

AusAID Child Protection Policy

Guidance Note on Child Protection Notifications for NGOs and Contractors

March 2012

The AusAID Child Protection Policy and other relevant contracts and agreements are the authoritative documents and nothing in these guidance notes overrides these policies.

1. What is a child protection notification?

A child protection notification is the reporting of ‘any allegation of an organisation’s personnel to have committed, or been arrested for, or convicted of, criminal offences relating to child abuse or child pornography’ to AusAID. For a list of relevant child protection legislation please see Attachment A.

2. Who must make a child protection notification?

Those covered by AusAID’s Child Protection Policy must notify AusAID of any child protection incidents. This includes all contractors and NGOs funded by AusAID, including:

- AVID core partners
- Individually contracted advisers/consultants to AusAID
- Partners, subcontractors or associates subcontracted by contractors or NGOs
- The personnel (paid and unpaid, including all volunteers) of contractors
- NGOs funded by AusAID.

3. What is the time frame for making a child protection notification?

All child protection incidents must be reported promptly. AusAID would consider one week after the organisation has been made aware of an incident a reasonable time frame to receive a child protection notification considering time difference and administrative constraints.

AusAID does not consider doubts around a child’s age an acceptable reason for a delay in reporting a child protection incident.

4. How do I make a child protection notification?

- Step 1. Contact the Child Protection Unit on +61 2 6206 4184 or email childprotection@ausaid.gov.au . Please endeavour to obtain the below information before contacting the Child Protection Unit.

Date(s) of incident(s)
Name of organisation(s) involved <i>Including any partner organisations or host organisations for Australian volunteers.</i>
Alleged perpetrator’s details <i>Including name, nationality and occupation.</i>
Details of alleged incident(s)
Have the local law enforcement authorities or AFP been informed?
Is the activity is AusAID funded?
Details of what the organisation(s) proposes to do.
Any other relevant information.

- Step 2. Complete Part A of AusAID's notification form provided at Attachment B.
- Step 3. Once the investigation has been finalised, complete Part B of the notification form along with copies of relevant documentation.

5. What obligations does AusAID have under the Privacy Act 1988?

As per the APS Guidelines on Handling Misconduct, investigations are kept confidential and managed on a 'need to know' basis, consistent with the *Privacy Act 1988*.

6. What if I am unsure if a child protection notification needs to be made to AusAID?

If any doubt, all child protection notifications and questions concerning the AusAID Child Protection Policy should be directed to the AusAID Child Protection Unit at childprotection@ausaid.gov.au or on +61 2 6206 4184.

Legislation relevant to child protection

Australian legislation

Within Australia the key Commonwealth legislation relevant to child protection includes the *Crimes Act 1914* and the *Criminal Code Act 1995*. Within the *Criminal Code Act 1995* the key points of reference include;

- Division 272 (*Child sex offences outside Australia*)
- Division 273 (*Offences involving child pornography material or child abuse material outside Australia*)
- Offences relating to use of carriage services for child pornography material or child abuse material, Division 474, Subdivision D
- Using a carriage service for sexual activity with a person under 16 years of age, Division 474, subdivision F.

Under this Act, it is a crime for Australians to engage in, encourage, or benefit from sexual activity with persons under 16 years of age while overseas; including possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia.

Criminal law and child protection legislation, State and Territory		
State or Territory	Legislation	Source
New South Wales	<i>The Children and Young Persons (Care and Protection) Act 1998</i>	www.legislation.nsw.gov.au
Victoria	<i>Children, Youth and Families Act 2005</i>	http://www.legislation.vic.gov.au/
Queensland	<i>The Child Protection Act 1999</i>	www.legislation.qld.gov.au/OQPChome.htm
Western Australia	<i>Children and Community Services Act 2004</i>	www.slp.wa.gov.au/legislation/statutes.nsf/default.html
South Australia	<i>Children's Protection Act 1993</i>	www.legislation.sa.gov.au
Tasmania	<i>Children, Young Persons and Their Families Act 1997</i>	www.thelaw.tas.gov.au
Australian Capital Territory	<i>Children and Young Persons Act 2008</i>	www.legislation.act.gov.au
Northern Territory	<i>Care and Protection of Children Act 2007</i>	www.nt.gov.au/dcm/legislation/current.html

Local legislation

Most countries in which AusAID works have legislation pertaining to illegal child abuse. When working in-country, AusAID staff and the personnel of contractors and NGOs implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.

International child protection instruments	
Instrument	Source
The United Nations Convention on the Rights of the Child	www.unicef.org/crc
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	www.unhchr.ch/html/menu2/dopchild.htm
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	www.unhchr.ch/html/menu2/6/protocolchild.htm
Geneva Declaration of the Rights of the Child	www.unhchr.ch/html/menu3/b/25.htm
ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	www.ilo.org/ilolex/english/convdisp1.htm



Child Protection Notification form

This template is provided for AusAID funded NGOs, Volunteer Programs and Contractors who are submitting a child protection notification to AusAID. It guides NGOs and Contractors through a series of questions relevant to child protection notifications. The template is divided into two parts, Part A provides the initial details of the allegation and Part B is to be completed at the conclusion of the investigation.

The safety, welfare and wellbeing of children are paramount and therefore consideration of these factors must be a key priority. When responding to allegations employers have a responsibility to ensure its employees are treated fairly and the rights of each individual are respected during an investigation and any applicable disciplinary process.

For further details on this form or any child protection queries please contact childprotection@ausaid.gov.au.

Part A - To be completed with the initial details of the allegation

1. Details of agency

1.1 Name of agency:

1.2 Type of agency:

- ☐ Contractor (excluding individually contracted advisors/consultants), *continue to question 1.6*
- ☐ Individually contracted advisor/consultant to AusAID, *continue to question 1.6*
- ☐ Local (developing country) NGO, *continue to question 1.6*
- ☐ AusAID accredited Australian NGO and ACFID Code of Conduct signatories, *continue to question 1.6*
- ☐ All other types of organisations (e.g. Australian NGOs without AusAID accreditation and major international NGOs), *continue to question 1.6*
- ☐ Volunteer Program, *continue to question 1.3*

1.3 Name of Host Organisation?

1.4 Does the Host Organisation have a Child Protection Policy?

- ☐ Yes
- ☐ No

1.5 Has the Host Organisation already supplied AusAID with a copy of the most current policy?

- ☐ Yes
- ☐ No

If the agency has not already supplied AusAID with a copy of the most current policies or procedures, please attach.

1.6 Does your agency have a Child Protection Policy?

- ☐ Yes
- ☐ No

1.7 Has your agency already supplied AusAID with a copy of the most current policy?

- ☐ Yes
- ☐ No

If the agency has not already supplied AusAID with a copy of the most current policies or procedures, please attach.

1.8 Does this notification relate to any other notification(s) you have made to AusAID?

- ☐ Yes
- ☐ No

If yes, please provide details:

2. Head of agency details

2.1 Head of agency name:

2.2 Position Title:

2.3 Address of agency:

2.4 Telephone:

Fax:

2.5 Email:

2.6 Signature:

Date:

3. Contact officer details

If this section is left blank all formal correspondence from AusAID will be addressed to the head of agency.

3.1 Contact officer name:

3.2 Position Title:

3.3 Work Address:

3.4 Telephone:

Fax:

3.5 Email:

4. Staff member responsible for investigating the notification

Please provide the details of the person responsible for investigating the notification(s) or who is responsible for liaison with any other agency that may be investigating the notification.

4.1 Investigating Officer:

4.2 Position Title:

4.3 Work Address:

4.4 Telephone:

Fax:

4.5 Email:

5. Details of the person against whom the allegation has been made

5.1 Does this notification contain allegations against more than one employee?

☐ Yes

☐ No

If yes, how many?

Please copy section 5 for each employee.

5.2 Family name:

5.3 Given Names:

5.4 Sex:

5.5 Date of Birth:

Place of birth:

5.6 Nationality:

5.7 Home address:

5.8 Contact details:

5.9 Position title at time allegation made:

5.10 Program or activity:

5.11 Employee ID number (if applicable):

5.12 Current employment status (tick all applicable):

- ☐ Permanent
- ☐ Part-time
- ☐ Casual
- ☐ Volunteer
- ☐ Contractor
- ☐ Foster carer
- Other (please specify) _____

5.13 Current work address: _____

5.14 Work phone: _____

5.15 Is the employee aware that an allegation has been made against them?

- ☐ Yes
- ☐ No, continue to section 6
- ☐ Unknown, continue to section 6

If yes, who informed the employee?

- ☐ Your agency
- Name of person: _____
- Date: _____

- ☐ Another agency
- Supply details: _____

- Date: _____
- ☐ Other
- Please describe: _____
- Date: _____
- ☐ Unknown

5.16 What details of the allegation is the employee aware of?

- ☐ Full details of the allegation
- ☐ Type of allegation or broad nature only
- ☐ Only that there has been an allegation, not the type

5.17 Has counselling or other support been offered/provided to the employee?

- ☐ Yes
- ☐ No
- ☐ Unknown

If yes, what kind? _____

5.18 Have prior reportable allegations been made against the employee?

If no, why not? _____

- ☐ Yes
- ☐ No
- ☐ Unknown

If yes

When was the most recent?

What was the result or finding of the investigation into the prior allegation/s?

- ☐ False
- ☐ Vexatious
- ☐ Misconceived
- ☐ Allegation sustained
- ☐ Not sustained – insufficient evidence

6. Details of the alleged victim(s)

6.1 Does this notification contain allegations involving more than one child or young person?

- ☐ Yes
☐ No

If yes, how many?

Please copy section 6 for each child.

6.2 Sex:

6.3 Date of Birth or current age:

Place of birth:

6.4 Age of the child at the time of the alleged conduct (if different from above):

6.5 Nationality:

6.6 Does the child have a disability or disorder?

- ☐ Yes
☐ No
☐ Unknown

If yes, tick all relevant and describe:

- ☐ Intellectual:
☐ Physical:
☐ Sensory:
☐ Behavioural:
☐ Other:

6.7 Is the child an orphan?

- ☐ Yes
☐ No
☐ Unknown

6.8 Are the child's parents or guardians aware of the allegations?

- ☐ Yes
☐ No
☐ Unknown
☐ Not applicable

If no, why not?

If yes, who informed them?

- ☐ Child, Date informed:
☐ Your agency, provide name of person: Date informed:
☐ Unknown
☐ Other, provide details:

6.9 Has counseling or other support been offered/provided to the alleged victim?

- ☐ Yes, by whom?
☐ No, why not?

7. Details of the allegation (s)

7.1 Does this notification contain more than one incident?

- ☐ Yes
☐ No

If yes, how many?

Please use this page for the primary or most serious incident and copy additional for additional incidents.

7.2 Position of the person making the allegation?

7.3 Summary of original allegation details:

7.4 Date of alleged incident:

7.5 Location of alleged incident:

7.6 Description of allegation (attach documentation where available):

7.7 Type of conduct alleged (tick all relevant to incident described above):

Physical assault

- ☐ Hitting/kicking
☐ Shaking/throwing
☐ Pushing/shoving/grabbing/pinching/poking
☐ Inappropriate restraint/excess force
☐ Indirect – use of object/substance/threat

Sexual Misconduct/Sexual offence

- ☐ Exploitation (non-physical)
☐ Deliberate exposure to sexual behavior/sexual exhibitionism/exploitation/pornography
☐ Penetration/intercourse
☐ Obscene language/gestures
☐ Assault (indecent/touching/molestation)
☐ Child Pornography
☐ Harassment including inappropriate words/gestures/correspondence

Psychological Harm

- ☐ Persistent hostility/rejection
☐ Exposure to violence (including domestic violence)
☐ Scapegoating
☐ Humiliation/Belittling

Neglect

- ☐ Clothing/food
☐ Medical care
☐ Shelter
☐ Supervision
☐ Environment not supportive

Misconduct

- ☐ Unwarranted/inappropriate touching (not indecent)
☐ Inappropriate relationship with a child (not sexual)
☐ Inappropriate comments/jokes of a sexual nature
☐ Other, please specify:

7.8 Date your agency first became aware of the allegation(s):

7.9 Details of person Initially Informed:

Name:
Position:
Title:
Location:

8. Interim action taken or proposed in respect of the allegation (s)

8.1 Has the relevant government child protection agency been informed by your agency?

- ☐ Yes, date of report?
- ☐ No, continue to question 8.3
- ☐ Unknown, continue to question 8.3
- ☐ Not applicable, continue to question 8.3

8.2 Is the in-country government department investigating this allegation?

- ☐ Yes
- ☐ No
- ☐ Unknown

If yes, Name of officer:

Contact number:

8.3 Have the police been informed?

- ☐ Yes
- ☐ No, continue to question 8.5
- ☐ Unknown, continue to question 8.5
- ☐ Not applicable, continue to question 8.5

8.4 Are the police investigating this allegation?

- ☐ Yes
- ☐ No
- ☐ Unknown

If yes, Name of officer:

Police station:

Contact number:

8.5 What action has been taken or is proposed by the agency in respect of the employee pending completion of investigation?

- ☐ No action (state why?)
- ☐ Increased supervision (describe)
- ☐ Restriction on current duties (specify)
- ☐ Transferred to alternate duties (specify)
- ☐ Suspended with pay
- ☐ Suspended without pay
- ☐ Not re-engaged
- ☐ Not relevant as matter finalised

8.5a Is this standard procedure when responding to allegation of a child protection nature made against your employees?

- ☐ Yes
- ☐ No
- ☐ Not applicable

Part B - To be completed at the conclusion of the Investigation

9. Findings

If the investigation of the allegation is completed, please attach copies of supporting final documentation and complete the following.

9.1 Describe the allegation that was put to the employee (or attach relevant documents):

Physical assault

- ☐ Hitting/kicking
- ☐ Shaking/throwing
- ☐ Pushing/shoving/grabbing/pinching/poking
- ☐ Inappropriate restraint/excess force
- ☐ Indirect – use of object/substance/threat

Sexual Misconduct/Sexual offence

- ☐ Exploitation (non-physical)
- ☐ Deliberate exposure to sexual behavior/sexual exhibitionism/exploitation/pornography
- ☐ Penetration/intercourse
- ☐ Obscene language/gestures
- ☐ Assault (indecent/touching/molestation)
- ☐ Child Pornography
- ☐ Harassment (inappropriate words/gestures/correspondence)

Psychological Harm

- ☐ Persistent hostility/rejection
- ☐ Exposure to violence (including domestic violence)
- ☐ Scapegoating
- ☐ Humiliation/Belittling

Neglect

- ☐ Clothing/food
- ☐ Medical care
- ☐ Shelter
- ☐ Supervision
- ☐ Environment not supportive

Misconduct

- ☐ Unwarranted/inappropriate touching (not indecent)
- ☐ Inappropriate relationship with a child (not sexual)
- ☐ Inappropriate comments/jokes of a sexual nature
- ☐ Other, please specify:

Description:

Employee response:

9.2 What is the agency finding on allegation?

- ☐ False
- ☐ Vexatious
- ☐ Misconceived
- ☐ Allegation sustained
- ☐ Not sustained – insufficient evidence

9.3 If no allegations were put to the employee, please state why not (e.g. person left the agency and refused to be interviewed):

9.4 State the reason(s) for your finding(s):

10. Final action taken at the end of the agency investigation

10.1 Describe the action taken by your agency at the conclusion of the investigation in respect to the person the subject of the allegation:

10.2 What other issues arose during the investigation which your agency considers relevant?

10.3 What other action has been taken or is proposed by your agency as a result of the investigation? (e.g. staff training, changes to policies)

10.4 Date investigation completed:

Name:

10.5 Name and signature of person completing notification to AusAID:

Signature:

10.6 Date notification completed:
