-safe recruitment and screening processes are employed;
- Child protection training is regularly provided to relevant Scope Global employees and representatives;
- Culturally specific issues relevant to child protection will be incorporated into project specific risk management strategies, training and response procedures;
- A child protection Code of Conduct exists and is understood and signed, wherever applicable, by all Scope Global employees and representatives that are bound by it;
- Clear and current reporting procedures exist and are known by Scope Global employees and representatives;
- National laws and processes and local resources are taken into account within reporting and response mechanisms;
- A documented child protection management procedure exists and is operational;
- A documented policy compliance regime exists which outlines sanctions for breaches;
- No person is permitted to work with children if they pose an unacceptable risk to children's safety or wellbeing;
- All employment contracts involving Scope Global outline that Scope Global has the right to dismiss 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.

## 7. The Child Protection Code of Conduct

### Acceptable Behaviours

Scope Global employees and representatives shall:

- Treat children with dignity and respect regardless of ethnicity, race, colour, gender, age, language, religion, political or other opinion, disability, or other status;
- Conduct themselves in a manner appropriate with their position as a representative of Scope Global in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with Scope Global'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 Australian legislation and legislation of the host country, including labour laws in relation to child labour;
- Follow organisational policy and guidelines regarding the safety of children.

## Unacceptable Behaviours

Scope Global employees and representatives 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;
- Invite unaccompanied children into their home, unless they are at immediate risk of injury or in physical danger;
- Access child pornography through any medium;
- Sleep in close proximity to unsupervised children;
- 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 recreation 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 phones, video or digital cameras inappropriately or without the consent of the child and his/her parent or guardian;
- Physically assault, discipline or punish children;
- Touch a child in an inappropriate or culturally insensitive manner. Representatives in direct medical care positions are to follow Australian and/or overseas industry guidelines.

## 8. The Photo Policy for Using Children's Images

When photographing or filming a child for work related purposes, Scope Global employees and representatives must:

- Assess and comply with local traditions or restrictions for reproducing personal images;
- Obtain legitimate consent from the child or a parent or guardian of the child. As part of this an explanation as to how the photograph or film will be used must be given (see consent form);
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
- Ensure images are honest representations of the context and the facts;
- Ensure file labels do not reveal identifying information about a child when sending images electronically;
- Ensure images of children available for public use do not reveal any identifying information.

## 9. The Reporting & Incident Response

### Reporting Child Abuse

1. Any suspicion or disclosure of child abuse must be immediately reported to the relevant Manager and Scope Global's Child Protection Officers. All incidents will be reported and managed in accordance with the Scope Global Incident Management Response Procedure.

### Guidelines to responding to Child Abuse Allegations

1. Scope Global takes all allegations of child abuse, whether by Scope Global employees, representatives or associated personnel seriously;
2. All allegations will be thoroughly investigated;
3. Where an incident has been reported the following procedures will take place:

## For non-critical incident allegations

A non-critical allegation of child abuse is one which does not pose immediate threat 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.

- a) The incident will be documented and investigated in accordance with the Scope Global Incident Management Response Procedure;
- b) the incident will be investigated with full respect for the confidentiality 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 persons involved;
- c) the accused person will be given an opportunity to express their views/opinions/version of facts;
- d) the views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse;
- e) where the incident is reasonably proven to have occurred, appropriate disciplinary measures will be taken, including, but not limited to:
  - Warning
  - Suspension
  - Dismissal

The disciplinary measure will depend on the nature of the offence and will be at the discretion of the relevant Manager and will be fully documented and reported to Scope Global head office.

## For critical allegations

A critical allegation is an allegation whereby there is an immediate threat to the welfare of a child should the allegation be found true.

- a) Where the allegation involves a violation of either the laws of the country in which the incident occurs, or the laws of Australia, the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation;
- b) 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”;
- c) If the incident involves a breach of the Scope Global Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation;
- d) the rights of the alleged victim and the accused person will be of paramount concern and confidentiality will be maintained insofar as is reasonably necessary pending an investigation;
- e) where a breach of the Code of Conduct is found to have occurred, the person will be immediately dismissed from employment;
- f) 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 including restoration of any damage to reputation or dignity within the organisation;
- g) where allegations amount to a violation of laws of Australia or the host country, confidentiality will no longer be applicable unless deemed necessary to uphold the rights of the victim.

## 10. Relevant Child Protection Legislation & Conventions

### Relevant Australian legislation includes:

- Crimes Act 1914 Part IIIA (Child Sex Tourism). Under this Act it is a crime for Australians to engage in, encourage, or benefit from sexual activity with persons under the age of 16 while overseas.

- Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C). This Act provides for a penalty of 10 years imprisonment for possession of child pornography depicting a person under 18 years of age, and up to 15 years imprisonment for online grooming of a person under 16 years of age.

### Relevant State and Territory legislation and criminal law

State or territory	Legislation	Source
New South Wales	The children and young persons (Care and Protection Act) 1998, NSW	<a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>
Victoria	Children, Youth and Families Act 2005, Victoria The Child Wellbeing and Safety Act 2005, Victoria	<a href="http://www.legislation.vic.gov.au/">http://www.legislation.vic.gov.au/</a>
Queensland	The Child Protection Act 1999	<a href="http://www.legislation.qld.gov.au/OQPChome.htm">www.legislation.qld.gov.au/OQPChome.htm</a>
Western Australia	Children and Community Services Act 2004	<a href="http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html">www.slp.wa.gov.au/legislation/statutes.nsf/default.html</a>
South Australia	Children's Protection Act 1993	<a href="http://www.legislation.sa.gov.au">www.legislation.sa.gov.au</a>
Tasmania	Children, Young Persons and Their Families Act 1997	<a href="http://www.thelaw.tas.gov.au">www.thelaw.tas.gov.au</a>
ACT	Children and Young Persons Act 1999	<a href="http://www.legislation.act.gov.au">www.legislation.act.gov.au</a>
Northern Territory	The Community Welfare Act	<a href="http://www.nt.gov.au/dcm/legislation/current.html">www.nt.gov.au/dcm/legislation/current.html</a>

International Organisation	International Instrument	Source
United Nations	The United Nations Convention on the Rights of the Child	<a href="http://www.unicef.org/crc">www.unicef.org/crc</a>
United Nations	Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=50b353232">http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=50b353232</a>
United Nations	Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	<a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=47fdfb180">www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=47fdfb180</a>
United Nations	UN convention on the rights of persons with disabilities (2006)	<a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=4962270c2&amp;skip=0&amp;query=rights of persons with disabilities">www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=4962270c2&amp;skip=0&amp;query=rights of persons with disabilities</a> <a href="http://www.un.org/disabilities/convention/conventionfull.shtml">www.un.org/disabilities/convention/conventionfull.shtml</a>
	Geneva Declaration of the Rights of the Child	<a href="http://www.unicef.org/lac/spbarbados/Legal/global/General/declaration_child1959.pdf">www.unicef.org/lac/spbarbados/Legal/global/General/declaration_child1959.pdf</a>
International Labour Organisation	ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	<a href="http://www.ilo.org/ilolex/english/convdisp1.htm">www.ilo.org/ilolex/english/convdisp1.htm</a>
UNODC	Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime	<a href="http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf">http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf</a>

## 11. Local legislation

Most countries in which Scope Global works have legislation pertaining to child abuse. Each country office is required to abide by local legislation, including labour laws with regard to child labour. Every country in the world except the US and South Sudan have ratified the UN Conventions on the Rights of the Child.