

# **Independent Child Protection Policy Review 2011**

**Conducted by GCPS Consulting Group**

**15th March 2012**



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# Independent Child Protection Policy Review 2011

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The views in this report are those of the authors and not necessarily of AusAID or the Australian Government.

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## Executive Summary

### Background to review

Child abuse has been recognised by AusAID as a pervasive social problem globally, with the risk of child abuse being elevated when overseas aid activities bring aid workers and volunteers into regular contact with children.<sup>1</sup> This is true for Australian citizens working overseas in aid and development and for local staff. At the 2007 ASEAN Regional Taskforce, the AFP identified increased numbers of sex offenders seeking employment as teachers, tutors and other child-contact occupations which offer almost unrestricted access to children. Insufficient screening and poor recruitment procedures facilitate this situation.<sup>2</sup> In addition, experience confirms that locally appointed staff also present a risk to children, and may in fact represent a proportionately higher risk.

AusAID introduced a *Child Protection Policy* (CPP) in March 2008 to reduce risks of child abuse by persons engaged in delivering Australian aid program activities. The Policy includes mandatory child protection obligations for AusAID staff and mandatory compliance standards for all non-government organisations (NGOs) and contractors funded by AusAID. AusAID monitors compliance with the Policy through a range of mechanisms, including AusAID's NGO accreditation process and a program of random audits.

The initial review of the CPP, which is being reported on in this document, was designed to meet the following overall objectives:

- a) Provide a transparent, independent assessment of how effectively the Policy has been implemented within AusAID and by partner's organisations that are subject to the Policy.
- b) To examine whether the Policy's scope and approach remains relevant and effective in protecting children from abuse of all kinds in the delivery of the Australian aid program; and
- c) Produce an assessment of the current state of the Policy's implementation and make practical recommendations for improving the Policy and its implementation. Recommendations will include a schedule of timeframes, any additional costs and resourcing implications and, where relevant,

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<sup>1</sup> AusAID Child Protection Policy (2009 version).

<sup>2</sup> AFP Presentation, 2007 ASEAN Regional Taskforce Meeting Hanoi, Vietnam, 1-2 July 2007.

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terms of reference for any future activities required to implement the recommendations.

The full report details findings, focused principally on the appropriateness of current AusAID arrangements for implementation, effectiveness and extent to which AusAID and partners have implemented the CPP, and an examination of lessons learnt and good practice approaches to child protection. The review was conducted by a team from Global Child Protection Services (GCPS)<sup>3</sup> consulting group, which carried out a desk review, online surveys and conducted field visits in Australia and Cambodia, in order to gather information relevant to the review.

The major components of the review were:

**Desk review and survey:** This initial stage entailed reviewing all relevant documentation provided by AusAID, including background documents on the Child Protection Policy and supporting measures, and other internal written materials relevant to the review as well as external documents to determine current thinking on child protection policy development and implementation in aid and development agencies, and how other donors support this.

A survey questionnaire was sent to a wide range of stakeholders<sup>4</sup> - those working in partnership with AusAID, as well as to external experts and those working in comparator organisations. An AusAID staff survey was also conducted to gain an understanding of the current knowledge, attitudes and practices of AusAID staff.

**Field study:** The review team visited Cambodia and met AusAID staff in Post, a wide range of stakeholders involved in AusAID funded projects and programs, and government and other agency staff whose roles and responsibilities included addressing child protection issues in the country. The team was able to assess directly local implementation of Child Protection Policies (and the influence of AusAID CPP on these) and also, crucially, to conduct consultations with community groups, including children, in order to gather feedback on the impact of these policies.

The team visited AusAID's Head Office in Canberra and met directly with key people involved in the development and implementation processes. Knowledge, understanding and practical application of the Policy in Head Office was tested and compared with expectations of performance in international programs and experiences in the field.

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<sup>3</sup> [www.gcps.org.uk](http://www.gcps.org.uk)

<sup>4</sup> See Appendix III for list of participating agencies

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## Key findings

Overall, the review team was impressed by the commitment of AusAID to child protection and the work done to date to develop, implement, support and resource the child protection policy, both within AusAID and with partners. The report notes AusAID's leadership position amongst bi-laterals and the many successes in areas such as the training of staff, supporting and networking of partners, and embedding CPP requirements into key business processes. Other Australian Commonwealth Departments are also using AusAID's Policy as an example of best practice and the suggested benchmark. The findings and recommendations of the review also identify areas that can be strengthened. The recommendations on strengthening the policy and procedures, if implemented, would strengthen AusAID's position on children's right to protection generally, and extend existing measures to safeguard children in all of AusAID's work.

## CPP scope and approach

Current thinking and approaches, informed by legal and policy frameworks and good practice experience, adopted by agencies working domestically in Australia and in international development, suggest the need for a broader approach to keeping children safe than the approach currently operated by AusAID<sup>5</sup>.

Analysis of the expanded scope of extra-territorial legislation also suggests that AusAID will see an increase in complaints or reports made under the CPP, which in turn has resource implications for AusAID. The CPP will need to be revised to reflect these changes to legislation, and other supports will need to be developed such as procedures for handling child protection issues, mapping tools and the inclusion of legal aspects in AusAID child protection training.

In addition to the goal of managing and reducing risks of child abuse associated with staff misconduct as described in the principle on 'zero tolerance', there are other risks associated with harm to children from aid activity, such as poor programming, that also need to be addressed in the scope and approach of the CPP.

Whilst AusAID's child protection policy sits with other 'Safeguards and Cross-cutting Issues', the commitments and obligations within the policy are more narrowly defined than those associated with 'child safeguarding'. The focus is almost exclusively on the risk of abuse and exploitation to children at the hands of staff, volunteers, partners and contractors, and in particular on the risk of sexual abuse. This is at odds with the other Safeguards e.g. even the environmental management safeguard, which also focuses narrowly on the key

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<sup>5</sup> In this report, the term 'safeguarding' or 'safeguarding children' or 'child safeguarding' will be used to refer to the measures developed and implemented by organisations designed to ensure the safety, well-being and protection of children they are in contact with in the course of their work.



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issue of the legal obligation under the Australian *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), considers an activity in light of its potential harm to the community/environment.

The report concludes that without expanding the existing policy, AusAID could be seen as failing to meet Australia's obligations under the CRC, as well as potentially inadvertently doing harm to children through its activities.

Multi-laterals, government partners and international organisations such as UNICEF, are not currently required to comply with AusAID's CPP. Given AusAID's strong position on child protection within the sector, the review suggests that AusAID can be much bolder with these organisations to ensure they are working in ways that are consistent with AusAID's principles and good practices.

### Recommendations

- Given the changes to legislation since the introduction of the CPP, it is recommended that a revision of the current AusAID CPP be undertaken in order to reflect as a minimum, references to the new legislation, throughout the body of the Policy where appropriate, including updating and expanding the relevant definitions given in the abbreviations and glossary.
- AusAID should, as a minimum, accept that children already represent a sizeable constituency in any given programme and that their situation, their rights and issues need to be considered and integrated in any development or humanitarian programme
- AusAID should develop a policy or position statement that describes its understandings and commitments to child protection in general (i.e. in relation to programmes) and to safeguarding children (ensuring safe environments for children i.e. preventing harm by adults in the delivery of aid and minimizing risk from a range of other factors including programme design/delivery, organizational operations and other actors beyond staff and associates).
- AusAID should consider recruiting a Children's Specialist as part of the Sector Quality Team working alongside Governance and Social Development Branch providing technical assistance in setting strategic directions.
- Given Australia's increased level of Aid Budget since 2008 and international moves to safeguard children, the exclusion of bilateral and multilateral organisations from the scope of the policy should be reconsidered.

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## **Effectiveness of implementation within AusAID**

### **Location of and support to the CP function**

AusAID has recognised the need for a dedicated resource to develop and support implementation of the CPP, and the work of the current CPO has been instrumental in ensuring that the CPP is understood and implemented by AusAID and partners. The location of, and support to, the CPO role will need to be reviewed in light of other recommendations being made in the review given the likelihood of increasing demands for advice, support and guidance and increases in the number of child protection reports.

### **Integration of CP within other systems and functions**

Strenuous efforts have been made to build the child protection policy into business systems and processes and is well embedded in the grants and procurement processes.

The procedures and activities for internal recruitment and screening were in keeping with good practice within the sector and, within the Canberra office, were well established and properly implemented.

Procedures have been developed to ensure that risks of child abuse are assessed, although much of the focus on risk relates to identification of activities that involve 'working with children'. With any move to a broader child safeguarding approach, risk assessments will need to become more sophisticated and safeguarding children will need to be incorporated into other risk assessment processes, such as those relating to programming and emergencies.

Integration of CPP within AusAID's humanitarian response function appears to be lacking. This may be due, in part, to a reluctance to add further to existing guidance on delivering humanitarian aid. There are also specific Whole of Government issues to address in humanitarian response with e.g. the deployment of military.

### **Complaints handling**

The process for reporting child protection concerns could be strengthened, following the example of the procedures for handling issues of fraud. A clear, rapid and robust response is required at all times. The review concluded that forging stronger links between CP and the Fraud Branch could result in significantly increased benefits to the organisation.

### **Codes of Conduct**

Codes of Conduct apply differently to different groups of staff in AusAID. AusAID would benefit from developing one single CPP Code of Conduct that applies to all AusAID staff and others that are in a contractual relationship to AusAID,

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regardless of their status, location or any other variable. A clause relating to staff conduct and child protection responsibilities could also be included in the APS code.

### Awareness raising/capacity building

Since the CPP was launched<sup>6</sup> there has been a substantial and continuing effort to communicate on the policy and to support awareness raising on the policy and its implications for staff and partners. Over 2000 staff and partners have been trained in AusAID's Child Protection standards. However, it is clear from the staff survey and from interviews with staff conducted as part of the review, that whilst the existence of the CPP is well known, its contents and obligations are far from familiar. Once revised, the safeguarding children policy should be re-launched, accompanied by a vigorous process of dissemination and communication.

The e-learning project should prove a very useful addition to the communication and learning process by increasing access to training for all staff. This initiative should sit within a learning and development strategy for child safeguarding. The report also recommends an increase in staff designated to support communication and implementation of child safeguarding via a network of focal points/champions.

### Monitoring organizational performance

Targets are set for supporting the implementation of the CPP, but these are individual targets for the CPO. An overall assessment of performance in child protection at the organizational level would be useful for AusAID to assess fully the effectiveness of the CPP. The report recommends this include clear targets and accompanying indicators by which to judge effective implementation within AusAID.

### Recommendations

- If AusAID moves to a broader definition of "safeguarding children", the location of the CPO within a policy section of AusAID would be more appropriate.
- CP is an important function that needs to be adequately resourced, and certainly the full-time position working to the CPO should be appointed full time.

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<sup>6</sup> Though the review team it is noted that the introduction of the CPP in March 2008 was not referred to in either the 2007/2008 or 2008/2009 AusAID Annual Reports. Reference is first made to the Policy in the 2010/2011 Annual Report. This is somewhat surprising given the support and prominence the Policy is said to have had within the agency at the time it was launched.

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- Potential child safeguarding risks need to be identified at individual and programme level in the design, planning, delivery and review of projects in all sectors so that all programmes e.g. health, education, etc. contribute to the increased safety and protection of children
- Child protection concerns need to be highlighted in key documents relating to emergency preparedness and response and the particular vulnerability of children needs to be recognized, and priority given to CP issues, in emergency preparedness and responses activities.
- Ensure a closer relationship between the CP function and the Audit Branch, with a view to increasing cooperation, learning and developing consistency of approach.
- One single CPP COC should be devised that applies to all AusAID staff and others that are in a contractual relationship to AusAID, regardless of their status, location or any other variable
- Once revised, the safeguarding children policy should be re-launched, accompanied by a vigorous process of dissemination and communication
- All staff, both in head office and in Posts receive robust and meaningful training on both the CP and appropriate risk assessments for child protection that is tailored to the different areas and levels of the Agency.
- Set clear targets and accompanying indicators by which to judge effective implementation within AusAID

### **Implementation and compliance in partner organisations**

Compliance of AusAID-funded NGOs was tested at Head Office level (via Focus Group Discussions with agency representatives in Melbourne and Sydney) and at field level via visits to partner agencies in Cambodia. The AVID programme was also tested for compliance through visits to Host Organisations in Cambodia and interviews with current and past volunteers.

From these discussions, it appears that a wide range of activities is being undertaken to ensure compliance with AusAID standards, and indeed to go beyond these to ensure agencies are really 'getting it right' in this critical area.

International NGOs that are child focused, members of international safeguarding networks, and which work through Country Offices, were particularly strong on CP and able to provide considerable support to their local implementing partners through the Country Office. These organisations adopt a 'safeguarding children' approach and their policies and initiatives go well beyond AusAID's child protection requirements.

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Participating agencies appreciated AusAID's efforts to address CP, were complementary about the support provided and felt that the policy had placed child protection on the agenda of many organisations, increasing their sense of accountability. The Child Protection Knowledge Sharing Project was cited as a particularly innovative approach to working with partners that successfully brought together more than 100 child protection officers from Australian and international NGOs and contractors to improve the understanding and application of AusAID's child protection policy. The project provided many NGOs and contractors with practical information and resources on how to implement a child protection policy. The NGOs and contractors that benefited most from the project were those that were not child focused, had only recently developed a policy, or were smaller organisations.

There were challenges to full implementation, mainly relating to ensuring local implementing partners were fully compliant. It was evident from the Cambodia visit that the greatest challenges in understanding and implementing the CPP arose in organizations that did not have appropriate resourcing and support from an Australian Based INGO.

Such challenges are not overcome by the current accreditation process which only checks if a 'physical' policy that is 'consistent' with the AusAID Policy exists (or there is evidence of one being developed) - the quality of the policy or its implementation on the ground is not checked. Although the CPO has carried out some CP audits and other checks on organisations, both in Australia and overseas, this has not happened systematically, partly because this audit function was not seen as a responsibility of the CPO.

The report also notes that there is a high degree of tolerance shown towards implementing partners of NGOs (based on a general acceptance that it is difficult for them to develop/implement CPPs) and that few resources are provided for them to meet standards.

To address these challenges, AusAID could provide more support than they do currently, both in terms of finance and knowledge sharing opportunities and to link NGOs in to local networks that provide support on CPP.

Existing monitoring mechanisms can be strengthened along with developing additional means of tracking progress and auditing implementation of partners. This will mean AusAID ensuring that NGOs are in a position to support their local implementing partners to develop and implement child safeguarding policies and associated measures.

Regarding the new AVID programme, Host Organisations (HOs) i.e. those agencies that receive Australian volunteers, must have CPPs and are required to develop and implement these within a fixed timescale. The report welcomes this move as there are major challenges to be addressed in ensuring child protection is adequately embedded in the AVID programme. The reviewers found some

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Host Organisations adopting CPPs but without any commitment to implementing these, and also encountered some extremely risky practices, completely at odds with accepted international standards. The CP developments underway in the AVID programme are critical to its success and also have resource implications, particularly for training and support of in country managers to ensure they have the capacity and competence to train others on CP, support HOs to develop and implement CPPs, and to deal with CP issues that may arise.

### **Recommendations**

- It is recommended that AusAID grant applications include an option to seek funding for strengthening of child safeguarding measures
- AusAID to work with ACFID on strengthening the requirement of local implementing organisations of partners to develop adequate child safeguarding measures within a clear timeframe
- Strengthen existing monitoring mechanisms and develop additional means of tracking progress and auditing implementation for partners
- AusAID-funded volunteers should not be placed in organisations that are working in direct opposition to children's rights, international standards and best practice initiatives in country and do not demonstrate the potential, willingness and capacity to change.
- Assessment of HOs needs to be much more rigorous in relation to CP but also more generally in terms of their basic rationale, ethos, philosophy and approach as these represent indicators of child safe environments.
- The requirement on HOs to have a CPP is not sufficient. More stringent monitoring of compliance levels should apply to all HOs that have contact with children, directly or indirectly.

### **Strategic Opportunities for AusAID**

The review emphasises AusAID's leadership role within the donor sector on CP policy. The review team urges AusAID to raise the issue of CPP compliance with other bi-laterals and to seek collaboration with other like-minded donors to exert pressure on grantees normally exempted from compliance to adopt child safeguarding measures as a condition of funding. One example of how this has been achieved, to some extent, was through AusAID supporting a short-term placement of the Child Protection Specialist within USAID to provide advice based on AusAID's experience, to strengthen USAID policies and procedures against child abuse by USAID staff, NGOs and contractors.

By building on the good work to date, and expanding the scope of the policy on child protection, and by taking a lead internationally and in collaboration with

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bi-laterals and like-minded donors, AusAID could achieve significant impact in addressing protection risks and issues for children in the region and beyond. This would be in line with Australia's new Aid Policy, work on the MDGs (and post-MDG discussions) and supportive of programmes funded by AusAID in other sectors.

### *Recommendations*

- AusAID develops a child protection program strategy, along the lines of AusAID's strategy on disability.
- AusAID to lead work with bi-lateral donors, such as DFID<sup>7</sup> and Irish Aid<sup>8</sup> (and possibly other funders) in developing a broader constituency of donors focused on ensuring agencies working with children meet basic protection standards.
- AusAID should consider funding research, reviews and evaluations to identify best practice or to support collaboration amongst agencies (donors, UN, NGOs) to develop joint safeguarding initiatives of various kinds.

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<sup>7</sup> UKAID has developed CP minimum standards that awardees must meet in order to qualify for funding

<sup>8</sup> Irish Aid is currently in the process of developing a children and vulnerable adults policy that will also be accompanied by standards

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## 1. Introduction

Child abuse has been recognised by AusAID as a pervasive social problem globally, with the risk of child abuse being elevated when overseas aid activities bring aid workers and volunteers into regular contact with children.<sup>9</sup> This is true for Australian citizens working overseas in aid and development and local staff. At the 2007 ASEAN Regional Taskforce, the AFP identified increased numbers of sex offenders seeking employment as teachers, tutors and other child-contact occupations which offer almost unrestricted access to children. Insufficient screening and poor recruitment procedures facilitate this situation.<sup>10</sup> In addition, experience confirms that locally appointed staff also present a risk to children, and may in fact represent a proportionately higher risk.

Partly in response to these risks, AusAID introduced a *Child Protection Policy* (CPP) in March 2008 to reduce risks of child abuse by persons engaged in delivering Australian aid program activities. The Policy includes mandatory child protection obligations for AusAID staff and mandatory compliance standards for all non-government organisations (NGOs) and contractors funded by AusAID.

AusAID monitors compliance with the Policy through a range of mechanisms, including AusAID's NGO accreditation process and a program of random audits. A dedicated position of Child Protection Officer (CPO) was created to oversee implementation and monitor compliance with the Policy. AusAID committed to review the Policy every 3 years. The initial review of the CPP, which is being reported on in this document, was designed to meet the following overall objectives: (*see Appendix I for full Terms of Reference*)

1. Provide a transparent, independent assessment of how effectively the Policy has been implemented within AusAID and by partner organisations that are subject to the Policy.
2. To examine whether the Policy's scope and approach remains relevant and effective in protecting children from abuse of all kinds in the delivery of the Australian aid program; and
3. Produce an assessment of the current state of the Policy's implementation and make practical recommendations for improving the Policy and its implementation.

The review focused on:

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<sup>9</sup> AusAID Child Protection Policy (2009 version).

<sup>10</sup> AFP Presentation, 2007 ASEAN Regional Taskforce Meeting Hanoi, Vietnam, 1-2 July 2007.



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- The appropriateness of current AusAID arrangements (including processes/procedures, systems, skills and organisational structure) for implementing the Policy.
- The effectiveness and extent to which AusAID has implemented the Policy
- An examination of lessons learnt and good practice approaches to child protection
- Identification of any new legislative or Commonwealth policy requirements, which need to be reflected in the Policy.
- Identification of strategic opportunities and changes to enhance the Policy and its implementation.

### 1.1 Methodology

The major component parts of the review process were as follows:

#### 1.1.1 Desk review and survey

This initial stage entailed reviewing all relevant documentation provided by AusAID, including background documents on the Child Protection Policy and supporting measures, and other internal written materials relevant to the review.

A review of external documents was also conducted to determine current thinking on child protection policy development and implementation in aid and development agencies, and how other donors support this.

A survey questionnaire was sent to a wide range of stakeholders<sup>11</sup> - those working in partnership with AusAID, as well as to external experts and those working in comparator organisations - in order to gather further information and different perspectives on the Child Protection Policy, its implementation and effectiveness. The survey also sought views on current issues and possible future developments on child protection.

An AusAID staff survey was conducted to gain an understanding of the current knowledge, attitudes and practices of AusAID staff.

#### 1.1.2 Field study

The review team conducted field visits to international and domestic locations.

The review team visited Cambodia and met AusAID staff in Post, a wide range of stakeholders involved in AusAID funded projects and programs, and government

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<sup>11</sup> See Appendix III for list of participating agencies

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and other agency staff whose roles and responsibilities included addressing child protection issues in the country. The team was able to assess directly local implementation of Child Protection Policies (and the influence of AusAID CPP on these) and also, crucially, to conduct consultations with community groups, including children, in order to gather feedback on the impact of these policies.

Research methods such as interviews, focus groups and participatory evaluation methods were used to assess the impact and effectiveness of policy implementation, including child-friendly methods to gather the experiences and perspectives of children involved in AusAID funded projects.

The team visited AusAID's Head Office in Canberra and met directly with key people involved in the development and implementation processes. Knowledge, understanding and practical application of the Policy in Head Office was tested and compared with expectations of performance in international programs and experiences in the field. The visit included:

- Review of key systems and processes such as recruitment and selection, complaints handling and risk management
- Testing of systems for reporting and responding to child protection concerns
- Interviews and Focus Group Discussions with a range of informants, both internal and external, including NGO representatives (Focus Group Discussions were held in Melbourne and Sydney)

### **1.1.3 Constraints**

A planned visit to Papua New Guinea (PNG) did not take place due to competing demands on the Post. This meant the opportunity to see how the CPP operates in different contexts was lost, although a telephone interview was conducted with the Post in Vanuatu, which provided some insight into the process of development and implementation in another country.

There is a dearth of publicly available documentation on the development and implementation of CPPs in other agencies, which severely limited the ability of the review team to compare experiences of AusAID with organisations operating similar policies.

## 2. Child protection in international development

### 2.1 Terminology

Over the past ten years, aid and development agencies have introduced a number of initiatives designed to protect the children they come into contact with. These child protection initiatives have tended to focus, initially at least, on ensuring that staff and volunteers do not pose a risk to children.

Increasingly, however, agencies and child-focused organisations in particular have been reframing their organisational commitment to protect children from harm, as 'child safeguarding'. Organisations use this term to describe not only keeping children safe from potential abuse and exploitation by staff and volunteers, but to also encompass a wider concern for the well-being of children with whom they are in contact. Child safeguarding entails ensuring that the design and delivery of programs and organizational operations do not expose children to the risk of abuse and exploitation, and that suspected abuse of children perpetrated by community members is reported and addressed.

This is not to say that 'child protection' is an obsolete notion as far as organisational efforts to safeguard children are concerned. Child protection is very much a part of safeguarding. Safeguarding refers to the broad obligation on organisations to ensure that children are not being exposed to harm, whereas child protection refers to those activities focused on preventing and responding to specific incidents of child abuse and exploitation.

The use of the term 'child safeguarding' has also proved helpful in differentiating between measures the organisation takes to keep children it is in contact with safe from harm, and child protection *programming* work that is designed to build the capacity of local and national child protection systems to respond to a range of issues impacting children, including child trafficking, early marriage, etc.

In Australia, although focusing on domestic community services, the National Framework "Creating Safe Environments for Children – organisations, employees and volunteers" ("the National Framework") released in 2005, sets out the commitment of all Australian governments through the respective Community and Disability Service Ministers, to a national approach for increasing the safety of children in their dealing with community services organisations. The vision set out in the National Framework is that children will be safe and protected from harm when they are in the care of community services organisations or involved with their services and programs.

A number of agencies have subsequently developed further guidelines, programs and training for developing child-safe organisations, in line with the National Framework. Examples include: the Child Safety Commissioner in Victoria discusses assisting organisations to protect children from harm through a Child Safety Policy; the Safeguarding Children Program developed by the Australian

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Council for Children and Youth Organisations<sup>12</sup>; the work undertaken through the NSW Ombudsman's Office and the NSW Commission on Children and Young People on child safe organisations.

### 2.1.1 'Safeguards' in AusAID

In addition to the terminology of child safeguarding described above, AusAID also works with its own concept of 'safeguards'. AusAID's safeguarding and cross-cutting issues can be defined as measures which need to be considered and integrated into each aid activity as a means of ensuring "no harm" is done to activity beneficiaries.

AusAID in its documentation has described safeguarding and cross-cutting issues as follows<sup>13</sup>:

"To ensure the Australian aid program is not exposed to any major risk that may adversely affect the effectiveness of the aid program or the reputation and integrity of AusAID, a number of safeguard and cross-cutting policies and processes have been put in place. They relate to:

- Environment management
- Child protection
- Disability inclusive Development
- Displacement and resettlement
- Gender Equality and the empowerment of women

Safeguards and cross-cutting policies and processes are designed to ensure that aid program activities 'do no harm' to communities, the environment and indirectly to AusAID's reputation. They also can promote good development practice and pro-poor outcomes."

In the remainder of this report, the term 'safeguarding' or 'safeguarding children' or 'child safeguarding' will be used to refer to the measures developed and implemented by organisations designed to ensure the safety, well-being and protection of children they are in contact with in the course of their work.

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<sup>12</sup> The Safeguarding Children Program was originally developed by the Australian Council for Children and Youth Organisations (ACCYO). In July 2009, ACCYO merged with the Australian Childhood Foundation. [www.safeguardingchildren.com.au](http://www.safeguardingchildren.com.au) website accessed 29 January 2012. The organisation describes its work on safeguarding as keeping children and young people safe from abuse and exploitation by staff, volunteers or other relevant related individuals.

<sup>13</sup> Annexure 4 to the 2011-NGO Partnerships Program Specific Guidelines. See also handout entitled "Summary – what you need to know and who to contact" (14 October 2011) distributed as part of the safeguards and cross cutting issues training conducted within AusAID.

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## 2.2 International standards and frameworks for safeguarding children

There are various standards and frameworks that guide organisations on safeguarding children. International standards for keeping children safe were developed by a number of INGOs several years ago<sup>14</sup>. These standards describe a number of measures that agencies should implement to safeguard children they are in contact with, in both development and emergency contexts. These standards (or derivatives of them) have been, or are being, adopted by a number of donors, such as DFID, Irish Aid and ECHO as part of their funding requirements.

In the humanitarian field, there are a range of standards that guide programming to ensure aid effectiveness<sup>15</sup>, along with frameworks that specifically address the risks of sexual abuse and exploitation being perpetrated by those attached to organisations<sup>16</sup>. Activity reports and other related material can be found from links on the “Tool” page of the UN’s website ‘Protection from Sexual exploitation and abuse by UN and related personnel’<sup>17</sup>.

Other approaches to improving measures for safeguarding children include a rights-based approach to creating safe environments within development agencies, described in a toolkit<sup>18</sup> produced by ChildHope. This emphasises the various principles, approaches and child rights elements (such as participation) required to ensure protection of children. Indicators are included to assist with monitoring.

The above approaches, standards and frameworks are not mutually exclusive and the umbrella bodies that are responsible for standards, frameworks, tools and guidance work towards collaboration and complementarity to avoid confusion in the field.

## 2.3 Current organisational practices to safeguard children

In the survey of child safeguarding practices undertaken for this review, the majority of agencies focused their measures on staff and associates (e.g. via

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<sup>14</sup> Setting the standard: A common approach to Child Protection for international NGOs: Keeping Children Safe Coalition (2003)

<sup>15</sup> Namely the SPHERE Standards and the Minimum Standards for Child Protection developed by the Child Protection Working group (aka the global CP sub-cluster)

<sup>16</sup> HAP’s accountability framework on Preventing Sexual Exploitation and Abuse (PSEA); IASC Principles on PSEA

<sup>17</sup> [www.un.org/en/pseataaskforce/index.shtml](http://www.un.org/en/pseataaskforce/index.shtml)

<sup>18</sup> Child protection policies and procedures toolkit: how to create a child-safe organisation. Jackson, Elanor, and Wernham, Marie London: Child Hope UK (2005)

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policies on recruitment and selection and use of Information and Communication Technology) as well as on organizational operations such as information provided on children (e.g. guidance on use of images and stories of children).

Although the experience of a number of organisations working on measures to safeguard children is that many risks to children arise from poorly designed programs and projects (which fail to take into account the ways in which activities may impact negatively on children)<sup>19</sup>, fewer than half the organisations surveyed had developed guidance on child protection in program design and implementation.

Organisations are also increasingly engaging children in the process of designing, developing, managing and monitoring child protection or safeguarding policies and their implementation. This fits with General Comment 13 (2011) on the rights of the child to freedom from all forms of violence<sup>20</sup> which states that “their [children’s] empowerment and participation should be central to child caregiving and protection strategies and programmes”.

Feedback from the survey, and anecdotal accounts from a range of agencies, suggests that the participation of children remains one of the greatest challenges for organisations. Most organisations surveyed for this review had developed their policy by consulting staff and partners but only a few (15%) included consultations with communities and children as part of that process.

The other challenge that many non-child focused agencies cite is identifying and reporting child abuse incidents arising from within the communities in which they operate, and which come to their attention. Agencies have a responsibility to address situations in which children are identified as being abused or at risk of abuse, and must therefore develop reporting and referral mechanisms to ensure that these issues are raised, both internally and where appropriate with the relevant external authorities.

In summary, the range of aid and development agencies undertaking child protection measures forms a continuum. At one end are those agencies operating narrowly defined child protection policies principally focused on minimising risk of harm to children at the hands of staff and associates (partners, volunteers etc). At the other end of the continuum are organisations committed to safeguarding the overall well-being and development of children with an emphasis on their rights to protection, implementing specific measures targeting the protection of children from a range of risks that emanate from staff and associates, program

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<sup>19</sup> ‘Change starts with us, talk to us!’ Beneficiary perceptions regarding the effectiveness of measures to prevent sexual exploitation and abuse by humanitarian aid workers: a HAP commissioned study. Davey, Nolan and Ray (2010)

<sup>20</sup> Committee on the Rights of the Child, General Comment 13 (2011) [\*The right of the child to freedom from all forms of violence\*](#)

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activities, organizational operations and from the environments in which they live. Although AusAID's child protection policy sits within the 'Safeguards' framework, the policy is located at the more narrowly-focused child protection end of the spectrum rather than at the broader, 'child safeguarding' end.

### 3. Legislative frameworks for child protection

This section sets out a review of the current legislative framework for child protection within Australia that is relevant in the context of updating and implementing the CPP<sup>21</sup>.

Australia has a number of laws dealing with criminal offences against children that clearly include behaviours that fall within commonly accepted definitions of child abuse, neglect and exploitation. Most (though not all) of the offences are found in the various criminal laws of each state and territory. States and territories are responsible for offences against children that occur within the boundaries of their respective jurisdictions. The Commonwealth has also enacted laws dealing with offences against children, which occur across state or territory boundaries or outside Australia.

Other than Commonwealth legislation that has been enacted for the specific purpose of having extra territorial application, state, territory and Commonwealth legislation generally only applies if the specified offence has taken place on Australian territory or more specifically, in the case of state and territory legislation, within their respective jurisdictions. Australian legislation that has the most significant direct application in the context of implementing the CPP is the Commonwealth extra territorial criminal legislation, dealing with sexual offences against children, and the state and territory child protection legislation. Versions of this legislation are referred to in the current CPP.

#### 3.1 Child Protection Legislation

In Australia the basic framework of child protection and support services aimed at preventing child abuse and helping children and families affected by child abuse is a state and territory responsibility<sup>22</sup> and covered by state and territory legislation.

Although the regime of state and territory child protection legislation does not have extra-territorial application, it is still relevant in relation to incidences, or suspected incidences, of child abuse or neglect of children in Australia (whether permanently or just visiting), by those involved in the delivery of Australia's Aid program. A list of the key child protection legislation current at the time of drafting the CPP is included in Attachment 3 of the policy.

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<sup>21</sup> The terms of reference for this review sought identification of any new legislative or Commonwealth policy requirements, which might need to be reflected in the CPP. In the period since the launching of the CPP in 2008 there has been no change in relevant Commonwealth policy that would and have a significant impact and as such would need to be reflected in the CPP. Accordingly reference is made to legislation only in this section.

<sup>22</sup> It is acknowledged that Commonwealth Government has had increasing involvement in relation to measure to address child abuse, particularly in relation to abuse of aboriginal children following the implementation of the Northern Territory National Emergency Response in 2007. The Commonwealth policy framework arising from that response does not impact on the CPP.



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Since the introduction of the CPP in 2008 there have been various changes to key child protection laws, including the introduction of new principal Acts in both the Australian Capital Territory (ACT) and the Northern Territory (NT). The specific changes to the various Acts do not however, materially impact on how the legislation can be used in the implementation of the CPP. A list of the key child protection laws current at the time of writing this report is provided in Appendix VII.

### 3.2 Key relevant Commonwealth legislation

In addition to Article 19 of the CRC, which places a general obligation on State parties to protect children from all forms of abuse, neglect and exploitation<sup>23</sup>, Article 34 stipulates that State Parties have the obligation to protect children from “all forms of sexual exploitation and abuse”.

All jurisdictions in Australia have laws dealing with sexual offences against children. The Commonwealth provisions cover sexual offences against children that occur across state boundaries, or make use of the Internet or postal services in Australia. The Commonwealth legislation also covers sexual offences against children committed by Australians while they are overseas.

In recognition of its obligation under Article 34 and because of an acknowledgment that a large number of individuals participating in child sex tourism originated in Australia (as well as other developed countries), in 1994, the Australian Government passed the *Crimes (Child Sex Tourism) Amendment Act 1994*, which introduced Part IIIA (*Child Sex Tourism*) into the *Crimes Act 1914* (“the *Crimes Act*”). Part IIIA covered a wide range of sexual offences against children under the age of 16 committed by Australians overseas<sup>24</sup>. The premise underpinning the legislation was that countries themselves are principally responsible for tackling sexual abuse and exploitation of children committed in their own country. The extraterritorial laws were only intended to fill the gap when countries were unwilling or unable to take action against known offenders. The rationale was, and still is, that child sex offenders should not escape justice simply because they are in a position to return to their home country.<sup>25 26</sup>

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<sup>23</sup> These obligations been taken up in Australia essentially through the various state and territory child protection regimens referred to in the previous section.

<sup>24</sup> In order to be liable for prosecution under the Part IIIA of the *Crimes Act*, (and now in the *Criminal Code 1995*), the offender must have been, at the time of the alleged offence, and Australia citizen or resident, a body corporate incorporated under the law of the Commonwealth, State, or Territory, or a body corporate they carried on its activities principally in Australia. (*Crimes Act*, s50AD; *Criminal Code 1995* section 272.6.

<sup>25</sup> David, F. *Child Sex Tourism Trends and Issues in Crime and Criminal Justice*(No 156 June 2000) Australian Institute of Criminology and echoed in the Report of the Legal and Constitutional Affairs Legislation Committee into Senate enquiry into the *Crimes Legislation Amendment(Sexual Offences Against Children) Bill 2010* (18 March 2010)

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In 2005, the Australian Government introduced further changes<sup>27</sup> to the Commonwealth criminal law, which put in place a range of offences related to the use of a telecommunication network or carriage services, such as the internet or mobile phone in relation to child pornography or child abuse material or to procure or “groom” a person under 16 years of age for a sexual purpose.<sup>28</sup>

The current CPP reflects the Commonwealth legislation introduced in 1994 and 2005. In 2010 with the commencement of the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010*<sup>29</sup> (“the Amending Act”), the Australian Government further updated and strengthened the regime of Commonwealth sexual offences against children, where those offences occur across or outside Australian jurisdictions, for example, over the internet or overseas. In the second reading speech to the Bill, the Minister for Home Affairs, noted and acknowledged the extent of the problem of sexual exploitation of children and Australia’s obligation under Article 34 to help address the problem.<sup>30</sup>

The Amending Act amends a number of Acts, including the *Crimes Act* and the *Criminal Code Act 1995*<sup>31</sup> (“the *Criminal Code*”). The Amending Act repealed Part IIIA of the *Crimes Act* and inserted expanded provisions previously contained in that part into new divisions of the *Criminal Code* namely, Division 272 (*Child sex offences outside Australia*) and Division 273 (*Offences involving child pornography material or child abuse material outside Australia*).

The Amending Act also amended the *Criminal Code*, in relation to:

- Offences relating to use of carriage services for child pornography material or child abuse material (Division 474, subdivision D) and

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<sup>26</sup> At the time of preparing this report it was not possible to precisely specify the number of countries around the world that had enacted similar extra – territorial legislation. However, in 2004 Child Wise reported that over 40 countries around the world had such extra-territorial laws. Karen Flanagan, Acting National Director, Child Wise 8 ECPAT in Australia) *Global Action to Combat Child Sex Tourism* Conference paper presented at the Crime in Australia: International Connections Australia Institute of Criminology International Conference, 29 -30 November 2004, Melbourne, Australia.

<sup>27</sup> *Crimes Legislation Amendment (Telecommunications Offences and other Measures) (No.2) Act 2004*

<sup>28</sup> Report of the Legal and Constitutional Affairs Legislation Committee into Senate enquiry into the *Crimes Legislation Amendment(Sexual Offences Against Children) Bill 2010* (18 March 2010) p. 12

<sup>29</sup> Commenced on 15 April 2010

<sup>30</sup> *Hansard* 4 Feb 2010 as cited in Senate Report ( 18 March 2010)

<sup>31</sup> The Amending act also amends the *Australian Crime Commission Act 2002*, the *Surveillance Devices Act 2004* and the *Telecommunications (Interception and Access) Act 1979*

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- Using a carriage service for sexual activity with person under 16 years of age (Division 474, subdivision F)<sup>32</sup>

New offences were also introduced into the *Criminal Code* relating to the use of Postal Services so as to mirror the telecommunication offences listed above<sup>33</sup>.

The following is a summary of the relevant key changes in the *Criminal Code* following commencement of the Amending Act:

- Strengthening of the previously existing child sex tourism regime by improving the operation of the existing offences for sexual intercourse or other sexual activity with a child<sup>34</sup>; and by introducing new sexual activity offences directed at aggravated conduct<sup>35</sup>, persistent sexual abuse and sexual activity with a young person<sup>36</sup> where the defendant is in a position of trust or authority in relation to the young person; introducing new procurement offences and new grooming offences<sup>37</sup>
- New offences of benefiting from, encouraging or preparing to commit sexual offences against children outside Australia
- Increasing the penalty for various offences

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<sup>32</sup> Division 474, subdivisions D and F contain amended provision previously found in subdivision C (*Telecommunications Offences*).

<sup>33</sup> These offences are located in Division 471, Subdivisions B (*Offences relating to use of postal or similar service for child pornography material or child abuse material*), C (*Offences relating to use of postal or similar service involving sexual activity with person under 16*) of the *Criminal Code Act 1995*.

<sup>34</sup> As with the provisions of Part IIIA, the offences relates to children under 16 years of age unless otherwise specified in the Act.

<sup>35</sup> The aggravating factors being if the defendant commits the underlying offence with a child who has a mental impairment and/or the defendant is in a *position of trust or authority* in relation to the child, or the child is otherwise under the care, supervision authority of that person.; *Criminal Code 1995*, s 272.10.

<sup>36</sup> Defined as a person between 16 and 18 years of age.

<sup>37</sup> The term "grooming" generally refers to behaviour that is designed to make it easier for the offender to procure a child for sexual activity. Under section 272.15, it is an offence to groom a child with the intention of making it easier to procure the child to engage in sexual activity outside Australia. The Explanatory Memorandum to the bill noted that, within Australia, offences already existed for grooming a child for sexual activity by using a carriage service for such behaviour. However while the previous child sex tourism offences prohibited engaging in sexual intercourse or sexual conduct with a child, or inducing a child to engage in such conduct, they did not criminalise behaviour leading up to actual sexual activity with a child. The amendment was included to ensure that equivalent offences were in place in relation to grooming a child for sexual activity overseas. (Senate report, 18 March 2010)

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- Introduction of new offences for Australians dealing in child pornography and child abuse material overseas, for which there were previously no offences applying extra territorially.
- Introduction of new offences for possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia.

The 2010 changes to the Commonwealth criminal law will need to be reflected in an update to the CPP, supporting procedures as well as training.

The expansion of the scope of the Commonwealth sexual offences against children is likely to contribute to an increase in complaints/reports to AusAID under the CPP. Any such increase will in turn have an impact on the level and/or nature of resourcing required for effective implementation of the policy.

### *Conclusions and recommendations*

- Given the changes to legislation since the introduction of the CPP, it is recommended that a revision of the current AusAID CPP be undertaken in order to reflect as a minimum, references to the new legislation, throughout the body of the Policy where appropriate, including updating and expanding the relevant definitions given in the abbreviations and glossary.
- An updated Procedures document should be developed to accompany such a revised Policy and that it include guidance on how state and territory as well as Commonwealth legislation could be used in the course of proper implementation of the Policy.
- It is recommended that reference to the new Commonwealth extra territorial legislation introduced in 2010 should form part of any child protection training provided to AusAID personnel, in country and at Posts, to AusAID staff or volunteers preparing to travel overseas and to NGOs/contractors.

### 4. Relevance of scope and approach of AusAID's CPP

The benchmarks for evaluating the effectiveness of AusAID's policy are drawn from a range of sources – international standards, CP audit tools, and so on – that taken together represent a comprehensive set of measures indicating best practice in this area. The full set of measures or indicators is at Appendix IX.

This section sets out a review of the scope, goal and guiding principles of the CPP and examines the relevance of these in the current international context for child protection and also how they are applied by AusAID.

#### 4.1. Scope

The scope of the CPP suggests coverage of all groups involved with AusAID funded aid projects, over which AusAID is able to exercise direct control through e. g. job contracts, funding agreements, contracts of engagement. The Policy is also intended to apply to subcontractors and other NGOS engaged in the delivery of AusAID funded aid activities.

The term “associate” that appears in the definition of the scope is not defined in the policy and it is therefore difficult to know the precise level of coverage in relation to this group.

Evidence from the review indicates the policy, at least with Australian NGOs, is only taken to the level of immediate partners. The review was not able to ascertain the situation in relation to contractors.

A significant lack of clarity was evident amongst NGOs participating in the review on their obligations for implementation and monitoring and if the policy should be applied beyond the first level of partner organisation or sub-contractor.

#### 4.2 Goal

The goal and principles appear broad and inclusive in their scope, and on the face of it are concerned with *all* forms of abuse that may be perpetrated against *all* children in the course of the delivery of Australian aid programs. This comprehensive concern for the safety and protection of children is driven by AusAID's clearly stated commitments to their rights as enshrined in the UNCRC.

However, the goal of managing and reducing risks of child abuse then becomes limited to those associated with staff (and volunteer) misconduct as described in the principle on ‘zero tolerance’. The review team found that, in practice, the focus is on minimizing the potential for sexual abuse of children by aid program personnel. This narrowed focus appears supported/encouraged/driven by the content of the CPP itself. For example, the text in Chapter 1 of the CPP which sets out the perceived ‘challenge’ of child abuse focuses on sexual abuse, despite the

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overall stated policy goal. Such a narrow focus on sexual abuse may, without a counter balance in other material and training, narrow AusAID staff, NGO and contractor thinking when it comes to considering and assessing risks to children within aid activities in the context of applying the CPP.

Focusing on risks from personnel, including the risk of sexual abuse is an essential area of focus but there are other risks associated with harm to children from aid activity, such as poor programming, that do not emanate from the *misconduct* of individual staff and associates. The CPP does not elaborate the range and potential sources of risk to children, nor does it clarify the role and responsibilities of its staff, and expectations of its partners and contractors, in relation to minimizing and responding to these CP risks and issues.

### 4.3 Guiding principles

The child protection policy is guided by these principles:

#### ***Zero tolerance of child abuse:***

The principle clearly states that it is unacceptable that any staff should place a child at risk or cause them harm in any way, but AusAID and its partners also have a wider responsibility to protect children and prevent abuse. Any AusAID funded development activity should not only consider how it will prevent such activity harming children through inappropriate contact with activity personnel, but it should also integrate CP considerations into its design and delivery systems and consider how best it can contribute positively to the increased protection of children.

#### ***Recognition of children's interests:***

From the clear reference to Australia's commitment to upholding the CRC within the CPP, it is taken that the intention of this guiding principle is to invoke the "best interest" principle as set out in Article 3 of the CRC as the basis for all action taken under the policy.

However, the review team found that although there were particular individuals within the Agency who gave some regard to the principle of "the best interest of the child" in the implementation and monitoring of the CPP, as a whole there was little evidence that this principle was in fact the basis for decisions and action taken in response to child protection concerns. In practice, it appears the principle guiding the implementation of the CPP, and in particular in responding to child protection concerns reported under the CPP, is to protect the reputation of AusAID.

This guiding principle also refers to particularly vulnerable groups of children. The review team found no evidence of specific measures being taken or procedures being developed to ensure that particularly vulnerable groups of

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children, including those specifically referred to in this principle, were protected in the context of delivering Australia's Aid program.

The review team noted that AusAID's policies on disability, *Development for All. Towards a disability-inclusive Australian aid policy program 2009 – 2014* or HIV, *Keeping Our Commitment. Australia's support for the HIV response* (June 2011) do not make reference to the CPP or the specific protection vulnerability of children with disabilities or affected by HIV/AIDs. Although the final draft of AusAID's *Humanitarian Action Plan* (December 2011) includes the CPP in the list of relevant policies to be considered in implementing the Action Plan, the Action Plan does not deal with, or refer to, the protection vulnerability of children in emergencies, despite containing a section headed "Protecting Children".

In line with the commitments made in these principles, AusAID should provide greater clarity on how it is upholding and enhancing the rights of children, including to protection and freedom from abuse. This suggests not only a focus on preventing harm (by AusAID staff and partners) but also on preventing harm through programmes and other organizational and funding initiatives.

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

It appears that NGOs in particular are actively supporting the collective endeavor to protect children and in many cases are ahead of AusAID in embracing a broader vision of how organizational CPPs can support increased protection for children in general, beyond the potential risks from staff and associates. Other Australian Commonwealth Departments are also using AusAID's Policy as an example of best practice and the suggested benchmark.

The shared responsibility, however, appears not to extend necessarily to Whole of Government partners, based on reports by a number of staff. Given that there is now agreement on the National Framework to Protect Australian's Children 2009 - 2020<sup>38</sup>, with the key theme that "child protection is everybody's business" and findings of the Independent Review of Aid Effectiveness (April 2011) that a significant amount of international development is undertaken by other government agencies<sup>39</sup>, as well as multi-lateral and bi-lateral agencies, there needs to be a consistent approach to child safeguarding across all of government in order to protect children in the delivery of aid and preserve the government's reputation.

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<sup>38</sup> Australian Government (2009) *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009 - 2020*

<sup>39</sup> The Review Panel found that 90 agencies are involved in Australia's Aid program, with AusAID being the most important. (pp 78).

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### ***Risk management approach:***

The review team endorses a risk management approach, which is essential in reducing the potential for possible incidents of abuse or harm to children. However, the mandatory risk assessments referred to in the policy are required to be undertaken by staff (and NGOs/contractors) when developing/designing activities *only when* the activity involves a person or persons 'working with children' as defined under the policy. These risk assessments are of course necessary but limited in their scope. If AusAID is to implement fully the stated goal of the CPP, risks associated with program design and delivery and the risks that exist in communities generally should be included, along with clear strategies and approaches for minimizing and mitigating these risks.

### *Conclusions and recommendations*

Child protection remains a valid term to refer to the activities designed to prevent and respond to children that may be at risk of, or experiencing, abuse and exploitation. It is helpful that child protection is already included within AusAID's 'Safeguards' framework. However, AusAID's focus in this respect is almost exclusively on the risk of abuse and exploitation to children at the hands of staff, volunteers, partners and contractors, and in particular on the risk of sexual abuse. This is at odds with the other Safeguards e.g. even the environmental management safeguard, which also focuses narrowly on the key issue of the legal obligation under the Australian *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), considers an activity in light of its potential harm to the community/environment.

Given the very high rates of child abuse, neglect and exploitation in the key countries in which Australia focuses its delivery of Aid<sup>40</sup>, and the growing emphasis by the Australian Government on aid effectiveness, working with a broader safeguarding children model would mean taking a positive and proactive approach to ensuring that all program activities consider how to increase the protection of children. A water and sanitation project, for example, would not only need to focus on who was recruited or deployed to deliver the project to ensure that they were not a risk to children, but would also, as a matter of course, build into the design process considerations such as where water points are to be located and the design of latrines, as these factors can significantly impact the safety and protection of children (and women). The project would also need to consider the possible negative impacts on children of the planned work and ensure protection risks and issues were amongst those considered in the design phase.

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<sup>40</sup> See for example, the statistics for the level of child abuse, neglect and exploitation provided for PNG in AusAID's own commissioned report in the UN Strategic Partnership Program, Independent Completion Report by Michael Miner and Lea Shaw ( 8 June 2011)



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Staff and partners will inevitably be confronted by specific incidents of violence, abuse and exploitation towards children in communities in which they are operating. Everyone associated with AusAID needs to be clear about their responsibilities in such circumstances, and what is expected of them in terms of responding to and reporting such occurrences. A broader child safeguarding approach would support AusAID in meeting these commitments,

AusAID has clearly been funding programs that would be categorised as "child protection programmes" both directly through programme funding <sup>41</sup>, as well as through the placement of volunteers in various organisations working with vulnerable children. To not have a child protection policy that is based on a broader notion of "safeguarding children" means AusAID could be seen as failing to meet Australia's obligations under the CRC, as well as potentially exposing children to harm through its activities, albeit unwittingly.

The review team received mixed feedback on extending the scope of the policy to 'safeguarding'. Some staff in AusAID argued for a continued emphasis on CPP as a compliance issue focused on ensuring partners, contractors and sub-contractors are meeting requirements to manage staff conduct towards children. This seemed to stem largely from a concern over the ability to work to an extended safeguarding brief. However, there was a larger lobby arguing to extend the scope of the policy to set it in a broader policy context relating to children and child protection generally, and for there to be a dedicated resource to support developments in this area.

- AusAID should, as a minimum, accept that children already represent a sizeable constituency in any given programme and that their situation, their rights and issues need to be considered and integrated in any development or humanitarian programme
- AusAID should develop a policy or position statement that describes its understandings and commitments to child protection in general (i.e. in relation to programmes) and to safeguarding children (ensuring safe environments for children i.e. preventing harm by adults in the delivery of aid and minimizing risk from a range of other factors including programme design/delivery, organizational operations and other actors beyond staff and associates).
- AusAID should consider recruiting a Children's Specialist as part of the Sector Quality Team working alongside Governance and Social Development Branch providing technical assistance in setting strategic directions.

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<sup>41</sup> See for example, AusAID 2009/2010 Annual Report pp 92 where reference is made to the AusAID's Asia Regional Trafficking in Persons Project and AusAID's four-year program to combat the commercial sexual exploitation of children in the Mekong sub – region

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- The Child Protection Policy be renamed The Child Safety Policy and child protection becomes understood as a specific set of activities within the broader context of child safeguarding. The Child Safety Policy should include a clear definition and description of child safeguarding and accompanying procedures and guidelines revised in line with this.
- Safeguarding children continues to be included within the Safeguards framework and is articulated to fit better within the framework with a focus on programming and wider child protection concerns
- Guidance relating to programme design and delivery is amended to include detail on how to integrate child safety. A simple tool within this guidance could also cover the other Safeguards and would serve as an overall risk assessment mechanism for the Safeguards framework.
- Provide examples of how child safeguarding as a concept and the development of policy and practice can be introduced to local partners in ways that increase their sense of relevance, ownership and commitment (see Appendix XI containing a case study of implementation in Vanuatu)
- Changes to the CPP and any subsequent changes to AusAID's approach to safeguarding children must be communicated to senior staff across other relevant government departments and agreements reached, at the very least, on compliance with safeguarding requirements when partnering with AusAID in any joint initiatives
- Any preamble as to the challenge posed by child abuse, in any updated policy should include the range and potential sources of risk as well as the role and responsibilities of those that come within the scope of the policy to minimize and respond to such risks and issues.
- Further updates of the CPP should include an unequivocal statement that decisions and actions under the CPP are to be guided by the principle of 'the best interest of the child' as set out in Article 3 of the CRC.
- Clarity on the scope of any revised version of the Policy should include a definition of the term "associate."
- Specific processes within AusAID should be developed that would enable information to be collected on the activities of other Commonwealth departments and agencies that are involved in the delivery of Australian Aid, particularly where this involves 'working with children', and the reported incidences of child abuse in the

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delivery of such Aid. Such information should form the basis for the development of a whole-of-government approach to safeguarding children in the delivery of Australia's Aid program, or at least the development of specific MOUs with specific departments or agencies.

- Given Australia's increased level of Aid Budget since 2008 and international moves to safeguard children, the exclusion of bilateral and multilateral organisations from the scope of the policy should be reconsidered.
- AusAID should advocate for incorporating child protection as a criteria for effectiveness in the Commonwealth Government's proposed multilateral rating database following the recommendation of the Aid Effectiveness Review Panel.
- If the above recommendation is not possible or feasible, AusAID should ensure that a system for monitoring child abuse incidences and breaches by specific multilaterals is maintained and the results of such monitoring should form part of the decision making process to provide or renew funding to such organisations. A similar monitoring system should be maintained and used for bilateral organisations.

### 5. Effectiveness of policy implementation within AusAID

This chapter provides an analysis of the effectiveness of policy implementation within AusAID. The chapter has been divided in line with the sections of the CPP.

#### 5.1. Ensure coordinated policy implementation

AusAID recognized the need for a dedicated resource to develop and support implementation of the CPP, including coordination of such implementation activities across the organization. The current CPO<sup>42</sup> is well known and well respected across the organization. She provides a central focal point for CPP activity, with staff recognizing her as the 'go to' person for any child protection matters. The CPO is well connected to most parts of the organization, both in Australia and overseas. This appears true also for contacts the CPO has with partner organisations.

The CP function was originally located in the Operation, Policy Support Branch (now the Agreements and Value for Money Branch) which reflects the early positioning of the CP initiative as a compliance matter, essentially an internal harm minimisation mechanism and a bulwark against reputational damage. At this stage the CP role was designed to build certain safeguards into procurement processes that would task contractors with offering assurances regarding potential misconduct by their staff.

To a large extent the CPP document is still seen in these terms, although the CP function has since re-located to a sectoral branch suggesting a broader view of CP and how it touches various aspects of AusAID operations. At the time of this review, consultations with staff in Canberra suggested the plan was to re-locate the CPO roles into a new section comprising several components including Human Rights. Whilst this might provide the CPO with more immediately accessible management support, it runs the risk of sidelining the CP function as the CPO will no longer report directly to the Assistant Director General.

The review team considers that additional resources are required for CP to meet the needs arising from future growth to Australia's Aid Budget, further training and awareness raising, implementation of recommendations from this evaluation and the potential for an increased number of CP issues being reported. The experience of many agencies is that increasing the profile of child safeguarding inevitably creates increased demands for advice, support and guidance and increases in the number of reported child protection incidents.

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<sup>42</sup> The term Child Protection Officer (CPO) is used throughout the report and this is the term used in the policy for the dedicated staff engaged as part of the policy implementation. However, it is acknowledged that since May 2011, that position has been renamed as the "Child Protection Specialist" within AusAID. Since September 2011, AusAID has allocated a part-time Senior Policy officer to assist with the implementation of the CPP. This position has been allocated as full-time since December 2011.

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AusAID also needs to change the way the CPO role is perceived, in order to shift responsibilities to others in the organisation. CP is clearly fixed with, and owned by, the CPO in everyone's mind making it easy for others to avoid taking responsibility.

### *Conclusions and recommendations*

- If AusAID takes up earlier recommendations and moves to a broader definition of "safeguarding children", the location of the CPO within a policy section of AusAID would be more appropriate.
- CP is an important function that needs to be adequately resourced, and certainly the position working to the CPO should be appointed full time.
- In order to promote 'CP is everybody's business' and increase the sense of ownership and responsibility for CP, it is recommended that a system of departmental/branch champions be developed. This would be in line with in the 2010/2011 AusAID annual report which makes a commitment to "building a network of child protection officers and focal points"
- It is recommended that a member of the senior executive be designated as responsible for overseeing plans and progress on child safeguarding and delivering updates/taking issues to relevant senior management forums and oversight committee/s.
- Ensure a closer relationship between the CP function and the Audit Branch, with a view to increasing cooperation, learning and developing consistency of approach.
- In order to further increase a sense of relevance and ownership across AusAID and to encourage and support integration of child safeguarding, links should be made to organizational values and other initiatives. A short note, perhaps developed with those responsible for other AusAID Safeguards, could be developed that describes how safeguarding children is linked to, for example, transparency and accountability agendas, and to concerns relating to quality, aid effectiveness, and wider goals and values.

### **5.2 Integration of CP into business processes and systems**

The consensus amongst staff interviewed in Canberra is that the CPP is well embedded in systems for procurement and grants, and represents one of the few 'hard gates' within AusAID, i.e. non-negotiable requirements that must be met to access funds, recruit staff or commission contractors<sup>43</sup>. Staff with programme

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<sup>43</sup> The Aidworks system, which covers all tendering and contracting processes and records all activities and milestones, requires responses based on trigger questions regarding work with children as an element of any potential funded activity. All templates for procurement were updated when the CPP

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funding responsibilities are required to obtain the policies of any agencies to which funds may be disbursed, where the activities involve work with children, and to satisfy other questions regarding CPP compliance. Strenuous efforts have been made to build child protection policy requirements into systems and processes described in this section, with varying degrees of success.

### **5.2.1 Internal recruitment and screening processes**

Extensive work has been done on recruitment and selection procedures and processes to ensure high levels of compliance. A separate guidance note has been developed to describe the steps required to ensure that child protection is incorporated. The vetting process for staff recruited to AusAID, as is required for the broader Australian Public Service, includes a rigorous set of checks on prospective employees, and additional criminal records checks for AusAID.

At the time of the review, AusAID was developing new guidance to increase due diligence in procurement and grants, particularly in the area of criminal records checks. Although thinking on this in AusAID was still at an initial stage, it appears new 'Good Fame and Character Guidelines' are intended to make such checks mandatory for partners to ensure that they are managing risks in recruitment and selection through the adoption of appropriate vetting procedures. The draft guidance was not made available to the review team, but through discussion and brief inspection of some elements of the draft material it appears that the guidance will prove valuable to AusAID in strengthening the requirements on partners to background check their staff and provide assurances that all due care is being given to the appointment of staff, especially those working with children.

There was some confusion between the team and the NGOs interviewed on the level of checks that are possible. AusAID attracted some criticism from NGOs for using national police checks for non-nationals, rather than the more comprehensive 'working with children' check. However, it is the review team's understanding that all applicants for Australian Public Service are required to submit to a police check – whether national or non-national (though most APS positions require that the person be an Australian citizen or permanent resident – unless otherwise specified). 'Working with children checks' are State/territory based – not national – so if they were to be used for each applicant a check would have to be undertaken in each state/territory. Such checks would pick up a national or 'non-national' that has worked legally within a state/territory.

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was introduced and further developments have been made to ensure CP is reflected in the procurement process.

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### *Conclusions and recommendations*

- AusAID should consider the applicability of the new due diligence guidance to a range of stakeholders.
- The CPO should be closely involved with the development of the guidelines to ensure broad applicability of the guidelines and that they are developed in line with international best practice
- Repeat checks on staff should be done every three years, rather than the five years recommended in the draft

### 5.2.2 Internal procedures for handling complaints related to child abuse

Under the CPP staff have a mandatory obligation to “report immediately concerns relating to child abuse and child pornography by anyone covered by the policy”.

#### **Complaints information**

Based on summary data provided to the review team by the CPO, AusAID received a total of 20 reports of child protection concerns for the period from March 2008 to December 2011. Of the total reports, 5 were identified as being outside of the scope of the CPP, 7 were not substantiated and the remaining 8 were substantiated.

Of the 8 substantiated reports all involved allegations of misconduct by NGO staff in-country. All but one of the 8 reports resulted in prosecution or the taking of disciplinary action against the staff member.

Of the total reports received 2 were received in 2008; 3 were received in 2009; 4 were received in 2010 and the remaining 11 were received in 2011. All the substantiated reports were received by AusAID during 2011.

It was clear from the review team’s interviews with staff, and from the result of the staff survey, that a significant proportion of staff at all levels were not aware of their obligations under the CPP.

The process for reporting child protection concerns is described in a flowchart and tends to include reporting directly to individuals rather than recording incidents (one informant commented that ‘nothing much is written down in AusAID’).

It was only in October 2011 that a specific form was developed by the CPO (based on a form used by the New South Wales ombudsman's office) to assist with collecting and recording appropriate and comprehensive information and monitoring the follow up of the allegations of abuse received. However this form

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is only used in relation to complaints involving NGOs/contractors, is not widely distributed and is described by the CPO as an “informal form”.

DFAT has specific procedures (also described in a flowchart) for handling concerns regarding sexual abuse for both Canberra and Posts. The scheme outlined essentially covers internal reporting lines and the priorities seem to be to ensure ‘people above’ know of any concerns as soon as possible, and to notify the AFP, so that they can deal with possible media attention. However, there is nothing in the procedures on what should be done as a matter of good practice in assisting the child/young person who is the focus of that concern. This is particularly important at Posts.

In reviewing the procedures and discussing a number of scenarios that might give rise to reports with relevant staff, the review team found there was some uncertainty about what response would be made and by whom. This was in stark contrast to the handling of fraud reporting, which follows very clear procedures, and always prompts a rapid and robust response.

Under the reporting procedures set out by AusAID, the CPO would technically only become aware of complaints involving contractors, NGO personnel or volunteers but not AusAID staff. This clearly does not fit with the requirement on the CPO to ensure co-ordinated implementation. If the CPO is not made aware of allegations involving staff, the ability to properly monitor its implementation and overall effectiveness is seriously compromised.

Unresolved concerns amongst some senior staff about the perceived legal liability implications on the Agency of keeping what is considered ‘confidential/sensitive’ information in relation to allegations of abuse, appears to be acting as an impediment to collecting and keeping written information relating to child protection allegations. This has a serious impact on the ability to ensure well informed decisions are made that are not only in keeping with the best interests of the agency but importantly, with the principle of “the best interests of the child”.

### *Conclusions and recommendations*

The complaints data, unsurprisingly, clearly supports the usual trend that numbers of reports of child abuse increase following the implementation of an organisational child protection policy when staff, and others, become aware of it and become more confident in using it. This trend of increasing numbers of reports will more than likely continue, especially with the increasing awareness of CP in the aid and development sector in general and in AusAID and its partner organisations in particular, through AusAID's recent efforts to provide greater information and training about child protection. The increase will be even greater with improved reporting procedures that the Agency is endeavoring to put in place.



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There is scope in the improved reporting procedures for significantly increasing the clarity of the reporting process and spelling out in detail the precise steps that should be taken in the event of a CP issue arising.

- Reporting and responding procedures to be used by NGOs and contractors and others falling within the scope of the CPP should be developed as much as possible in consultation with them
- Align procedures and guidelines as far as possible with the processes deployed to deal with incidents of fraud
- Ensure guidance covers how to respond to CP concerns at Post and that this includes CP issues that may come to AusAID but do not involve AusAID or partner staff
- Include in the guidance, instructions on local mapping to support Posts in identifying the legal and social welfare contexts in which they operate, referral paths and local resources for child protection (see also recommendation in 3.2)
- In order to alleviate concerns about reporting and as a means of encouraging staff to report concerns, the policy and guidance should include a statement making explicit AusAID's commitment that all such reports would be appropriately investigated and followed up and that no action will be taken against any person that makes a report in good faith, whether the report is later found to be substantiated or not.
- Clarify for NGOs the reporting requirements to AusAID in the event of CP issues in their agencies or those of implementing partners, and increase transparency on what happens to reports within AusAID.
- Ensure that reporting guidelines within AusAID identify clearly that the safety and protection of children is the paramount consideration in any child protection incident, rather than to deal with any possible negative publicity and associated reputational damage.
- AusAID should obtain legal advice on the collection, retention and use of information on reported incidences of child abuse from staff and others that come within the scope of the CPP. Subject to the legal advice, the improved reporting procedures should include appropriate measures for collecting and analyzing information on reported incidents to enable the CPO to monitor trends in reported cases and, where appropriate, address any issues arising by amending the CPP policy, procedures or otherwise.
- All reporting and responding procedures should be well publicized to all the intended target groups, both internally and externally.

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### 5.2.3 Appropriate use of communication systems

The interpretation of this commitment/obligation is the use of the agencies communication systems to access any pornography, including child pornography. This is a narrow interpretation but also one that sits within the Fraud Policy and would be picked up by the rigorous implementation of that policy.

There is a heightened awareness, at least at the manager/unit level, about the obligation/commitment to ensure appropriate use of children's images and the need to obtain the children's consent. Various guidelines and tools have been developed for this purpose.

From interviews with the relevant staff, however, there does not appear to be a specific procedure or guideline in place for determining what is or is not an appropriate image. In the absence of guidelines on use of images, decisions or questions are referred to the CPO. This proves problematic in her absence and detracts from collective responsibility for child safeguarding and relevant staff making these decisions locally.

#### *Conclusions and recommendations*

- Develop detailed guidance on safeguarding children in the use of their images, stories and other information relating to individual children.
- Clarify decision-making processes on use of images, etc. and who or at what level decisions are made to include images.
- Training, guidance and supervision to be made available to children using agency IT systems/platforms in order to assist them in understanding the risks associated with new technology.
- Develop IT safe usage policy to ensure staff do not abuse technology and that children put in contact with new media are kept safe.
- Review use of IT to detect inappropriate usage.

### 5.2.4 Incorporate child protection strategies into risk management procedures

Procedures have been developed to ensure that risks of child abuse are assessed as part of the initial risk assessments of aid activities. There was a lack of clarity amongst staff within AusAID and partner agencies on the term 'working with children' which triggers risk assessment for CP. To support risk assessment the CPP states that details of key risk features and management strategies are available on request to contractors and NGOs. A key criticism from NGOs is that these documents are not readily available to all through e.g. the Internet, and NGOs need to request them. There was a concern raised by one NGO that if they were to request the procedures from the CPO the request may raise suspicions

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within AusAID, which would have consequences for the agency. These documents were not amongst the material made available to the review team at the time of this review.

The focus on risk currently relates to identification of activities that involve 'working with children', which trigger the relevant CPP requirements. A broader child safeguarding approach would necessitate more sophisticated risk assessments e.g. incorporating child safeguarding into risk assessment processes relating to programming and emergencies.

### *Conclusions and recommendations*

- It is recommended that a broader child safeguarding risk assessment format and guidance be developed.
- Potential child safeguarding risks should be identified at individual and programme level in the design, planning, delivery and review of projects in all sectors so that all programmes e.g. health, education, etc. contribute to the increased safety and protection of children
- It is recommended that a process to monitor, discuss, and document external risks to children be developed (e.g. linked to security, cultural, socio-economic, etc.) that might have a significant bearing on AusAID funded programmes.
- AusAID risk register should identify specific CP risks and mitigating actions.
- AusAID needs to produce a more detailed definition of the term 'working with children' that clarifies precisely what this means and the scope and applicability. It is recommended that AusAID consult with key stakeholders such as NGOs to determine the difficulties and constraints of the current definition and establish agreements about the scope of a new definition

### **5.2.5 Codes of conduct**

There appears to be a good deal of inconsistency in the way that Codes of Conduct (COCs) apply in AusAID. The CPP COC is position based, i.e. staff have to be 'working with children' or in certain environments for it to apply. The CPP Code of Conduct (COC) does not apply to Overseas-based staff or to AusAID staff travelling, or undertaking placements, overseas. However, even for those staff who are covered by the CPP COC, they are also bound by the requirement of the APS Code of Conduct which includes the requirement to act lawfully and ethically.

Overseas-based staff are exempt from the CPP COC to avoid placing the same restrictions on them as are placed on Australia-based (expatriate) staff, for

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example, not sleeping in family or community homes. O-based staff are bound by the CP policy, and although the COC does not apply, they do have to abide by the other codes/guidelines which cover both a requirement to behave ethically as well as lawfully in line with the requirements of the APS Code of Conduct.

AusAID staff based in Australia that travel and undertake placements overseas are required to abide by another COC, the AusAID Code of Conduct for Overseas Service, which also appends details of specific guidance on appropriate behavior with children

NGOs have to be signatories to the ACFID's Code of Conduct, which means they already have to have a CPP, to become accredited agencies with AusAID.

Interviews with both AusAID staff and Australian based NGOs revealed that there was much confusion about the legal status of the CPP Code of Conduct and its intersection with an employees employment contracts. Within AusAID itself, it appears that the code is seen subordinate to be APS code of conduct in the event that any action was to be taken against an employee for inappropriate behaviour towards children.

### *Conclusions and recommendations*

- The APS code represents the highest-level code that applies to all A-based staff, yet this does not specifically reference child protection. Efforts should be made to include a clause of staff conduct and child protection responsibilities in the APS code
- One single CPP COC should be devised that applies to all AusAID staff and others that are in a contractual relationship to AusAID, regardless of their status, location or any other variable

### **5.3 Increased awareness of child protection issues**

Since the CPP was introduced<sup>44</sup> there has been a substantial and continuing effort to communicate on the policy and to raise awareness of its existence and the implications for staff and partners alike.

An extensive dissemination campaign began when the CPP was introduced, which was centrally funded, with the previous CPO providing briefings and trainings within Head Office and also around a large number of Posts. Over 2000 staff and partners have been trained in AusAID's Child Protection standards. The present CPO has continued this initiative by providing three hours of training on

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<sup>44</sup> Though the review team it is noted that the introduction of the CPP in March 2008 was not referred to in either the 2007/2008 or 2008/2009 AusAID Annual Reports. Reference is first made to the Policy in the 2010/2011 Annual Report. This is somewhat surprising given the support and prominence the Policy is said to have had within the agency at the time it was launched.

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CP to staff at Posts, but this has proved costly and will be completed early in 2012. The costs of receiving training at Post from the CP staff now have to be met by Posts.

CP training overseas, as well as in Canberra, is delivered in the context of 'Safeguards' training (a session of which was observed by the review team at Post in Cambodia). Participants work through a large-scale scenario and consider how the five 'Safeguards' or cross cutting issues impact on the situations described in the scenario. A separate briefing is then delivered on CP. Although there are merits in this approach, and it will be increasingly important to fully integrate safeguarding children into the Safeguards training, in the workshop observed by the review team there was insufficient time to deliver key child safeguarding messages and impart basic level information on child protection.

Feedback from staff both participating in the staff survey and those interviewed during the review, confirmed that the vast majority of staff interviewed were aware of the existence of the CPP; in the survey just over half had received a copy of AusAID's policy. The majority of these staff, however, felt that they were only a little, or not at all, familiar with the contents of the policy and felt that they needed more information to understand their responsibilities and commitments.

A significant number of staff also admitted to not attending any training or learning opportunities, despite this being mandatory, as they were too busy with other things. Those that had attended, on the whole, were unable to remember very much of what was presented to them. Feedback from those participating in the staff survey suggested that attending training to glean information on child protection was the least preferred option. Most staff were using the website fairly frequently to access information on child protection and most staff who wished to learn more requested that this be done via information on the website, leaflets and other communication items. The e-learning course, which is currently in development, should prove a useful training tool for busy staff that prefer computer-based learning.

However, despite the lack of understanding described above, most staff were confident on how to report abuse and would go through their line management or straight to the Child Protection Officer.

### *Conclusions and recommendations*

It is clear from the staff survey and from interviews with staff that the existence of the CPP is well known within AusAID, but that its contents and obligations are far from familiar.

- Once revised, the safeguarding children policy should be re-launched, accompanied by a vigorous process of dissemination and communication.

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- All staff, both in head office and in Posts receive robust and meaningful training on both the CP and appropriate risk assessments for child protection that is tailored to the different areas and levels of the Agency.
- The e-learning project should be re-visited to ensure consistency with any changes made to the policy as a result of the review recommendations, and this initiative be launched as close to the original scheduled date as possible in order to increase access to training for all staff.
- Training on child safeguarding, via the e-induction tool, should be compulsory and a time limit of 6 months from the point of launch be placed on everyone to undertake the course.
- Beyond the initial staff induction training, specific training, using appropriate delivery modes, should be developed for (i) executive level staff and (ii) staff working in Humanitarian and Emergencies. Not all aspects of such training would need to be mandatory for all staff.
- A process of regular training up dates and refresher courses should also be implemented and tracked to ensure that the CPP continues to be embedded and keeps up with broader changes in the evolving Australian Aid program.
- To ensure staff attend training, AusAID should ensure appropriate time is allocated to such attendance and not expect staff to simply include it into already busy work schedules. Training attendance should not only be tracked but promptly followed up with non-attendees.
- The changes in legislation and the legal basis for child protection should also form part of safeguarding training
- Other communication and awareness raising initiatives should be devised to maintain attention on safeguarding, such as regular email bulletins, development of online presence, posters, email reminders, bulletins, and so on.
- The network of focal points/champions suggested above (5.1) would also be crucial in maintaining a focus on safeguarding within teams.
- Develop a more efficient training model to ensure the delivery of physical training to Posts, for example via a programme of Training of Trainers and/or accessing local training e.g. via international or local NGOs
- In addition, a travel budget should exist to enable visits by the CPO and other CP staff to deliver or support training events (in addition to visits for other purposes).

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- A training strategy should be developed that identifies, based on a learning needs analysis and in light of the recommendations of this review, what learning and development needs must be addressed in order to ensure all staff and those with specific responsibilities for child safeguarding, are equipped to carry out their roles in line with the policy.
- To address child protection issues and to properly implement the CPP in a significant and sustainable way in-country, context-appropriate responses to protecting children will be required. To assist with this it is recommended that a simple child protection “fact sheet” or “mapping” be developed and maintained for each key country in which AusAID funds aid programs that come within the scope of the CPP. Such “fact sheets” or “mapping” should include information on local laws, systems, customs and services, where such exist, for the protection of children. The document should be developed in conjunction with relevant local organisations. (See also section 5.2.2 on complaints mechanisms).
- It is recommended that the “factsheet” or “mapping” should also form part of training and preparation of staff, volunteers, NGOs/Contractors travelling overseas.

### 5.4 Ensure risks to children are managed in disaster situations

Various efforts have been made recently to support AusAID in how it responds to disasters and emergencies with a particular focus on the development of standard operating procedures, partnerships and training. However, according to one informant protection (including child protection) has struggled to make its way into these initiatives. This in part is due to a reluctance to add further to guidance on delivering humanitarian aid that has been produced by the Humanitarian Policy section in order to keep the guidance as short and simple as possible. There are also specific Whole of Government issues to address in humanitarian response with the deployment of military, for example, as well as medical and search and rescue experts that sit outside the APS Code of Conduct.

According to humanitarian staff involved in this review, CP had been included in recent emergency responses by training staff and partners on the CPP. There was apparently good feedback on this support from training participants in Pakistan and Burma (the training in Burma was apparently very well received by AusAID staff and UNICEF, NGOs, etc.)

The final version of the Humanitarian Aid Policy commits the implementation of the Action Plan to include the CPP (along with other safeguarding policies), but does not specify any measures to address the protection vulnerabilities of children in emergencies. The Action Plan does make clear reference to AusAID working in line with the various International Standards for Humanitarian Action, including the SPHERE Humanitarian Charter and Minimum standards in Disaster Response.

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## *Conclusions and recommendations*

- Child protection concerns need to be highlighted in key documents relating to emergency response so that the particular vulnerability of children is recognised and priority given to CP issues in disaster response.
- CP should be incorporated into DRR and emergency preparedness planning.
- Assessment tools for use in emergency response should include identification of CP risks and issues (in general and in relation to child safeguarding).
- AusAID should promote and encourage organisations it is funding to link into CP coordinating mechanisms that exist locally.
- AusAID develops guidance on rapid recruitment and deployment of staff/associates at times of emergency, which includes advice on conducting rigorous CP checks under such circumstances, and familiarisation of personnel with the CP Policy and Codes of Conduct. This guidance should be shared with partners, contractors, etc. and good practice in this area should become an expectation of other agencies.
- AusAID to review the extent to which CP is integrated into humanitarian policy and emergency programming, and to examine how risks relating to child protection in emergencies can best be mitigated. This review should include an exploration of risk issues with other government departments in order to achieve consistency and compliance across Whole of Government in addressing child protection risks and issues in emergency response.

## 5.6 Implementation monitoring

In general, many of the CPP requirements are "embedded" but there is a problem with inconsistent and unclear requirements on those needing to comply with them. The follow up to check effective implementation is also poor.

Examples of where monitoring could be improved are:

- Staff training - conclusions drawn above are that staff are either not receiving training or cannot remember its content. There is currently no system to follow up who has been trained. The introduction of the new e-learning project should address this in part.
- An overall assessment of performance in child protection at the organizational level. Targets are set for supporting implementation of the CPP, but these are individual targets for the CPO.



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- Annual performance reviews of contractors are not taking place, so compliance with the CPP is not being adequately monitored in this area.

### *Conclusions and recommendations*

- Revise existing standards and develop supporting guidance to clarify exactly what is required of all stakeholders in relation to safeguarding children.
- Set clear targets and accompanying indicators by which to judge effective implementation within AusAID.
- Maintain records of staff that have received inputs on child safeguarding via e-learning, contact training mechanisms and any other formal dissemination methods.
- Conduct annual performance reviews of contractors.
- Continue to review the policy at three-year intervals (unless there are significant changes in legal, policy or organizational contexts).
-

## 6. Effectiveness of CPP implementation with Partners

### 6.1. Partner contracts and agreements

The CPP refers to a number of obligations on contracts in which AusAIDs is in a direct contractual relationship with another organisation implementing an aid activity. The child protection compliance standards for NGOs and contractors detailed in Attachment 1 of the policy are divided into five categories of organisational type and the compliance standards vary across the categories.

**Category 1:** *Contractors (excluding individually contacted advisers/consultants)*

**Category 2:** *Individually contacted advisers/consultants to AusAID*

**Category 3:** *AusAID accredited Australian NGOs and ACFID code of conduct signatories*

**Category 4:** *Local (developing country) NGOs, e.g. funded by AusAID small grants schemes*

**Category 5:** *All other types of organisations (for example, Australian NGOs without AusAID accreditation and major international NGOs)*

Although the requirements set out in the compliance standards cover the very basic requirement on organizations ‘working with children’ in the course of delivering Australia’s Aid program, the review team noted the following in relation to the appropriateness of the standards:

- Although local (developing country) NGOs under Category 4 are required to have their own child protection policy in place if implementing activities involving personnel working with children, there is no specification as to the minimum requirements for such a policy, unlike the specification for category 1, 3 and 5 type organisations. Given that local NGOs are the organizations most likely to have personnel working with children, the requirement to have a child protection policy without any other guidance or requirements is a significant gap.
- The compliance standards are written assuming that each of the organisational types referred to are in a direct relationship with AusAID. This makes it difficult for NGOs to directly apply the compliance standards to their partners, or subcontractors who would not be in a direct relationship with AusAID. For example, as written, compliance standard 3, which reads ‘*Must comply with all contractual requirements relating to AusAID’s Child Protection Policy*’, and is applicable to category 1, 3 and 5 type organizations, assumes a direct contractual relationship between AusAID and the organisation to which those standards apply. Translating such a requirement into contractual clauses or other

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obligations between a contractor and subcontractor, NGO and implementing partner or NGO and contractor would prove difficult if not impossible to implement.

The following inconsistencies were also noted between the wording of the CPP, supporting documentation and various clauses within standard contracts and header agreements:

- Inconsistencies or lack of clarity on whether organisations coming within the scope of the policy are to report to AusAID only if issues of child abuse arise specifically within the AusAID funded projects/activities or more generally, i.e. in any in project/activity undertaken by the organisation. This is a particular concern to large organisations, which manage multiple projects funded by a range of donors.
- Inconsistencies or lack of clarity on what and when a report of child abuse is to be made to AusAID. For example, at the stage when an employee or volunteer has been accused of child abuse or only if the employee or volunteer has in fact been convicted of a criminal offence relating to child abuse. Should reports to AusAID be made immediately or within a specified time period? AusAID's standard header agreement is interpreted as requiring reports of child abuse to be made within five days but other documents refer or imply to "immediate" reporting of such matters.

It was noted by participants in the NGO focus group discussions that including requirements only in the header agreement (or contract) rather than specifying it clearly in the policy or supporting documentation means that in practice those within NGOs tasked with implementing the CPP are not always made aware of the requirement. Header agreements are usually only provided and cited by the organisations senior executives and/or financial officers. This of course has an impact on proper implementation.

### *Conclusions and recommendations*

- It is recommended that the requirements of the compliance standards be embedded into contracts and funding.
- It is recommended that obligations and requirements be applied to subcontractors and the obligation, if any, on head contractors to monitor such application, be clearly set out in any subsequent update of the policy and supporting procedure documentation.
- All obligations and responsibilities on those coming within the scope of the CPP should be set out in clear and unambiguous language that can be understood without requiring reference to other Agency documents (e.g. header agreements or contracts).

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- Following any revision to the CPP, it is recommended a review be undertaken on all supporting documents e.g. the relevant clause of contracts, header agreements, to ensure that the specified obligations and requirements on staff and others falling within the scope of the CPP are clear, consistent and unambiguous.
- A subsequent campaign/process of notifying relevant organizations of any changes or clarifications to contracts and header agreements should then be undertaken.

### 6.2 Compliance of AusAID funded NGOs

#### 6.2.1 At Headquarters

Implementation of the compliance standards appears to have been substantially achieved with organisations falling within the five categories of organisational types with whom AusAID has an *immediate* contractual relationship. AusAID has embedded various child protection requirements in contracts and header agreements, organisations have developed child protection policies which, where required, have been determined to be in line with the minimum requirements set out in the policy and risk assessments have been undertaken for activities that involve working with children.

Head Offices of NGOs were not included in the visit, but based on Focus Group Discussions (FGDs) with representatives of NGOs in Melbourne and Sydney and some individual interviews with representatives not able to make the FGDs (see Appendix V for agencies participating in these sessions) it appears that a wide range of activities is being undertaken to ensure compliance with AusAID standards, and indeed to go beyond these to ensure agencies are really 'getting it right' in this critical area.

Participating agencies appreciated AusAID's efforts to address CP and were complementary about the support provided via training, networking and other initiatives to enable agencies to understand the expectations placed on them by the policy and to meet the standards. Almost all expressed the view that the policy has placed child protection on the agenda of many organisations, or had re-focused them on the issue, increasing their sense of accountability.

A significant investment has been made in partner agencies, particularly NGOs, to ensure they understand the requirements of the AusAID CPP and to also support them in developing and implementing similar policies. The Child Protection Knowledge Sharing Project successfully brought together more than 100 child protection officers from Australian and international NGOs and contractors through an online forum and a face to face workshop. The project broke new ground for AusAID; it was an innovative approach to working with partners using a blended approach, including social media.

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The aim of the project was to improve the understanding and application of AusAID's child protection policy by individuals and organisations involved in the delivery of Australian aid. The project provided many NGOs and contractors with practical information and resources on how to implement a child protection policy. The NGOs and contractors that benefited most from the project were those that are not child focused, have only recently developed a policy, or are smaller organisations. AusAID led the project, providing appropriate training and resources to carry out the project effectively. The project's lead agencies—Childfund, World Vision, Plan and Save the Children—shared expertise and resources, and their openness was widely appreciated by the project participants.

The feedback from the project evaluation was overwhelmingly positive, although the project also served to highlight a large number of challenges that NGOs still face and require support on from AusAID.

The challenges to full implementation mainly relate to ensuring local implementing partners were fully compliant, but also to difficulties experienced with the CPP itself and the CP function within AusAID. Examples of these include:

- Lack of clarity from AusAid on the timeline for implementation of the Policy.
- Many NGOs (especially those that have been working on implementation for some time) cite an issue with a lack of resources, both with a lack of funds from AusAID to assist with the implementation and with time allowed to ensure compliance.
- There was a lack of clarity regarding definitions and the specific requirements placed on NGOs and other categories of partners.
- Differing responses from AusAID to enquiries made about the Policy; different people giving different responses to the same question or the same person giving different responses on different days.
- Development of codes of conduct in country with local partners had proven difficult because of cultural differences and sensitivities. Many NGOs indicated that development of a meaningful and accepted child protection policy and associated code of conduct in local context took a great deal of time and resources and this was not always taken into account within the timeframe of compliance and funding requirements by AusAID.

### **6.2.2. At field level**

All NGOs being funded by AusAID that were visited as part of this review had a Child Protection Policy. The extent of the implementation of that policy varied

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between organisations and the challenges being experienced by NGOs differed according to their focus.

In Cambodia the organisations that were particularly strong on CP were those international NGOs that are child focused, members of bodies that offer support and resources on child safeguarding<sup>45</sup> and work through Country Offices. These organisations have worked to ensure that the level of awareness raising, training and consultation with children and communities is significant and the support they are able to provide to their local implementing partners through the Country Office is considerable. In line with the feedback received from NGOs in Australia, these organisations adopt a 'safeguarding children' approach and their policies and initiatives go well beyond AusAID's child protection requirements.

International organisations that are not child focused but have a good CPP and work through Country Offices, were also able to support their local partners to understand their role and responsibilities on CP and have supported a certain level of dialogue with children and communities. These organisations are strong on compliance regarding staff and associates (and comply with AusAID requirements). The challenges these organisations face tend to be in engaging children fully on child protection and in ensuring staff fully understand what is acceptable and unacceptable when it comes to contact with children.

In contrast to this, it was evident from the field visit that the greatest challenges in implementing and understanding the CPP arose when an organisation did not have appropriate resourcing and support from an INGO.

Whilst it is difficult to generalize on field level implementation from one field visit, it would be reasonable to assume that the same challenges would be experienced by similar organisations in other locations.

### *Conclusions and recommendations*

- AusAID should promote with partners the importance of child participation in the safeguarding process and provide materials, training and guidance on this (materials and training already exist for this).
- It is recommended that AusAID invest in providing appropriate training on risk assessments to NGOs. It is only by appropriately identifying risks to children in the course of delivering aid activities that steps can be taken to mitigate against them.
- It is recommended that the policy or supporting documentation have included further guidance on child safeguarding and its application in different cultural contexts.

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<sup>45</sup> The organisations were members of Keeping Children Safe Coalition

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- It is recommended that AusAID grant applications include an option to seek funding for strengthening child safeguarding measures.
- AusAID should work with ACFID on strengthening the requirement of local implementing organisations of partners to develop adequate child safeguarding measures within a clear timeframe.
- AusAID could promote and signpost for partners (through the new policy and in trainings, for example) the need to link into child safeguarding networks at national level (Australian forums and local networks in country) as well as at international level (e.g. the Keeping Children Safe Coalition) as a way of accessing advice, support and guidance.
- Revive the Knowledge Sharing Project in some form so as to provide NGOs in Australia with the opportunity to network, share experiences and resources, access joint training and generally create a forum for discussing challenges of implementation

### **6.2.3 Accreditation and monitoring of AusAID funded NGOs**

It was clear from information provided by the AusAID accreditors during the course of the review, that the process of accreditation merely permits an assessment of whether the organisation has a child protection policy meeting the minimum requirements of the CPP. The accreditation process has little scope if any to determine whether the policy is sufficient in light of the requirements/work/activity of the organisation to safeguard children or whether the policy is appropriately implemented.

There seemed to be a high degree of tolerance shown in the compliance process towards implementing partners of NGOs based on a general acceptance that it is difficult for them to develop/implement CPPs. ANGOs and INGOs were therefore seen as compliant with the AusAID standards even though their local partners might not have CPPs in place. ACFID also adopts a similar approach to implementing partners of its members when it comes to putting CP measures in place – members can tick ‘partly met’ on this area of compliance and this is considered acceptable because compliance for local partners is deemed too challenging. This approach is potentially very risky. A better approach would be to be more demanding of partners but also more flexible in the level of support they might need to be compliant.

All NGOs participating in the review fed back that AusAID could provide more support than they do currently, both in terms of finance and knowledge sharing opportunities and to link NGOs in to local networks that could provide support on CPP. This was also borne out by responses from organisations participating in the survey, which welcomed CPP being a condition of receiving funding, but suggested funding should include support for training or other resources to implement the CPP fully. A number of NGOs also suggested that funding



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organisations should monitor and evaluate whether grantees are implementing the CPP effectively, i.e. “move beyond a tick box” approach.

The Audit Branch monitors NGO compliance as part of the audit plan. The focus is currently on general compliance and this does not extend to sub-contractors. A new audit methodology, however, is being introduced which requires a large group of agencies to provide evidence of CPP compliance including in standard contracts for sub-contractors. The intention in the future is to also try and capture good practice.

External auditors, who are inducted on CPP, conduct audits and there are plans to involve the CPO more in this process. There is a rolling programme of audits, which builds in consideration of risks, and audit recommendations are followed up on a regular basis. Audit findings are fed to a number of key stakeholders in AusAID concerned with NGOs and the NGOs take the audits and outcomes very seriously.

### *Conclusions and recommendations*

- Strengthen existing monitoring mechanisms and develop additional means of tracking progress and auditing implementation for partners.
- In conjunction with Audit Branch, develop the capacity to audit stakeholders more effectively on compliance with standards, including through visits to partners to audit and review their child safeguarding measures.
- Increase the obligations of local implementing partners to not only have a child safeguarding policy, but to also meet associated standards of implementation and good practice within set timeframes.
- Ensure NGOs are in a position to monitor their local implementing partners in developing and implementing child safeguarding policies and associated measures through continuing support and resources.
- Require NGOs to monitor and audit the safeguarding arrangements of their local partners.
- Consider additional monitoring and support for programmes being implemented by a local NGO without an INGO branch office in country.

### **6.3 Compliance of Volunteers and Host Organisations**

The new Australian Volunteers for International Development (AVID) program was launched by Minister Rudd on 26 May 2011 and involves AusAID working in partnership with Australian Volunteers International, Austraining International and Australian Red Cross (see box below).



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The Working Group is currently considering a draft child protection policy for the program, which was drafted late in 2011. The policy is AVID-specific but aligns with AusAID's CPP and the CPO has been supporting development of the policy. A joint policy is aimed at ensuring consistency across all volunteer sending agencies, which will assist in the delivery of common messages to all volunteers via pre-deployment briefings, for example.

In keeping with the scope of the current AusAID CPP, one stipulation of the AVID specific policy will be that Host Organisations (HOs) i.e. those agencies that

### **AVID Program**

The AVID program draws together all AusAID funded development volunteering initiatives into one program. A total of 1,639 new and ongoing volunteers will be working on assignments in around 43 countries in 2011-12. 967 new volunteers have been funded in 2011-12. The 2011-12 budget for the program is \$55 million.

The new program is delivering a number of improvements including:

- The alignment of four separate volunteer programs into a single program with a unified program goal and objectives;
- A common AVID program branding and a shared communication standard, which will ensure consistent messages are delivered;
- A new volunteer planning process to strengthen alignment with volunteer assignments and country strategy priorities;
- Simplification of monitoring and evaluation processes, focussing on demonstrating the impact of volunteers on Government aid objectives;
- Streamlined, common management and operational standards for the Core Partners; and,
- An Australian Government international volunteer web portal to provide the Australian public with a simplified, single point of access to the new volunteer program.

The program is guided by an overarching Partnership Agreement between AusAID and the three core partners, partnership principles and detailed shared standards which encompass AusAID's child protection policy requirements.

A Partnership Group and Working Group were established prior to the launch of the new program and both groups are reported to meet regularly. The Partnership Group consists of Core Partner Managing Directors and senior AusAID officers (SESB1 and SESB2 level). The Working Group consists of

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receive Australian volunteers, are required to have their own CPPs with an initial focus on those HOs working with children. HOs will be required to develop and implement CPPs within a fixed timescale and failure to meet this requirement would result in them being disqualified from receiving volunteers. The policy will be piloted in the Pacific region in 2012 and implemented fully in 2012-2013. As part of the pilot the AVID Partnership and Working Group will consider whether a Child Protection Officer is required by each Core Partner to ensure implementation of the AVID Child Protection Policy.

AusAID will provide support to the process, through training and mentoring delivered principally via the volunteer sending agency's in-country manager. These managers in turn will receive additional training to ensure they are better equipped to support HOs and volunteers in this area. The AVID program also recognises that child protection is being included in country strategies and aims to support this by more strategic deployment of volunteers to ensure greater alignment between the use of these resources and the objectives that countries and AusAID are seeking to achieve. The intention is to see the capacity building of HOs on child protection as a contribution to increasing protection for children generally in country and to monitor the impact of this work on the protection of children.

The AusAID Child Protection Team has been provided with the draft AVID CPP and will continue to work closely with the Volunteers Section in the implementation of the policy. Having a joint policy of this kind across all volunteer partner organisations is very sensible and should greatly assist the consistent application of child protection principles and practices as they apply to these agencies, volunteers and hosting organisations.

While visiting a number of HOs in Cambodia, speaking with current and ex-volunteers, and interviewing in-country managers, the review team found there are major challenges to be addressed in ensuring child protection is adequately embedded in the AVID programme. These concerns were raised with the Volunteers Section in December 2011. The Volunteers Section has begun working with Core Partners to address the issues highlighted.

In summary, the review team found the following issues were impeding the implementation of child protection principles and good practices:

- HOs adopting CPPs without any commitment to implementing them, i.e. meeting AusAID CPP requirements to have a policy but not putting this into practice
- Practice in HOs of dubious quality and, in some cases, representing extremely risky practice that is completely at odds with accepted standards of childcare. One volunteer disclosed a serious child protection concern relating to a local member of staff that was not being dealt with by the organisation.

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- Unsuitable placements for volunteers. Some organisations were clearly at odds with development principles and international standards, and raised questions for the review team over whether they would be able to operate at all under the incoming government guidance on suitable alternative care mechanisms. There was also a sense of powerlessness amongst some volunteers to effect real change in the HO – senior managers and Directors in particular dictate what happens and are not necessarily that amenable to changed practice in relation to children and child protection. In the opinion of the review team, the overall goals of the AVID program were therefore not being met.
- Lack of strategic deployment of volunteers. Some of these valuable resources were isolated in poor organisations when, for example, Ministry staff indicated they would very much welcome the kind of Technical Assistance on child protection that could be provided in taking forward very positive initiatives to address child protection issues at national and sub-national levels.
- Most volunteers were unable to remember much of their pre-deployment briefing on child protection and were unclear on what steps to take should they face a child protection concern. This lack of clarity also extended to local in-country managers of volunteers.
- Significant obstacles were experienced by volunteers reporting child protection concerns they became aware of in HOs, both within HOs and to in-country managers.
- Lack of experienced and informed support to volunteers to deal with child protection matters.

New requirements for HOs to have CPPs will also place an increased burden on in-country managers and they will need to be skilled up to support HOs in meeting these improved standards.

There is a general problem in Cambodia with the extensive use of institutional care to look after ‘orphans’ and vulnerable children and the large number of facilities that are set up in a, to date, largely unregulated environment that do not operate in the best interests of children or in line with international standards on residential care<sup>46</sup>. However, this places a greater responsibility directly on the volunteer sending partners and indirectly on AusAID to ensure the HOs are acceptable and even viable agencies to provide placements for volunteers, and certainly to ensure they are not working against all principles of child welfare and child protection.

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<sup>46</sup> UN Guidelines for the Alternative Care of Children: UN Human Rights Council (15 June 2009)

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This will require a greater understanding of such principles by the volunteer sending partners to enable them to better approve proposals by HO for volunteer positions that work directly with children. As AusAID is ultimately responsible for approving funding for such positions and has a monitoring and evaluating role, a greater understanding of the principles of child welfare and child protection will also be required by those in the Agency with direct responsibility for assessing/reviewing that aspect of the AVID program.

Aside from the moral and human rights imperative of acting in the best interests of children, there are also significant reputational risks involved for AusAID. For example, the Head of Post in Cambodia was due to speak publicly in support of an NGO campaign against orphanages using children as tourist attractions<sup>47</sup> and yet Australian volunteers are being placed in institutions that encourage such tours. As a result of this finding, the Volunteers Section has now requested all Australian Volunteers be removed from the institutional care organisations in Cambodia.

### *Conclusions and recommendations*

It was clear to the review team that more needs to be done to ensure that the new AVID program is fully equipped to meet child safeguarding requirements and best practice. This applies to the briefing and preparation of volunteers, the assessment of and support to HOs, the placement of volunteers, and the capacity and competence of local managers to deal with CP issues that may arise.

- Introduce Core Partner Child Protection Officers to ensure implementation of the AVID Child Protection Policy.
- AusAID-funded volunteers should not be placed in organisations that are not working with children's rights, international standards and best practice initiatives in country and do not demonstrate the potential, willingness and capacity to change.
- Assessment of HOs needs to be much more rigorous in relation to CP but also more generally in terms of their basic rationale, ethos, philosophy and approach as these represent indicators of child safe environments.
- Training for in country managers needs to be such that they can carry out the additional responsibilities in relation to child protection and especially support HOs to develop and implement CPPs. This suggests the need for child safeguarding Training of Trainers for in-country managers and the allocation of resources within the AVID programme to support the delivery of workshops in country.

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<sup>47</sup> As a way of generating revenue, many orphanages open their doors to organised tours for foreigners.

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- The requirement on HOs to have a CPP is not sufficient. More stringent monitoring of compliance levels should apply to all HOs that have contact with children, directly or indirectly.
- Use should be made of local resources such as specialist NGOs and other agencies, where these exist, in assessing the potential of HOs and in supporting them on child protection, including developing and implementing their CPP.
- HOs, especially those working with children, should be required to designate a staff member as responsible for CP and these 'focal points' to be brought together by in-country managers for training and subsequent networking.
- Future training for HOs on child protection must include provision for Heads of Agencies. Directors must be engaged and assisted in understanding the need for CPPs and their role and responsibilities in ensuring there is change in practice.
- Any child-focused agency hosting an AusAID-funded volunteer should be supported by the volunteer sending agency to participate in CP networks such as the ChildSafe Network in Cambodia, as a way of accessing appropriate advice and support.
- Utilise alumni networks to ensure volunteers have the opportunity to share experiences on child protection with each other and through CP networks.
- Reporting procedures must be very clearly articulated and training be provided to ensure that everyone is aware of the process by which CP concerns are to be raised and the importance of doing this immediately, confidentially and without fear of reprisal.
- Additional funding should be made available to support the training of in country managers and sufficient time allocated to assist them in supporting and monitoring HOs in relation to new CPP requirements.
- The access of volunteers to supervision, technical assistance and support in relation to CP must be increased to avoid them having to deal with extremely difficult and demanding situations in isolation.
- Review pre-deployment briefing and/or training on CP and commit to providing follow up training in country.

It seems that, through a rigorous AVID planning process, all Australian Volunteers are now strategically linked to AusAID Country Program Strategy

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objectives ensuring Australian volunteer assignments align with AusAID's Country Program strategies. In support of this it is recommended that:

- HOs working on child protection and child care should be linked explicitly to the objectives of the country strategy in this thematic area. Where the strategy makes no reference to child protection or children's issues more generally, advice could be sought (from e.g. UNICEF) on how best AusAID funded volunteers might be placed to effectively support best practice child protection initiatives in country.

### **6.4 Compliance of contractors**

It was not possible to review how the CPP was being implemented within contractors, either in Australia or Cambodia, and there was negligible response by contractors to the online survey.

### **6.5 Multi-laterals and government partners**

Multi-laterals and government partners are not required to comply with AusAID's CPP, essentially because they are considered too big and too important to be subject to demands from AusAID. There is also a reticence on the part of AusAID to apply the CPP requirements to international organisations such as UNICEF. Recommendations on extending the scope of the CPP and its requirements to cover these partners have been made above.

## 7. Strategic Opportunities for AusAID

### 7.1 Australia's Aid Policy and the case for an AusAID policy on children

On 9 April 2011 the Australian Government received the report of the Independent Review of Aid Effectiveness<sup>48</sup> ("the Aid Effectiveness Review"). The government accepted in principle 38 of the 39 key recommendations made by the review panel.<sup>49</sup>

In July 2011 Foreign Minister Kevin Rudd announced the new policy for Australia's aid program, *An Effective Aid Program for Australia: Making a real difference – Delivering real results*. The new policy clearly reflects the Government's acceptance of the findings of the Aid Effectiveness Review. The policy covers all Australian's overseas aid program and not just that delivered through AusAID.

As recommended by the review panel, the Asia-Pacific region, including Australia's nearest neighbours, Indonesia, Papua New Guinea and East Timor, will remain the primary focus of Australia's aid efforts under the new policy. However there will also be an increase in aid to South Asia and Africa, while at the same time continuing to meet its obligations under international efforts to bring development to Afghanistan and Pakistan.

Through its new aid policy, the Australian government has stated its commitment to "delivering an aid program that is world leading in its effectiveness and delivers real and measurable result in reducing poverty on the ground." The Government further states, "enhanced effectiveness is the cornerstone of Australia's aid program."<sup>50</sup>

Reducing the level of child abuse, neglect and exploitation of children is not specifically listed as an individual development objective under the new Aid Policy. However, reducing the level of child abuse, neglect and exploitation cuts across each of the five core strategic goals and is increasingly being recognized as key in meeting the Millennium Development Goals and in post-MDG discussions.

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<sup>48</sup> Government commissioned Review

<sup>49</sup> The recommendation not immediately accepted in principle but deferred for further consideration, is irrelevant for current purposes. [Note only: The exception being the recommendation relating to the proposal to change the name of the current relevant minister for international development from "Minister for Foreign Affairs" to "Minister for Foreign Affairs and International Development"]

<sup>50</sup> From AusAID website [www.AusAID.gov.au/makediff/aid-policy.cfm](http://www.AusAID.gov.au/makediff/aid-policy.cfm) accessed 4 January 2012

### **An Effective Aid Program for Australia**

The fundamental purpose of the Australian aid program under the new policy is clearly stated as: “to help people in developing countries overcome poverty” and is guided by five core strategic goals consistent with the Millennium Development Goals. Further, the government has stipulated individual development objectives for each core strategic goal. The five strategic goals and associated development objectives are as follows:

#### *Saving lives<sup>1</sup>*

- Improving public health.
- Improving the lives of women and children through greater access to quality services.

#### *Promoting opportunities for all*

- Enabling more children, particularly girls to attend school.
- Empowering women.
- Enhancing the lives of people with disabilities.

#### *Sustainable economic development*

- Improving food security.
- Improving incomes, employment and enterprise opportunities for poor people.

Child abuse, neglect and exploitation and poverty and access to services are inextricably linked<sup>51</sup>. An environment of poverty exposes children to greater risks of abuse, neglect and exploitation<sup>52</sup> and hampers their movement out of poverty. Abuse that children face, for example, in schools means that they are less likely to remain in school. The impact of abuse and exploitation includes:

1. Debilitating long-term physical, mental and emotional health and a diminished ability to work and make living

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<sup>51</sup> For example, see generally UNICEF (2009) *Promoting Synergies Between Child Protection and Social Protection: West and Central Africa* (Regional Thematic Report 5 Study) and Ortiz, I (2001) *Social Protection in Asia and the Pacific*. Asian Development Bank Chapter 14, 15 and 16

<sup>52</sup> Ibid



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2. The likelihood that children's will find it difficult to learn. Abuse at home interferes with their prospects of successfully completing their formal education, and abuse in schools directly leads to high drop out rates, all of which has an impact on their chances of securing employment later in life.
3. The likelihood that children and young people will leave home or their community and become homeless, hence making it extremely difficult to find and/or maintain stable employment or lead stable lives.
4. The likelihood of going on to commit acts of abuse and violence against others, including towards his/her own children. This cycle of violence in poor families adds to and perpetuates intergenerational violence and poverty.

Children's protection-related vulnerabilities cut across the responsibilities of multiple government sectors (e.g. health, social development, labour, education, justice) as well as multiple societal domains<sup>53</sup> and translate into a financial drain on regional as well as national social capital assets. Jones and Holmes<sup>54</sup> (2010) assert "Social protection is increasingly seen as an important component of poverty reduction and a mechanism to reduce vulnerability to economic, social, natural and other shocks and stresses." Increasingly the synergies between social protection and child protection in achieving poverty reduction-are been recognised by large development agencies, including the World Bank and UNICEF.<sup>55</sup>

Given the extraordinarily high level of abuse, neglect and exploitation of children in the region as a whole, and in countries that are the focus of the new aid policy, Australia's Aid program can only achieve its overall goal of poverty reduction by addressing child protection issues in those countries<sup>56</sup>. For example, achieving the objective of "enabling more children, particularly girls to attend school", will not be achieved, unless the high level of violence against children (both student to student and teacher to student violence) in many of the countries in which Australia is focusing its delivery of aid, is addressed.<sup>57</sup>

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<sup>53</sup> Nicola Jones and Rebecca Holmes (2010) *After 2015: developing social protection systems to promote child well-being*.

<sup>54</sup> Nicola Jones and Rebecca Holmes (2010) *After 2015: developing social protection systems to promote child well-being*.

<sup>55</sup> UNICEF (2009) *Promoting Synergies between Child Protection and Social Protection: West and Central Africa*(Regional Thematic Report 5 Study); Also note the work on eradicating child labour carried out by the World Bank.

<sup>56</sup> For example see statistics on level of child abuse in PNG as disclosed in AusAID commissioned report by Miner, M and Shaw, L *UN Strategic Partnership Program. Independent Completion Report* (8 June 2011).

<sup>57</sup> For example, reports on the high prevalence of violence in Indonesian schools (given Indonesia is a particular focus for Australia's aid under the new Aid Policy).See for example report commissioned by

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Australian based NGOs taking part in the focus group discussions expressed the view that AusAID should have an overarching child protection program policy.

### *Recommendation*

- AusAID develops a child protection program strategy, along the lines of AusAID's strategy on disability.

## **7.2 AusAID leadership with other donors**

Currently, AusAID is the only bi-lateral with a child protection policy, although some others apply certain safeguarding standards to funding requirements. AusAID is therefore a long way ahead of comparator agencies in terms of the developments and investments it has made in this area. AusAID should consider how it might usefully leverage this current leadership position amongst bi-lateral donors to promote the development of child safeguarding policies and associated initiatives with other bi-laterals. One example of how this has been achieved to some extent, was through AusAID supporting a short-term placement of the Child Protection Specialist to provide USAID with advice, based on AusAID's experience, to strengthen USAID policies and procedures against child abuse by USAID staff, NGOs and contractors.

### *Recommendations*

- AusAID to lead work with bi-lateral donors, such as DFID<sup>58</sup> and Irish Aid<sup>59</sup> (and possibly other funders) in developing a broader constituency of donors focused on ensuring agencies working with children meet basic protection standards.
- AusAID should consider funding research, reviews and evaluations to identify best practice or to support collaboration amongst agencies (donors, UN, NGOs) to develop joint safeguarding initiatives of various kinds.

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Plan Indonesia (2009) *Research on violence in elementary, junior high and senior high schools in Indonesia*.

<sup>58</sup> UKAID has developed some CP minimum standards that awardees must meet to qualify for funding

<sup>59</sup> Irish Aid is currently in the process of developing a children and vulnerable adults policy that will also be accompanied by standards

## Appendix I Terms of Reference

### Child Protection Policy Review

#### 1 Background

- 1.1. Child abuse is a pervasive social problem globally. All children are at risk of abuse by virtue of the fact that as children they are dependant on adults to meet their needs, are more vulnerable physically than adults and generally lack social power. Children who are at higher risk of abuse are those from lower socio economic backgrounds, orphaned, displaced, homeless and children with disabilities. The risk of child abuse is elevated when overseas aid activities bring aid workers/volunteers into regular contact with children.<sup>60</sup> At the 2007 ASEAN Regional Taskforce, the AFP identified increased numbers of sex offenders seeking employment as teachers, tutors and other child-contact occupations which offer almost unrestricted access to children. Lax screening and recruitment procedures facilitate this situation.<sup>61</sup>
- 1.2. AusAID introduced a *Child Protection Policy* (Policy) in March 2008 to reduce risks of child abuse by persons engaged in delivering Australian aid program activities. The Policy includes mandatory child protection compliance standards for AusAID staff and all non-government at organisations (NGOs) and contractors funded by AusAID.
- 1.3. Compliance with the Policy is actively monitored by AusAID through a range of mechanisms, including AusAID's NGO accreditation process, annual contractor performance reviews and a program of random audits. A dedicated position of Child Protection Officer (CPO) was created to oversee implementation and monitor compliance with the Policy. AusAID has committed to review the Policy every 3 years.

#### 2 Objectives of the assignment

- 2.1 To conduct a review of AusAID's Child Protection Policy.
- 2.2 The key objectives of the review are to:
  - d) Provide a transparent, independent assessment of how effectively the Policy has been implemented within AusAID and by partner's organisations that are subject to the Policy.

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<sup>60</sup> AusAID Child Protection Policy, 2009.

<sup>61</sup> AFP Presentation, 2007 ASEAN Regional Taskforce Meeting Hanoi, Vietnam, 1-2 July 2007.

## **Independent Child Protection Policy Review 2011**

- e) To examine whether the Policy's scope and approach remains relevant and effective in protecting children from abuse of all kinds in the delivery of the Australian aid program; and
- f) produce an assessment of the current state of the Policy's implementation and make practical recommendations for improving the Policy and its implementation. Recommendations will include a schedule of timeframes, any additional costs and resourcing implications and, where relevant, terms of reference for any future activities required to implement the recommendations.

### **3 Scope**

3.1 In particular the review will focus on:

- a) The appropriateness of current AusAID arrangements (including processes/procedures, systems, skills and organisational structure) for implementing the Policy.
- b) The effectiveness and extent to which AusAID has implemented the Policy and achieved:
  - A coordinated approach to Policy implementation
  - An increased awareness of child protection issues
  - Strengthened internal recruitment and screening processes
  - Effective and appropriate internal procedures for handling complaints related to child abuse
  - Appropriate use of communication systems
  - Incorporation of child protection strategies into risk management procedures
  - Effective management of risks to children in disaster situations
  - Improvement in the quality and coverage of codes of conduct
  - Compliance from AusAID-funded NGOs and contractors including the roll out of compliance standards to partners, subcontractors or associates who are engaged by a contractor or NGO to perform any part of an AusAID funded activity.
- c) An examination of lessons learnt and best practice approaches to child protection drawing from:

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- Findings from the Child Protection Knowledge Sharing Project
  - Identification of best practice child protection approaches applied by other organisations in an international humanitarian aid and development context.
- d) Identification of any new legislative or Commonwealth policy requirements that need to be reflected in the Policy.
- e) Identification of strategic opportunities and changes to enhance the Policy and its implementation.
- 3.2 The review will produce an assessment of the current state of Policy implementation and practical recommendations for improving the Policy and its implementation. Recommendations will include a schedule of timeframes, any additional costs and resourcing implications and, where relevant, terms of reference for any future work required to implement the recommendations.

### **4 Team**

- 4.1 Global Child Protection Services have been contracted to conduct the review. Paul Nolan will lead the Project team including Carmella Tassone, Corinne Davey and Solveig Routier.
- 4.2 AusAIDs Child Protection Officer (CPO) will provide administrative assistance to the Team and will make available relevant information on the implementation of the Policy and identify key internal and external stakeholders.

### **5 Approach and Responsibilities**

- 5.1 The approach will include four major tasks:

- a) Work Plan
- b) Desk Review
- c) Consultation and Analysis (including fieldwork)
- d) Report and Recommendations

5.2 Work Plan – The team leader will take overall responsibility for planning and coordinating the work plan and all outputs in keeping with this TOR. The Child Protection Specialist will assist in the planning and coordinating of the work plan and in keeping with this TOR.

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5.3 Desk Review – The team will review all relevant documentation and consult with AusAID staff in Canberra, AusAID-funded Australian NGOs, contractors and other key players, as identified by the Child Protection Specialist.

5.4 Consultation and Analysis – the team will travel to an AusAID post to test the implementation of the Policy in the field. AusAID will assist in planning the field trip and organising the consultation schedule. The team will nominate the country based on child protection sector knowledge, Policy implementation goals and strategic importance (relevance) to AusAID and is subject to AusAID approval.

5.5 Report and Recommendations – the review team will produce a report outline, presentation, draft and final report to AusAID within the timeframes in the outputs at 6.1.

### 6 Outputs, Duration and Phasing

6.1 The review will commence in May for completion in August

Outputs	Date for Completion
Work plan	October
Desk Review	14 -21 November
Fieldwork/Consultation	22 – 3 December
Report Outline and Presentation to AusAID of preliminary findings	February
Draft Report & Recommendations	February
Final Report & Recommendations	March

### Appendix II Survey outputs, findings and conclusions

#### Summary

As part of the review exercise, an online survey questionnaire was sent out to a wide range of agencies (see participating agencies at Appendix III) with 116 staff of these agencies completing a return. Of these staff members, 91% were working in International NGOs (82%), local NGOs (16%), and the remainder in bilateral and trust or foundation donor agencies.

The overwhelming majority (95%) of agencies had a child protection policy, which extended to all staff and associates and 83% of these agencies also had associated procedures, policies or guidelines. However, in the majority of cases, the scope of these CPPs and other procedures focused on minimizing risk from staff and associates. Less than half the organisations also included guidance on programme design and implementation in their CPPs. Most organisations developed their policy in consultation with staff and partners, and only a small number (15%) included consultations with communities and children as part of the process, although the majority of organisations tended to risk assess all work involving children.

The feedback implies that most policies are narrowly focused on child protection and compliance driven, rather than policies that safeguard children, although organisations seem to be relatively strong on risk assessing work involving contact with children. The lack of consultation with communities and children in developing policy suggests that assumptions may be made on the risks to children, and on what kind of reporting mechanisms will work best. These assumptions, coupled with the lack of guidance on integrating child protection into programme design and implementation, suggest that the risks to children from participating in poorly designed projects may well be significant.

Some 63% of respondents felt that the implementation of their CPP was under-resourced, mainly in the areas of having a dedicated resource person(s) to support the CPP and training staff and partners. Only a very few (8%) had completed local mapping exercises to identify sources of support implying that organisations may very well find themselves in challenging situations should incidences arise.

Reasonably regular inductions are provided for associates but 34% said that these were often for certain staff only and not for all. The majority of organisations did not include child protection in performance management processes, although there were regular opportunities to discuss child protection.

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Less than half of respondents answered the question regarding the role that funding organisations should play on child protection. The majority of the responses can be categories as follows:

- CPP a condition of receiving funding: a few suggested that CP standards should be clearly articulated so that organisations understood what was required. These standards, however, would need to be adaptable to different contexts.
- Resources/training support: either the funding for this should be built into project proposals and contracts, or the funding organisation itself should provide support directly.
- Monitoring and evaluation: funding organisations should monitor and evaluate whether grantees are implementing a CPP effectively – “move beyond a tick box”.

The biggest gaps that exist between funding agencies and those they support are:

- CPP a condition of funding (where this is the case) but lack of funds to support implementation
- CPP requirements which are too difficult to implement at local level

The implications of the above responses on the role of funding organisations is that generally the sector welcomes CP being a funding requirement (and organisations feel that funders should follow AusAID’s lead), however CP requirements need to be articulated in a manner which can be ‘translated’ well at field level and these requirements need to be supported by funding built into contracts.



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### **Appendix III List of organisations participating in survey**

AACC

Act for Peace - National Council of Churches in Australian

ADRA australia

AFAP

Australian Lasallian (Asia/Pacific) Foundation

Australian Lutheran World Service

Australian Red Cross

Australian Salesian Mission Overseas Aid Fund [ASMOAF]

Baptist World Aid Australia

CAFOD

Cambodia Trust

CARE Australia

Caritas Australia

CBM

CBM Australia

ChildFund Australia

ChildHope, UK

Epic Arts

Every Home Global Concern

Hagar Cambodia

IDSS/Aurecon Pty Ltd (Contractor)

International Development through Sport

International Needs Australia

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International Women's Development Agency

Interplast Australia & NZ

Keeping Children Safe

Medical service delivery NGO

Oxfam

Oxfam Australia

Salesian Society Incorporated [SSI]

Save the Children Australia

Save the Children International

Save the Children UK

The African Child Policy Forum (ACPF0

The Cambodia Trust

UnitingWorld

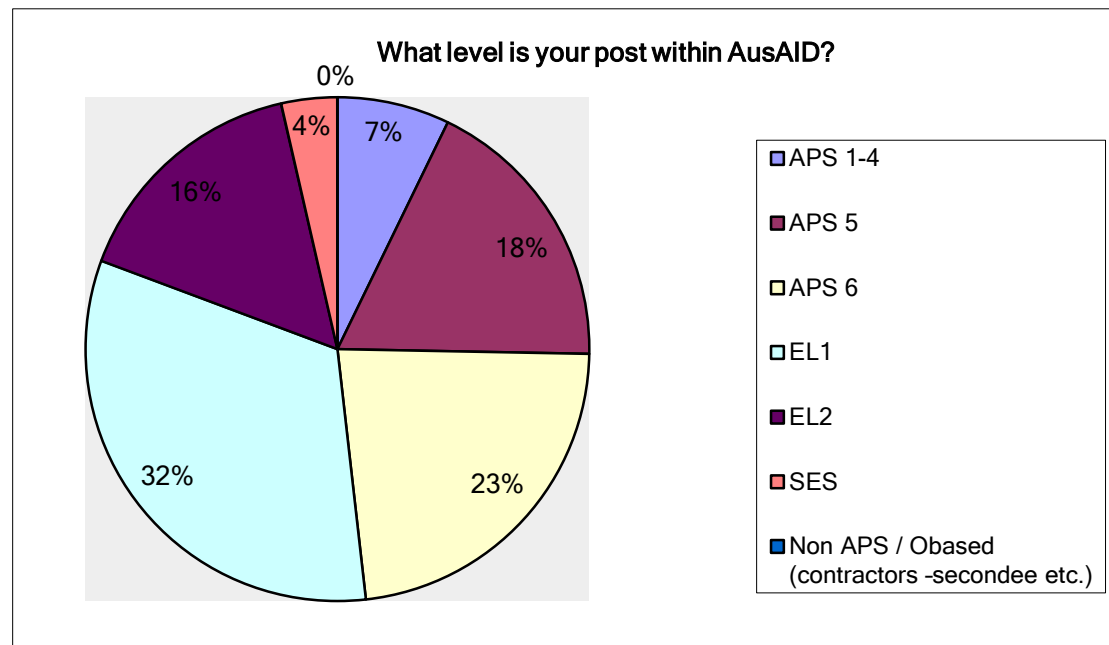
WaterAid in Australia

World Vision International

World Vision Australia

## Appendix IV Survey of AusAID staff

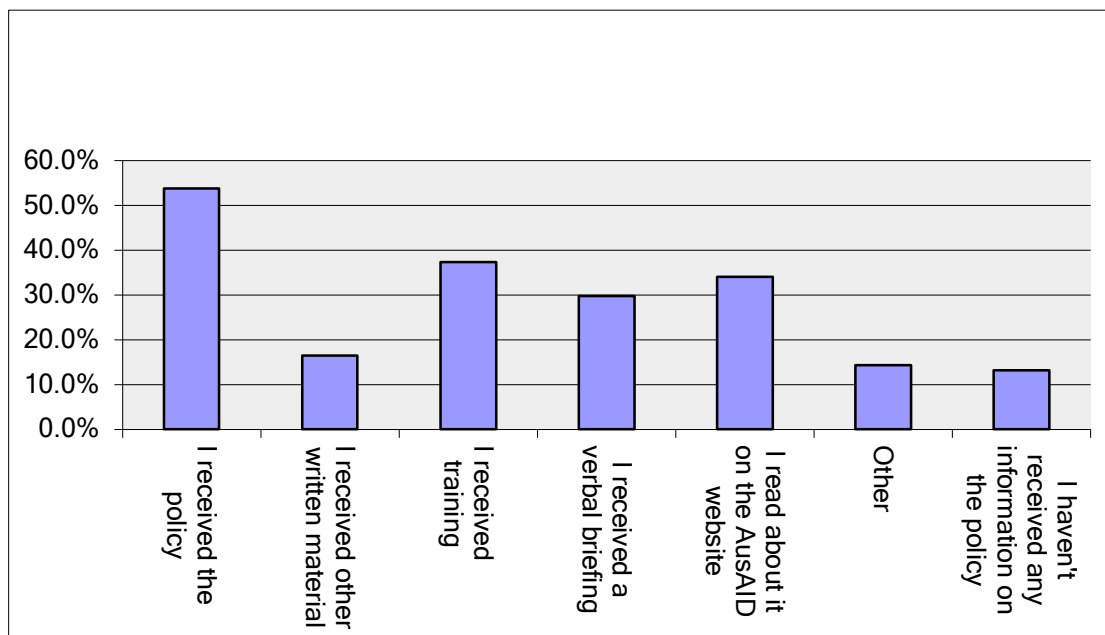
78 staff members participated in the online survey, 90% of whom were based in Australia. The following graph provides information on the different levels of position held by the respondents:



The length of time participating employees had been employed by AusAID was fairly evenly split between those that had worked less than 1 year, those working between 1 and 3 years, and those that had worked over 3 years.

The majority of respondents had received information on AusAID's policy in one form or another. There seems to have been a reasonable level of training or briefings and the website on child protection seems to have been a good source of information for a number of staff.

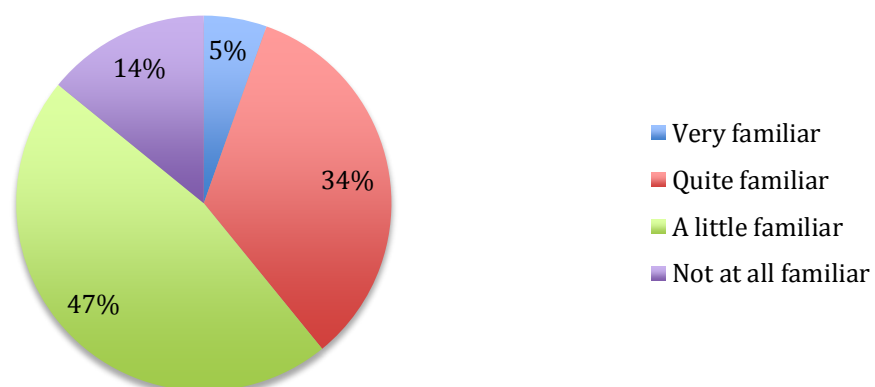
## Independent Child Protection Policy Review 2011



Only 13% fed back that they had received no information at all. However, only half of those responding stated that they had received the actual policy and just under half felt that the information in the policy was adequate for their needs.

The responses to the question on how familiar staff were with the contents of the policy seem to suggest the need for more awareness raising. Only 5% were very familiar with the content and just over half were only a little, or not at all, familiar with the content. The majority of respondents did consider the policy relevant for their work but the extent of that relevance varied with most considering it somewhat or a little relevant, rather than very. There was certainty amongst 67% of respondents that the policy placed mandatory requirements on them but the remainder either thought not or were unsure.

### Familiarity with the content of the CPP

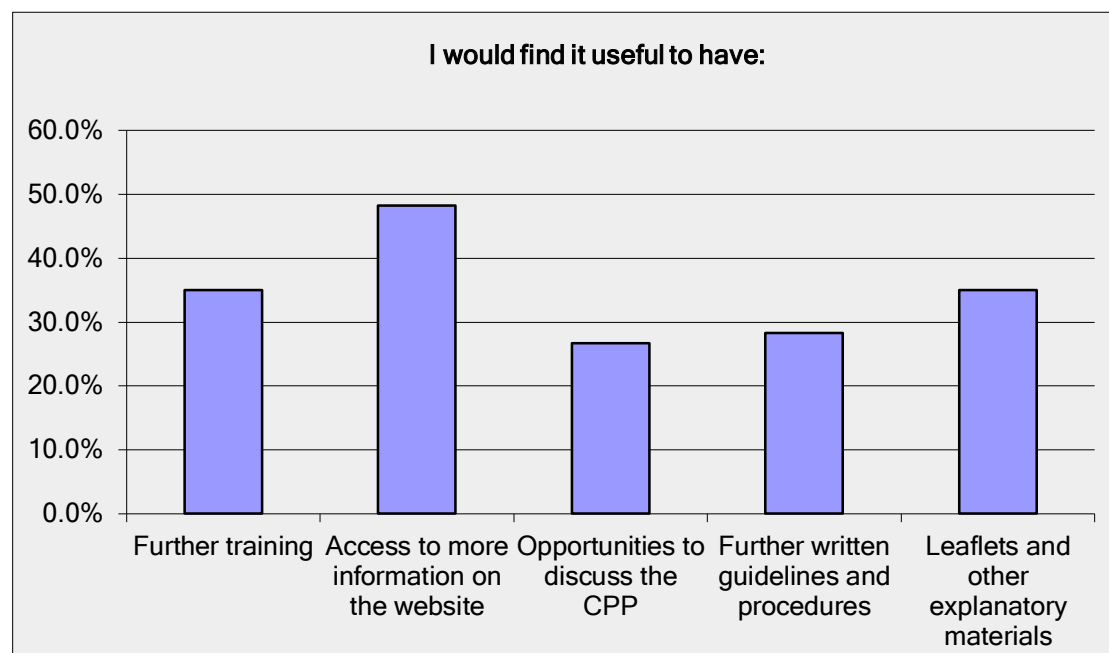


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These results suggest that AusAID could improve the level of awareness, or information provision, amongst staff so that, at the very least, more staff receive the policy and more feel that the information is sufficient for them to understand the relevance to their work and the obligations the policy places on them.

For those staff that had received information on the policy, and were aware that the policy placed obligations on them, were clear on what their obligations were and the answers accorded with the policy's requirements. Most (all but 14) of the respondents were moderately or very confident in what to do if they had a concern about a child protection issue and, as with the responses on the obligations of the policy, the responses accorded with the procedures contained with the policy.

Feedback to AusAID on what would be useful to improve the level of awareness on the policy suggested that more information or communication materials would work well, either on the website or through further guidelines or leaflets and other explanatory materials. Additional feedback requested that the information or communication materials be simple and short so they are easily digestible.



## **Appendix V NGOs participating in Focus Group Discussions**

### **Melbourne**

Save the Children

Interplast

WaterAid

Red Cross

Red Cross

Oxfam

Intl Women's Development Agency

Assisi Aid Projects

Oxfam

Although they were not able to attend the FGD, representatives of the following NGOs also shared their experiences and comments through subsequent interviews with a review team member; Plan Australia, Australian Volunteers International and Anglicord.”

### **Sydney**

Interplast

Habitat

ChildFund

CARE

## **Independent Child Protection Policy Review 2011**

UnitingWorld

Quaker Service

### **Appendix VI Compilation of recommendations**

#### **3. Legislative frameworks for child protection**

- Given the changes to legislation since the introduction of the CPP, it is recommended that a revision of the current AusAID CPP be undertaken in order to reflect as a minimum, references to the new legislation, throughout the body of the Policy where appropriate, including updating and expanding the relevant definitions given in the abbreviations and glossary.
- An updated Procedures document should be developed to accompany such a revised Policy and that it include guidance on how state and territory as well as Commonwealth legislation could be used in the course of proper implementation of the Policy.
- It is recommended that reference to the new Commonwealth extra territorial legislation introduced in 2010 should form part of any child protection training provided to AusAID personnel, in country and at Posts, to AusAID staff or volunteers preparing to travel overseas and to NGOs/contractor.

#### **4.4 Conclusions and recommendations on relevance of current policy**

- AusAID should, as a minimum, accept that children already represent a sizeable constituency in any given programme and that their situation, their rights and issues need to be considered and integrated in any development or humanitarian programme
- AusAID should develop a policy or position statement that describes its understandings and commitments to child protection in general (i.e. in relation to programmes) and to safeguarding children (ensuring safe environments for children i.e. preventing harm by adults in the delivery of aid and minimizing risk from a range of other factors including programme design/delivery, organizational operations and other actors beyond staff and associates).
- The Child Protection Policy be renamed The Child Safety Policy and child protection becomes understood as a specific set of activities within the broader context of child safeguarding. The Child Safety Policy should include clear definition and description of child safeguarding and accompanying procedures and guidelines revised in line with this.
- Safeguarding children continues to be included within the Safeguards framework and is articulated to fit better within the framework with a focus on programming and wider child protection concerns



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- Guidance relating to programme design and delivery is amended to include detail on how to integrate child safety. A simple tool within this guidance could also cover the other Safeguards and would serve as an overall risk assessment mechanism for the Safeguards framework.
- Provide examples of how child safeguarding as a concept and the development of policy and practice can be introduced to local partners in ways that increase their sense of relevance, ownership and commitment (see Appendix XI containing a case study of implementation in Vanuatu)
- Changes to the CPP and any subsequent changes to AusAID's approach to safeguarding children must be communicated to senior staff across other relevant government departments and agreements reached, at the very least, on compliance with safeguarding requirements when partnering with AusAID in any joint initiatives
- Any preamble as to the challenge posed by child abuse, in any updated policy should include the range and potential sources of risk as well as the role and responsibilities of those that come within the scope of the policy to minimize and respond to such risks and issues.
- Further updates of the CPP should include an unequivocal statement that decisions and actions under the CPP are to be guided by the principle of 'the best interest of the child' as set out in Article 3 of the CRC.
- Clarity on the scope of any revised version of the Policy should include a definition of the term "associate"
- Specific processes within AusAID should be developed that would enable information to be collected on the activities of other Commonwealth departments and agencies that are involved in the delivery of Australian Aid, particularly where this involves 'working with children', and the reported incidences of child abuse in the delivery of such Aid. Such information should form the basis for the development of a whole-of-government approach to safeguarding children in the delivery of Australia's Aid program, or at least the development of specific MOUs with specific departments or agencies.
- Given Australia's increased level of Aid Budget since 2008 and international moves to safeguard children, the exclusion of bilateral and multilateral organisations from the scope of the policy should be reconsidered.
- AusAID should advocate for incorporating child protection as a criteria for effectiveness in the Commonwealth Government's proposed multilateral rating database following the recommendation of the Aid Effectiveness Review Panel.

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- If the above recommendation is not possible or feasible, AusAID should ensure that a system for monitoring child abuse incidences and breaches by specific multilaterals is maintained and the results of such monitoring should form part of the decision making process to provide or renew funding to such organisations. A similar monitoring system should be maintained and used for bilateral organisations.

### **5.1. Ensure coordinated policy implementation**

- If AusAID takes up earlier recommendations and moves to a broader definition of “safeguarding children”, the location of the CPO within a policy section of AusAID would be more appropriate.
- CP is an important function that needs to be adequately resourced, and certainly the full-time position working to the CPO should be appointed full time.
- In order to promote ‘CP is everybody’s business’ and increase the sense of ownership and responsibility for CP, it is recommended that a system of departmental/branch champions be developed. This would be in line with in the 2010/2011 AusAID annual report which makes a commitment to “building a network of child protection officers and focal points”
- It is recommended that a member of the senior executive be designated as responsible for overseeing plans and progress on child safeguarding and delivering updates/taking issues to relevant senior management forums and oversight committee/s.
- Ensure a closer relationship between the CP function and the Audit Branch, with a view to increasing cooperation, learning and developing consistency of approach.
- In order to further increase a sense of relevance and ownership across AusAID and to encourage and support integration of child safeguarding, links should be made to organizational values and other initiatives. A short note, perhaps developed with those responsible for other AusAID Safeguards, could be developed that describes how safeguarding children is linked to, for example, transparency and accountability agendas, and to concerns relating to quality, aid effectiveness, and wider goals and values.

#### **5.2.1 Internal recruitment and screening processes**

- AusAID should consider the applicability of the new due diligence guidance to a range of stakeholders

## Independent Child Protection Policy Review 2011

- The CPO should be closely involved with the development of the guidelines to ensure broad applicability of the guidelines and that they are developed in line with international best practice
- Repeat checks on staff should be done every three years, rather than the five years recommended in the draft

### 5.2.2 Internal procedures for handling complaints related to child abuse

- Reporting and responding procedures to be used by NGOs and contractors and others falling within the scope of the CPP should be developed as much as possible in consultation with them
- Align procedures and guidelines as far as possible with the processes deployed to deal with incidents of fraud
- Ensure guidance covers how to respond to CP concerns at Post and that this includes CP issues that may come to AusAID but do not involve AusAID or partner staff
- Include in the guidance, instructions on local mapping to support Posts in identifying the legal and social welfare contexts in which they operate, referral paths and local resources for child protection (see also recommendation in 3.2)
- In order to alleviate concerns about reporting and as a means of encouraging staff to report concerns, the policy and guidance should include a statement making explicit AusAID's commitment that all such reports would be appropriately investigated and followed up and that no action will be taken against any person that makes a report in good faith, whether the report is later found to be substantiated or not.
- Clarify for NGOs the reporting requirements to AusAID in the event of CP issues in their agencies or those of implementing partners, and increase transparency on what happens to reports within AusAID
- Ensure that reporting guidelines within AusAID identify clearly that the safety and protection of children is the paramount consideration in any child protection incident, rather than to deal with any possible negative publicity and associated reputational damage
- AusAID should obtain legal advice on the collection, retention and use of information on reported incidences of child abuse from staff and others that come within the scope of the CPP. Subject to the legal advice, the improved reporting procedures should include appropriate measures for collecting and analyzing information on reported incidences of child abuse to enable the CPO to monitor trends in reported cases and, where

## **Independent Child Protection Policy Review 2011**

appropriate, address any issues arising by amendments to the CPP policy, procedures or otherwise.

- All reporting and responding procedures should be well publicized to all the intended target groups, both internally and externally.

### **5.2.3 Appropriate use of communication systems**

- Develop detailed guidance on safeguarding children in the use of their images, stories and other information relating to individual children
- Clarify decision-making processes on use of images, etc. and who or at what level decisions are made to include images
- Training, guidance and supervision to be made available to children using agency IT systems/platforms in order to assist them in understanding the risks associated with new technology
- Develop IT safe usage policy to ensure staff do not abuse technology and that children put in contact with new media are kept safe
- Review monitoring of use of IT to detect inappropriate use and ensure it is robust

### **5.2.4 Incorporate child protection strategies into risk management procedures**

- It is recommended to develop a broader child safeguarding risk assessment format and guidance
- Potential child safeguarding risks identified at individual and programme level in the design, planning, delivery and review of projects in all sectors so that all programmes e.g. health, education, etc. contribute to the increased safety and protection of children
- It is recommended to develop a process to monitor, discuss, and document external risks to children (e.g. linked to security, cultural, socio-economic, etc.) that might have a significant bearing on AusAID funded programmes
- AusAID risk register identifies specific CP risks and mitigating actions
- AusAID needs to produce a more detailed definition of the term 'working with children' that clarifies precisely what this means and the scope and applicability. It is recommended that AusAID consult with key stakeholders such as NGOs to determine the difficulties and constraints of the current definition and establish agreements about the scope of a new definition

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### **5.2.5 Enhance codes of conduct**

- The APS code represents the highest-level code that applies to all A-based staff, yet this does not specifically reference child protection. Efforts should be made to include a clause of staff conduct and child protection responsibilities in the APS code
- One single CPP COC should be devised that applies to all AusAID staff and others that are in a contractual relationship to AusAID, regardless of their status, location or any other variable

### **5.2.6 Increase awareness of child protection issues**

- Once revised, the safeguarding children policy should be re-launched, accompanied by a vigorous process of dissemination and communication
- All staff, both in head office and in Posts receive robust and meaningful training on both the CP and appropriate risk assessments for child protection that is tailored to the different areas and levels of the Agency.
- The e-learning project should be re-visited to ensure consistency with any changes made to the policy as a result of the review recommendations, and this initiative be launched as close to the original scheduled date as possible in order to increase access to training for all staff
- Training on child safeguarding, via the e-induction tool, should be compulsory and a time limit of 6 months from the point of launch be placed on everyone to undertake the course
- Beyond the initial staff induction training, specific training, using appropriate delivery modes, should be developed for (i) executive level staff and (ii) staff working in Humanitarian and Emergencies. Not all aspects of such training would need to be mandatory for all staff. F
- A process of regular training up dates and refresher courses should also be implemented and tracked to ensure that the CPP continues to be embedded and keeps up with broader changes in the evolving Australian Aid program.
- To ensure staff attend training, AusAID should ensure appropriate time is allocated to such attendance and not expect staff to simply include it into already busy work schedules. Training attendance should not only be tracked but promptly followed up with non-attendees.
- The changes in legislation and the legal basis for child protection should also form part of safeguarding training

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- Other communication and awareness raising initiatives should be devised to maintain attention on safeguarding, such as regular email bulletins, development of online presence, posters, email reminders, bulletins, and so on.
- The network of focal points/champions suggested above (5.1) would also be crucial in maintaining a focus on safeguarding within teams
- Develop a more efficient training model to ensure the delivery of physical training to Posts, for example via a programme of Training of Trainers and/or accessing local training e.g. via international or local NGOs
- In addition, a travel budget should exist to enable visits by the CPO and other CP staff to deliver or support training events (in addition to visits for other purposes)
- A training strategy should be developed that identifies, based on a learning needs analysis and in light of the recommendations of this review, what learning and development needs must be addressed in order to ensure all staff and those with specific responsibilities for child safeguarding, are equipped to carry out their roles in line with the policy
- To address child protection issues and to properly implement the CPP in a significant and sustainable way in-country, context-appropriate responses to protecting children will be required. To assist with this it is recommended that a simple child protection “fact sheet” or “mapping” be developed and maintained for each key country in which AusAID funds aid programs that come within the scope of the CPP are delivered. Such “fact sheets” or “mapping” should include information on local laws, systems, customs and services, where such exist, for the protection of children. The document should be developed in conjunction with relevant local organisations. (See also section 5.2.2 on complaints mechanisms).
- It is recommended that the “factsheet” or “mapping” should also form part of training to staff, volunteers, NGOs/Contractors, and particularly for staff and volunteers at Posts or those undertaking training before travelling overseas to the particular country.

### **5.4 Ensure risks to children are managed in disaster situations**

- Child protection concerns need to be highlighted in key documents relating to emergency response so that the particular vulnerability of children is recognised and priority given to CP issues in disaster response
- CP to be incorporated into DRR and emergency preparedness planning

## **Independent Child Protection Policy Review 2011**

- Assessment tools for use in emergency response include identification of CP risks and issues (in general and in relation to child safeguarding)
- AusAID should promote and encourage organisations it is funding as part of humanitarian response, to link into CP coordinating mechanisms that exist locally
- AusAID develops guidance on rapid recruitment and deployment of staff/associates at times of emergency, which includes advice on conducting rigorous CP checks under such circumstances, and familiarisation of personnel with the CP policy and Codes of Conduct. This guidance should be shared with partners, contractors, etc. and good practice in this area should become an expectation of other agencies.
- AusAID to review the extent to which CP is integrated into humanitarian policy and emergency programming, and to examine how risks relating to child protection in emergencies can best be mitigated. This review should include an exploration of risk issues with other government departments in order to achieve consistency and compliance across Whole of Government in addressing child protection risks and issues in emergency response

### **5.6 Implementation monitoring**

- Revise existing standards and develop supporting guidance to clarify exactly what is required of all stakeholders in relation to safeguarding children
- Set clear targets and accompanying indicators by which to judge effective implementation within AusAID
- Develop Key Performance Indicators for the organization as a whole to support monitoring of progress and performance overall
- Maintain records of staff that have received inputs on child safeguarding via e-learning, physical training and any other formal dissemination methods
- Conduct annual performance reviews of contractors
- Continue to review the policy at three-year intervals (unless there are significant changes in legal, policy or organizational contexts).

#### **6.1. Partner contracts and agreements**

- It is recommended to embed the requirements of the compliance standards into contracts and funding

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- It is recommended that obligations and requirements to be applied to sub contractors and the obligation, if any, on head contractors to monitor such application, be clearly set out in a any subsequent update of the policy and subsequent supporting procedure documentation.
- All obligations and responsibilities on those coming within the scope of the CPP should be set out in clear and unambiguous language that can be understood without requiring reference to other Agency documents (e.g. header agreements or contracts).
- Following any revision to the CPP, it is recommended a review be undertaken on all supporting documents e.g. the relevant clause of contracts, header agreements to ensure that the specified obligations and requirements on staff and others falling within the scope of the CPP are clear, consistent and unambiguous.
- A subsequent campaign/process of notifying relevant organizations of any changes or clarifications to contracts and header should then be undertaken.

### **6.2 Compliance of AusAID funded NGOs**

- AusAID should promote with partners the importance of child participation in the safeguarding process and provide materials, training and guidance on this (materials and training already exist for this).
- It is recommended that AusAID invest in providing appropriate training on risk assessments to NGOs. It is only by appropriately identifying risks to children in the course of delivering Aid activities that steps can be taken to mitigate against them.
- It is recommended that the policy or supporting documentation have included further guidance on child protection and its application in different cultural contexts.
- It is recommended that AusAID grant applications include an option to seek funding for strengthening of child safeguarding measures
- AusAID to work with ACFID on strengthening the requirement of local implementing organisations of partners to develop adequate child safeguarding measures within a clear timeframe
- AusAID to promote and signpost for partners (through the new policy and in trainings, for example, the need to link into child safeguarding networks at national level (Australian forums and local networks in country) as well as at international level (e.g. the Keeping Children Safe Coalition) as a way of accessing advice, support and guidance.



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- Revive the Knowledge Sharing Project in some form so as to provide NGOs in Australia with the opportunity to network, share experiences and resources, access joint training and generally create a forum for discussing challenges of implementation

### **6.2.3 Accreditation and monitoring of AusAID funded NGOs**

- Strengthen existing monitoring mechanisms and develop additional means of tracking progress and auditing implementation for partners
- In conjunction with Audit Branch, develop the capacity to audit stakeholders more effectively on compliance with standards, including through visits to partners to audit and review their child safeguarding measures
- Increase the obligations of local implementing partners to not only have a child safeguarding policy, but to also meet associated standards of implementation and good practice within set timeframes
- Ensure NGOs are in a position to monitor their local implementing partners in developing and implementing child safeguarding policies and associated measures through continuing support and resources
- Require NGOs to monitor and audit the safeguarding arrangements of their local partners
- Consider additional monitoring and support for programmes being implemented by a local NGO without an INGO branch office in country

### **6.3 Volunteers and Host Organisations**

- Introduce Core Partner Child Protection Officers to ensure implementation of the AVID Child Protection Policy.
- AusAID-funded volunteers should not be placed in organisations that are working in direct opposition to children's rights, international standards and best practice initiatives in country and do not demonstrate the potential, willingness and capacity to change.
- Assessment of HOs needs to be much more rigorous in relation to CP but also more generally in terms of their basic rationale, ethos, philosophy and approach as these represent indicators of child safe environments.
- Training for in country managers needs to be such that they can carry out the additional responsibilities in relation to child protection and especially support HOs to develop and implement CPPs. This suggests the need for child safeguarding Training of Trainers for in-country managers

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and the allocation of resources within the AVID programme to support the delivery of workshops in country.

- The requirement on HOs to have a CPP is not sufficient. More stringent monitoring of compliance levels should apply to all HOs that have contact with children, directly or indirectly.
- Use should be made of local resources such as specialist NGOs and other agencies, where these exist, in assessing the potential of HOs and in supporting them on child protection, including developing and implementing their CPP.
- HOs, especially those working with children, should be required to designate a staff member as responsible for CP and these 'focal points' to be brought together by in-country managers for training and subsequent networking.
- Future training for HOs on child protection must include provision for Heads of Agencies. Directors must be engaged and assisted in understanding the need for CPPs and their role and responsibilities in ensuring there is change in practice.
- Any child-focused agency hosting an AusAID-funded volunteer should be supported by the volunteer sending agency to participate in CP networks such as the ChildSafe Network in Cambodia, as a way of accessing appropriate advice and support.
- Utilise alumni networks to ensure volunteers have the opportunity to share experiences on child protection with each other and through CP networks.
- Reporting procedures must be very clearly articulated and training be provided to ensure that everyone is aware of the process by which CP concerns are to be raised and the importance of doing this immediately, confidentially and without fear of reprisal.
- Additional funding should be made available to support the training of in country managers and sufficient time allocated to assist them in supporting and monitoring HOs in relation to new CPP requirements.
- The access of volunteers to supervision, technical assistance and support in relation to CP must be increased to avoid them having to deal with extremely difficult and demanding situations in isolation.
- Review of pre-deployment briefing and/or training on CP and a commitment to be made on providing follow up training in country.

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- HOs working on child protection should be linked explicitly to the objectives of the country strategy in this thematic area. Where the strategy makes no reference to child protection or children's issues more generally, advice could be sought (from e.g. UNICEF) on how best AusAID funded volunteers might be placed to effectively support best practice child protection initiatives in country.

### 7.1 Australia's Aid Policy and the case for an AusAID policy on children

- AusAID develop a child protection program policy and strategy, along the lines of AusAID's policy and strategy on disability.

### 7.2 AusAID leadership with other donors

- AusAID to lead work with bi-lateral donors, such as DFID<sup>62</sup> and Irish Aid<sup>63</sup> (and possibly other funders) in developing a broader constituency of donors focused on ensuring agencies working with children meet basic protection standards.
- AusAID should consider funding research, reviews and evaluations to identify best practice or to support collaboration amongst agencies (donors, UN, NGOs) to develop joint safeguarding initiatives of various kinds.

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<sup>62</sup> UKAID has developed some CP minimum standards that awardees must meet to qualify for funding

<sup>63</sup> Irish Aid is currently in the process of developing a children and vulnerable adults policy that will also be accompanied by standards

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### APPENDIX VII List of key state and territory CP legislation<sup>64</sup>

State or Territory	Legislation (as at 2008)	Legislation (as at 1 January 2012)
<b>New South Wales</b>	<i>Children and Young Persons (Care and Protection) Act 1998</i>	<i>Children and Young Persons (Care and Protection) Act 1998</i>
<b>Victoria</b>	<i>Children, Youth And Families Act 2005</i>  <i>Child Well-Being And Safety Act 2005</i> <sup>65</sup>	<i>Children, Youth And Families Act 2005</i>
<b>Queensland</b>	<i>Child Protection Act 1999</i>	<i>Child Protection Act 1999</i>
<b>Western Australia</b>	<i>Children And Community Services Act 2004</i>	<i>Children And Community Services Act 2004</i>
<b>South Australian</b>	<i>Children's Protection Act 1993</i>	<i>Children's Protection Act 1993</i>
<b>Tasmania</b>	<i>Children, Young Persons And Their Families Act 1997</i>	<i>Children, Young Persons And Their Families Act 1997</i>

<sup>64</sup> Current as at 1 January 2012

<sup>65</sup> As this Act currently stands it is irrelevant for the purpose of the CPP and as such has not been included in the list of current legislation appearing in the adjacent column.

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<b>State or Territory</b>	<b>Legislation (as at 2008)</b>	<b>Legislation (as at 1 January 2012)</b>
<b>Australian Capital Territory</b>	<i>Children And Young Persons Act 1999</i> (Act repealed).	<i>Children and Young People Act 2008 )</i>
<b>Northern Territory</b>	<i>Community Welfare Act</i> (Act repealed)	<i>Care and Protection of Children Act 2007</i>

## Appendix VIII Detailed CPP analysis CPP and implementation findings

Section	Analysis
<b>Executive Summary</b>	
<b>Scope</b>	<p><i>The Policy applies to:</i></p> <ul style="list-style-type: none"> <li>• AusAID staff, including overseas – based staff</li> <li>• All contractors and NGOs funded by AusAID, including; <ul style="list-style-type: none"> <li>- volunteer service providers</li> <li>- individually contacted advisers/consultants to AusAID</li> <li>- partners, subcontractors or associates subcontracted by contractors or NGOs</li> <li>- the personnel (paid and unpaid, including all volunteers) of contractors and NGOs funded by AusAID.</li> </ul> </li> </ul> <p><i>AusAID expects multilateral and bilateral organisations to act in accordance with the principles set out in this policy, in addition to abiding by other relevant international declarations, conventions and agreements.</i></p>
	<p><b><i>Appropriateness</i></b></p> <p>The specified scope of the policy is in keeping with expectation/requirements of child protection policies involving international development agencies.</p> <p>The scope covers all groups involved with AusAID funded aid projects, over which AusAID has the ability to exercise direct control e. g. through such things as job contracts, funding</p>

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Section	Analysis
	<p>agreements, contracts of engagement. In line with this, it is not surprising that multilateral and bilateral organisations do not fall within the scope of the policy. It is noted that following on from a recommendation of the Independent Aid Effectiveness Review Panel , the Australian Government will develop and maintain a multilateral assessment/rating database of their effectiveness. It is recommended that as far as possible within the mandate of AusAID it make submissions and/or work to have any such rating system extended , if it has not already done so, so the multilaterals are assessed/rated in relation to their child protection policies, procedures and importantly, history.</p> <p>The term “associate” that appears in the definition of the scope is not defined in the policy so it is difficult to know the precise level of coverage in relation to this group. It is recommended that the term “associate” is clearly defined in the revised version of the Policy or deleted if it is considered the term does not add any significant substance of the scope.</p> <p><b>Implementation</b></p> <p>There was a lack of clarity/confusion amongst NGOs/contractors) as to what sub-level of subcontracting/engaging the policy covered and whether they had obligations as to the implementation of the policy once/if the policy was being applied at the first, second or third hand removed? Support documents to the policy do not clarify this point.</p> <p>Evidence from the review indicates policy, at least with Australian NGOs, is only taken to the first level of subcontracting/sub engaging, that is, to the level of their immediate partners/contractors. The review was not able to ascertain this the situations with</p>

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Section	Analysis
	<p>contractors.</p> <p>Further as the term "associate" appearing in the definition of the scope is not defined in the policy or in any supporting documentation, so difficult to gauge implementation with this intended group.</p> <p>The Aid Effectiveness Review Panel noted that that 10 to 15% % of Australia's overseas aid is undertaken by departments/agencies, other than AusAID. The current review found that there was no specific process/procedures within AusAID to follow up whether other government departments/agencies also engaged in delivery of overseas aid (using their own funds or in conjunction with AusAID funds) were meeting the expectation stated in this part of the policy. Similarly with multilateral and bilateral bodies.</p>
<b>Chapter 1 – The Challenge</b>	<p><b><i>Appropriateness/Implementation</i></b></p> <p>The texts to this chapter focuses on sexual abuse, despite overall goal referring to protecting children from "abuse of all kinds".<sup>66</sup></p>
<b>Chapter 2 – The Policy</b>	

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<sup>66</sup> This may have the unintended consequence of narrowing staff's, NGOs and contractors thinking when it comes to them considering the risks they need to consider and address in the organisation



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Section	Analysis
<b>2.1 Goal</b>	<p><i>"The overall goal of this policy is:</i></p> <p><i>To protect children from abuse of all kinds in the delivery of Australia's overseas aid program.</i></p> <p><i>The policy outlines practical steps to increase AusAID's capacity to manage and reduce risks of child abuse associated with delivering aid activities. While it is not possible to eliminate risk entirely, much can be done to reduce opportunities for child abuse.</i></p>
	<p><b>Appropriateness</b></p> <p>Given that Australia is a signatory to the UN Convention on the Rights of the Child (CRC) it is appropriate that the overall goal seeks to protect children from <i>all</i> forms of abuse.</p> <p><b>Implementation</b></p> <p>In practice the current review found that the focus, both within AusAID and with funded NGOs, was on protecting children from sexual abuse from staff and volunteers.</p>
<b>2.2 Guiding Principles</b>	<p><i>The child protection policy is guided by these principles:</i></p> <ul style="list-style-type: none"> <li>• <b>Zero tolerance of child abuse:</b> Child abuse is not tolerated by AusAID, nor is possession of or access to child pornography. AusAID actively manages risks of child abuse associated with delivering aid activities and trains its staff on their obligations. AusAID will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children, nor fund any individual or organisation that does not</li> </ul>

## Independent Child Protection Policy Review 2011

Section	Analysis
	<p>meet AusAID's child protection compliance standards in their operation and activities.</p>
	<p><b>Appropriateness</b></p> <p>The principle of "zero tolerance of child abuse" is clearly an appropriate guiding principle in light of Australia's obligations under the CRC and in light of the overall goal of the policy.</p> <p><b>Implementation</b></p> <p>The current review found that management of risks of child abuse associated with the delivering aid activities and the training of staff, was not as actively or robustly managed as envisaged under this guiding principle. Key findings/observations in this regard were;</p> <ol style="list-style-type: none"> <li>1. Although a child protection training is "mandatory" for all staff, it was clear not all staff even staff recently engaged had received/participated in child protection training and further, as no system in place to enable clearly ascertain and track staff who had or had not participated in such training. (This however it was being addressed at the time of the visit to Canberra through a development of e-training modules. The module is described as having the capacity to track or staff training attendance). The review team found the significant portion staff who were interviewed or who responded to the staff survey who are not aware of their obligations under the policy.</li> <li>2. One of the Posts was still awaiting the first round of child protection training in relation to the policy</li> </ol>

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Section	Analysis
	<ol style="list-style-type: none"> <li>3. A systematic method of following -up organisations in Australia or in-country that have yet to comply with the compliance standards has not been put in place.</li> <li>4. A clear procedure for reporting to AusAID by NGOs/contractors of child protection concerns or breaches of the policy has yet to be implemented. (It is noted that at the time of the review visit to Canberra an additional part-time staff had been engaged to specifically assist with the development of reporting procedures).</li> <li>5. The accreditation process for Australian NGOs considers whether an Australian NGO has a child protection policy in line with the requirements of AusAID but makes no assessment of its quality or degree of its implementation in the field.</li> <li>6. The extended leeway given to some organisations to develop their child protection policy, given that the policy has been in place since 2008, causes some concern for other compliant NGOs. More importantly it exposes children who come into contact with such organisations to risk of abuse.</li> </ol>
	<ul style="list-style-type: none"> <li>• <b>Recognition of children's interest:</b> Australia is a signatory to the United Nations Convention on the Rights of the Child, an AusAID is committed to upholding the rights and obligations of the convention. AusAID recognises that some children, such as children with disabilities and children living in areas impacted by disasters, natural or conflict based), are particularly vulnerable</li> </ul>
	<p><b>Appropriateness</b></p> <p>As a signatory to be Convention on the rights of the child is wholly appropriate that the policy expresses a commitment to upholding the rights and obligations of the convention, including that to grips of children are more vulnerable to abuse and neglect and exploitation. However it is not clear from the text whether in fact, this is a reference to recognising the underlying principle of “the best interests” of children as set out in Article 3</p>

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Section	Analysis
	<p>of the CRC.</p> <p><b>Implementation</b></p> <p>The current review panel found that although there were particular individuals within the organisation who clearly are guided by the principle of "the best interests" of children, as a whole there was no evidence that this principle was used as the/a basis for the action taken to implement the policy</p> <p>Further, the current review panel found no evidence of particular measures being taken /procedures being developed to ensure particularly vulnerable groups, including those specifically referred to in this principle, were protected in the context of delivery of aid.</p>
	<ul style="list-style-type: none"> <li>• <b>Sharing responsibility for child protection:</b> to effectively manage risks to children, AusAID requires the active support and co-operation of contractors and NGOs implementing AusAID – funded at aid activities. Contractors and NGOs must meet the terms of the child protection policy and will be held accountable, through contracts and audits, for complying with that. AusAID also encourages awareness of child protection issues among international and whole of government partners.</li> </ul>
	<p><b>Appropriateness</b></p> <p>The recognition that the protection of children is a shared responsibility, particularly in the context of international development, it is wholly appropriate and consistent with the work of other international agencies in relation to risk management.</p> <p><b>Implementation</b></p>

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Section	Analysis
	<p>Embedding the requirements of the compliance standards into contracts and header agreements was found to be significantly advanced within the organisation. However there were some inconsistencies which resulted in confusion for organisations. Of particular note in this regard are the following:</p> <ul style="list-style-type: none"> <li>• whether organisations were report to AusAID only if issues of abuse arose within AusAID funded projects that they managed or more generally, any project which the organisation was undertaking. [Refer to specific inconsistencies career policy and clauses in agreements/contracts]</li> <li>• at what stage did the obligation for reporting come into play, for example, at the stage where an employee/volunteer has been accused of child abuse or if the employee/volunteer has in fact been convicted of a criminal offence relating to child abuse. Refer to specific inconsistencies career policy and clauses in agreements/contracts]</li> <li>• the time period for making reports to AusAID in relation to child abuse. For example the header agreement specifies report to be made within five days but other documents [specify close] refer to “immediate” reporting such matters.</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Risk management approach:</b> while it is not possible to eliminate or risk of child abuse, careful management can reduce the incident of child abuse associated with aid activities this policy introduces risk assessments and treatments for a range of recognised risks to children.</li> </ul>
	<p><b>Appropriateness</b></p> <p>Taking a risk management approach is clearly a wholly appropriate approach in relation to child abuse.</p>

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Section	Analysis
	<p><b>Implementation</b></p> <p>A risk management approach is clearly embedded in the implementation of policy, however the current review found that the/significant focus in relation to implementing procedures for mitigation of risk has been on the mitigation of reputational risk to AusAID rather than on the reduction of child abuse in country.</p>
<p><b>2.3 Implementation within AusAID</b></p>	<p><b>Appropriateness/Implementation</b></p> <p>Would be more appropriate to entitle this section ‘obligations of AusAID’ or “What AusAID will do”. (With the corresponding change to the heading at 2.4.)</p>
<p><b>Ensuring coordinated policy implementation</b></p>	<p><i>To ensure coordinated implementation of the policy, a new position of Child Protection Officer (CPO) has been created in AusAID. The CPO’s responsibilities include promoting child protection throughout the agency, coordinating training for staff, monitoring internal and external policy compliance and coordinating policy reviews. The CPO also serves as the central contact point for queries (internal and external) about child abuse and child protection.</i></p>
	<p><b>Appropriateness</b></p> <p>It is wholly appropriate and in keeping with best practice to have an identified specialist position in relation to implementation of the agency's child protection policy.</p> <p><b>Implementation</b></p>

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Section	Analysis
	<p>The current review found that the CPO position has acted as a central point for the implementation of the policy. The review team found that this, in the context of the overall organisation, has had both positive and negative consequences for the implementation of the policy.</p>
<p><b>Increase awareness of child protection issues</b></p>	<p><i>A key step in reducing risks to children when delivering aid activities is to increase awareness of risks and how to manage them. AusAID staff receive regular training on child protection issues and on their obligations under the policy, including mandatory reporting of concerns or allegations of child abuse. Training is included in compulsory courses delivered at induction and before overseas postings.</i></p>
	<p><b>Appropriateness</b></p> <p>It is wholly in keeping with best practice to place a mandatory obligation on staff to report concerns or allegations of child abuse, as is clearly intended by this policy. However a mandatory obligation on staff in this regard is implied in this section of the policy and stated explicitly under the subsection section entitled "enhancing internal procedures for handling complaints related to child abuse". In the view of the review, it is considered more appropriate and in keeping with best practice to have such important obligations on staff clearly set out within the policy rather than being embedded and/or implied within other sections.</p> <p>In order to assist with ongoing implementation, it would be more appropriate for the section to be in terms of an ongoing obligation/commitment on AusAID to increase awareness of risks and how to manage them within the organisation, rather than as a</p>

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Section	Analysis
	<p>description/statement of what is occurring within the organisation at any particular point in time (as is reflected in the current wording of the section)</p> <p><b>Implementation</b></p> <p>[as to implementation of training - see comments above; ]</p> <p>From the information available to review team, it appears that the child protection training provided to staff takes the form of:</p> <ol style="list-style-type: none"> <li>1. training of approximately 20 min duration in the context of broader induction training for Canberra-based staff</li> <li>2. training consisting of consideration of particular scenario within the broader context of training on AusAID Safeguards at both headquarters in Canberra and Posts</li> </ol> <p>The review team was not made aware of any training given to staff in relation to how to manage risks to children in the process of design/delivering aid activities. The safeguarding/scenario based training does include discussion/guidance in relation to determining if an activity involves staff coming within the definition of "working with children" as specified within the policy.</p> <p>From consultations with various staff and the results of the staff online survey, a significant proportion of staff were not aware obligations under the policy and/or had not attended training.</p>
<b>Strengthen internal</b>	<i>AusAID's internal recruitment processes already employ stringent screening measures to</i>



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Section	Analysis
<b>recruitment and screening processes</b>	<i>ensure inappropriate persons are not employed by the agency. These include criminal records checks and background checks on all successful candidates before they begin work. Further rigorous screening (including in-depth background checks and interviews with professional and personal associates) is conducted before overseas postings. AusAID will continue to evaluate and improve these processes. Additional screening measures are incorporated into selection processes for AusAID positions working with children. These include verbal referee checks and targeted interview questions.</i>
	<p><b>Appropriateness</b></p> <p>The procedures/activities are detailed in this section in relation to strengthening internal recruitment and screening processes is in keeping with expectations best practice within the sector.</p> <p><b>Implementation</b></p> <p>On the information available to the review team, the team found that in relation to the recruitment and selection of staff the internal recruitment and screening processes within the Canberra office AusAID were well-established/properly implemented</p>
<b>Enhanced internal procedures for handling complaints related to child abuse</b>	<i>AusAID has enhanced internal procedures for handling complaints related to child abuse, including child pornography. The procedures outline obligations and responsibilities for reporting on and managing concerns about inappropriate behaviour. It is mandatory for AusAID staff to report immediately concerns relating to child abuse and child pornography by anyone covered by the policy.</i>
	<p><b>Appropriateness</b></p> <p>Having robust and well-established procedures for handling complaints related to child</p>

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Section	Analysis
	<p>abuse is not only appropriate but of critical importance for any organisation in addressing the issue of child abuse.</p> <p>As to the mandatory obligation on staff to report child abuse - see comments above under section "increasing awareness of child protection issues." Further, in the context of delivering international development of mandatory reporting obligation on staff should make it abundantly clear to staff that their obligation extends to reporting concerns or allegations of abuse no matter where the abuse is alleged to occur - i.e. In Australia or in-country. To encourage such reporting the policy should include a statement of AusAID is commitment that all reports would be appropriately investigated/followed up and that no action will be taken against any reporter that makes reporting good faith, whether the report is later found to not to be substantiated. In line with the comments made in relation to the section on "increasing awareness of child protection issues"</p> <p>In order to assist with ongoing implementation, it would be more appropriate for the section to be in terms of an ongoing obligation/commitment on AusAID to enhanced internal complaints handling procedures and to appropriately follow-up complaints made under such procedures, rather than as a description/statement of what is said to have already occurred within the organisation (as is reflected in the current wording of the section)</p> <p><b>Implementation</b></p> <p>the review team found that internal procedures for handling complaints related to child abuse, both in terms of allegations against staff /and staff reporting concerns of child abuse,</p>

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Section	Analysis
	<p>was one of the aspects of the policy where there were significant gaps in implementation.</p> <p>Basic overview procedures/scheme for reporting child abuse within AusAID have been developed<sup>67</sup>. It appears these procedures are based on the procedures/flow chart for reporting sexual abuse as set out in chapter 12<sup>68</sup> of the DFAT's consular manual. The scheme outlined essentially cover reporting lines but give no guidance in relation to ensuring the immediate needs of child/children the subject of the allegation/s are addressed.</p> <p>Based on the reporting procedures as set out by AusAID the CPO would only become aware of complaints involving contractors or NGO personnel volunteers but not AusAID staff. This is clearly not in keeping with the policies stated position of ensuring co-ordinated implementation through the CPO. Further if the CPO is not made aware of allegations involving staff, the ability to properly monitor if the policy is working/fully implemented is</p>

<sup>67</sup> Two separate flowchart documents provided to the review team. The first being entitled "AusAID: Reporting child abuse in Australia" and the second being entitled "AusAID: Reporting child abuse at post". Both stipulate specific lines of reporting depending on whether the allegation involves an AusAID employee (APS) or contractor or NGO personnel volunteer. A flowchart in relation to reporting child abuse at post also stipulates specific lines reporting in relation to AusAID employee (non-APS). It is noted that the CPO is referred to in these procedures in relation to allegations relating to contractors/NGOs. In this regard, the procedures specifies that "employing organisation must advise AusAID of the outcome of any investigation (criminal or internal) – details stored confidentially by CPO." The role of the CPO is not mentioned in any other parts of the procedures.

<sup>68</sup> The copy of Chapter 12 of the DFAT consulate manual provided to the review team had not yet been updated to reflect the amendments to the "child sex tourism" legislation. Eg Reference in section 12.3.1 of the chapter indicating that the legislation does not cover the possession or distribution of child pornography. Child pornography is covered under the amended legislation as such caution is required in using the chapter as guidance – in the event the chapter has not subsequently been updated.

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Section	Analysis
	<p>seriously compromised.</p> <p>Findings from interviews with staff (as well as NGOs/Contractors) clearly indicate a significant lack of awareness by staff as to complaints handling procedures.</p> <p>The review team also found no systematic procedure for recording details of complaints, nor of any relevant training or guidance given to relevant key persons within the reporting scheme flowchart. For example, it was only in October 2011 that a specific form was developed by the CPO (based on form used by the New South Wales ombudsman's office) to assist with collecting and recording appropriate and comprehensive information's an monitoring follow of allegations of abuse. However this form is only used in relation to complaints involving NGOs/contracts, is not widely distributed and is described by the CPO is an "informal form" in the absence of anything more formal by AusAID. Unresolved concerns amongst some senior staff about the legal liability implications for the agency of keeping what is perceived as 'confidential/sensitive' information in relation to allegations of abuse, appears to be acting as an impediment to collection and keeping of written information relevant to child protection allegations. This clearly has a serious impact on the ability to ensure well informed decisions are made that are not only in keeping with the best interests of the agency but importantly, with the principle of "the best interests" of children.</p>
<b>Ensure appropriate use of communication systems</b>	<p><i>AusAID's guidelines on appropriate use of its communication systems cover child pornography. Using agency systems to access child pornography is inappropriate and is dealt with promptly, including reporting to relevant law enforcement agencies, as appropriate.</i></p>
	<p><b>Appropriateness</b></p> <p>[Generally as to appropriateness – see comments above re increasing awareness and</p>

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Section	Analysis
	<p>internal procedures for handling complaints]</p> <p>From the wording of this commitment/obligation, it not clear if this section is intended to go beyond inappropriate use of computer systems to access child pornography (which in fact is clearly caught under its Fraud Policy) to cover development of procedures for appropriate taking and using of images of children by AusAID staff. The inclusion of the section in the proposed code of conduct on “Use of children’s images for work related purposes” tends to indicate the latter, broader intention.</p> <p>A broader interpretation is more in keeping with best practice in the field.</p> <p><b>Implementation</b></p> <p>The narrow interpretation of this commitment/obligation is well embedded in the organisations as use of the agencies communication systems to access any pornography, including child pornography also clearly comes within the Fraud Policy would be picked up by the rigorous implementation of that policy. Thought this fact did not seem to be apparent to either the CPO or the manager responsible for implementing the Fraud Policy. Further, there appears to be no exchange of information or liaising between staff responsible for the two Policies.</p> <p>There is a heightened awareness, at least at the manager/unit level, about the obligation/commitment to ensure appropriate use of children’s images and the need to obtain the children’s consent, with various guidelines and tools having been developed. For</p>

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Section	Analysis
	<p>example:</p> <ol style="list-style-type: none"> <li>1. Guidelines on ethical photography,</li> <li>2. Summary in AusAID News ( No.21, 17 June 2011) by the CPO on “use of children’s images at AusAID”</li> <li>3. Development of a new tool to help gain consent to take and use photographs<sup>69</sup> and dissemination of information to staff through AusAID News of this and related guidelines - AusAID News ( No.34, 16 September 2011)</li> </ol> <p>From interviews with the relevant staff there appears to be no specific procedure guidelines in place for how/who determines ultimately what is/is not an appropriate image. Such decisions/questions, as with many other CPP specific matters, are referred to the CPO. This of course can be a problem in the event that the CPO is not available, eg she is not in the office or leave moves on from her position.</p>
<b>Incorporate child protection strategies into risk management procedures</b>	<p><i>Under this policy, risks of child abuse are now assessed as part of the initial risk assessment for aid activities. Procedures have been developed to ensure these risks are assessed efficiently and that effective risk management strategies are in place. (Details of key risk features and indicative management strategies are available on request to contractors and NGOs.) Risks to children identified during initial risk assessments are managed throughout aid activity implementation. The organisation implementing an activity holds primary responsibility for ensuring this is done.</i></p>

<sup>69</sup> Based on work done by NGO “Baptist World Aid Australia”

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Section	Analysis
	<p><b>Appropriateness</b></p> <p>Wholly appropriate and in keeping with best practice that child protection strategies are incorporated in to risk management procedures.</p> <p><b>Implementation</b></p> <p>The text of this section is not at all clear as to the precise commitment/obligation on AusAID staff and what is the obligation on contractors and NGOs.</p> <p>As far as the review team has been able to ascertain, this commitment/obligation has been interpreted and implement as requiring activity managers responsible for the design of any activity to identify whether the activity involves staff coming within the definition of “working with children” set out in the Policy. If so, the remaining provisions of the CPP are triggered. The activity/program is subsequently tracked as falling within the purview of the CPP policy through the recently installed “Aidworks” management system. The relevant provisions of the Aidworks system commenced in November 2010 and are yet to be fully assessed/evaluated.</p> <p>As far as the review team was able to ascertain, there is:</p> <ol style="list-style-type: none"> <li>1. No mechanism for checking the staff members assessment that the identified position do/do not come within the definition of ‘working with children’. The CPO does have the capacity to conduct a random audit, however in practice, the CPO stated that due to the workload issues of her position no such audits have not</li> </ol>

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Section	Analysis
	<p>undertaken to date. However, reviews of compliance<sup>70</sup><sup>71</sup> in this area found steady improvement over time and that staff had accurately assessed activities as ‘working with children’, although compliance levels appear to be higher in activities that are commercially contracted as opposed to in funding agreements.</p> <p>2. Despite the overall goal of the policy, no requirement/mechanism for assessing other risks to children from the aid activity i.e. other than the risk from abuse by staff or volunteers .</p>
<b>Ensure risks to children are managed in disaster situations</b>	<p><i>AusAID recognises that children living in areas impacted by disasters (natural or conflict based) are particularly vulnerable. All organisations implementing AusAID disaster response activities must comply with the policy’s child protection compliance standards. Risks to children must always be considered when developing disaster response activities.</i></p>
	<p><b>Appropriateness</b></p> <p>Whole appropriate and in keeping with international best practice.</p> <p>The wording of this commitment/obligation is not clear as to the requirements on AusAID staff and if this places a further obligation (beyond those referred in the remainder of the policy) on staff working in the area of humanitarian /disaster response.</p>

<sup>70</sup> Review of compliance with CPP and procedures during activity preparation (2009)

<sup>71</sup> Review of compliance with CPP and procedures during the commercially tendered process (2011)



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Section	Analysis
	<p><b>Implementation</b></p> <p>The implementation of the CPP in the context of AusAID Humanitarian work was found by the review team, to contain significant gaps. The key gap being no specific provisions appear to be made in relation to ensuring that the policy, and in particular the requirement for police checks and background checks brackets or some modification of this requirement), applies to emergency workers engaged on short notice.</p> <p>It is noted that the AusAID draft Humanitarian Action Policy (HAP) provided to the review team in Nov 2011 identified that the policy would be implemented in accordance with seven other AusAID policies. The child protection policy was not included in this list nor is there any specific mention of child protection throughout the policy, despite it having a particular section entitled: "Protecting People". However, in the final HAP launched in Dec 2011 the CPP was included in the list. There is still no other reference to CP in the remaining of the Action Plan. The HAP does state AusAID works is in line with the various International Standards for humanitarian action, including the SPHERE Humanitarian Charter and minimum standards in Disaster Response.</p> <p>The Review team is encouraged to see that the CPP is included in the list, however real and effective implementation of the CPP will require more than reference to the policy. Appropriate procedures will need to be developed and implemented.</p>
<b>Enhance codes of conduct</b>	<p><i>Whether working in Australia or overseas, AusAID employees must comply with the Australian Public Service Code of Conduct (<a href="http://www.apsc.gov.au/conduct">www.apsc.gov.au/conduct</a>).</i></p> <p><i>Employees travelling overseas on postings or short-term missions must also abide by AusAID's</i></p>

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Section	Analysis
	<p><i>Code of Conduct for Overseas Service (available on the intranet), which sets stringent standards for personal behaviour. Specific guidance on appropriate behavior with children has been appended to this code.</i></p> <p><i>Overseas-based AusAID employees who are not Australian public servants must abide by the Code of Conduct for Overseas-Based Program Support Unit Employees, which has also been updated.</i></p>
	<p><b>Appropriateness</b></p> <p><b>Implementation</b></p>
<b>Review child protection policy regularly</b>	<p><i>The policy will be reviewed every three years, or earlier if warranted, and lessons learned incorporated into subsequent versions.</i></p>
	<p><b>Appropriateness</b></p> <p>Such a provision is in keeping with best practice in the field.</p> <p><b>Implementation</b></p> <p>The current review is was commenced commissioned within the time frame set and with the view of scheduling a revising the policy to incorporate the review findings.</p>
<b>2.4 AusAID's expectations of contractors and NGOs</b>	<p><b>Appropriateness/Implementation</b></p> <p>Would be more appropriate to refer to “obligations of contractors and NGOs” under the Policy, rather than expectations.</p>
<b>Pre-existing measures applying to contractors</b>	<p><i>AusAID has measures in place to reduce the risk of inappropriate behaviour by contract personnel implementing AusAID – funded aid activities. Under current contracts, AusAID can</i></p>

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Section	Analysis
	<p><i>require a contractor to remove personnel from working on an activity. AusAID will exercise this right when it considers that the relevant personnel member poses an unacceptable risk to children's safety or well-being and the funded organisation has not taken adequate steps to deal with that risk. It is noted that there will almost always be an unacceptable risk if the person has been convicted of a criminal offence relating to child abuse.</i></p> <p><i>AusAID 's contracts also require contractors to inform AusAID of changes in the circumstances of any person under contract that may affect the agency's assessment of that person. This includes being arrested, or convicted of, criminal offences relating to child abuse, or for accessing or possessing child pornography. AusAID may require the person under formal investigation to be suspended from duty or transferred to other duties during the investigation.</i></p>
	<p><b>Appropriateness</b></p> <p>The requirement referred to in the clauses is appropriate in that the requirements come within best practice.</p> <p>However, it is not clear from the subheading and the wording of the clause if what is referred to as being included in contracts between AusAID and its immediate contractors are to be considered as obligations under the policy following the introduction of the Policy. If so, as statements of intended, ongoing obligations, the clause is problematic as it is somewhat difficult to interpret as set of the obligations intended to be passed on to subcontractors (as they will not be in a direct contractual relationship with AusAID and further, not all of the contractual requirements mentioned are clearly reflected in other parts of the Policy, including in the compliance standards.</p>

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Section	Analysis
	<p><b>Implementation</b></p> <p>The current review team did not have the opportunity to interview contractors directly for the purpose of this review as such it is difficult to make an assessment of the implementation by contractor either of the policy or the pre-existing contract clauses referred how in this part of the policy. However, members of the PAS team who participated in the review reported no concerns</p> <p>From an assessment of the wording of the clause and in light of the other findings of the review the following observations are made of this clause in relation to impact of implementation: Despite the subheading to this clause, it appears clause seeks to alert current and potential contractors to various contract provisions related to child protection, which presumably form part of the policy following its launch in 2008 ( but this is not clear . A clearer statement of the requirements/obligations intended would be more appropriate. For example, the clause refers to the requirement under AusAID contracts that contractors inform AusAID of changes in the circumstances of any person under contract that may affect the agency's assessment of that person and that this includes any person being arrested, or convicted of, criminal offences relating to child abuse, or for accessing or possessing child pornography. Despite this stated requirement in the contract, the Policy in fact does not specify that it is a mandatory for a contractor (or NGO) to report concerns relating to child abuse and child pornography by anyone covered by the policy - nor the time frame for such a report to be made.</p> <p>Having a clear statement of all obligations on contractors within the policy, rather than by reference to clauses in contracts between AusAID and its immediate contractor is vital given</p>

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Section	Analysis
	<p>the intended scope of the Policy.</p> <p>The Policy is intended to apply to all subcontractors (and possibly sub-subcontractors) of contractors in a direct contractual relationship with AusAID that are involved in the delivery of Aid. To ensure contractors are clear as to the obligations they need to pass onto their subcontractors under the policy and so potential subcontractors are aware of the obligation they are being asked to take on, all CP obligations should be set out in the policy (and associated procedures and other support documents), rather than relying that a contractor will be able to extract the obligations in his/her own contract to include in a contract with his/her subcontractors. Relying on this indirect path leaves open too many possibilities for obligations to be missed or not interpreted as intended by AusAID.</p> <p>For example, clause 7.1 of the standard contract between AusAID and contractors states “the contractors must advise AusAID immediately in writing any contract personnel is arrested for, or convicted of, criminal offences relating to child abuse, or accessing possessing child pornography”. In translating this clause into a clause in a subcontract between a contractor and subcontractors – it could be interpreted that the obligation to report immediately is either (i) from subcontractor to contractor or (ii) subcontractor directly to AusAID.</p> <p>Without further guidance in the policy, the possibility of poor and inconsistent implementation is high.</p>
<b>Pre-existing measures applying to NGOs</b>	<p><i>AusAID –accredited NGs receiving Australian aid program funds must comply with the Code of Conduct of the Australian Council for International Development (ACFID), which obliges them to ‘have policies and procedures to promote the safety and wellbeing of all children accessing</i></p>

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Section	Analysis
	<p><i>their services and programs, particularly to minimise the risk of abuse to children.'</i></p> <p><i>Many non-accredited NGOs funded by AusAID are also signatories of the ACFID Code of Conduct.</i></p> <p><i>Volunteer service providers are required by contract to have code of conduct for volunteers covering matters including child protection, and systems for monitoring volunteer compliance with the code.</i></p>
	<p><b>Appropriateness</b></p> <p>As for the previous clause, it is not clear from the subheading and the wording of the clause if what is referred to within this clause are to be considered as obligations under the policy following the introduction of the Policy. Such an interpretation is possible in relation to the requirement specified for volunteer service providers, however such a reading is not possible in relation to the two earlier paragraphs referring to the ACFID Core of Conduct. As such, the intended purpose/utility of this clause is not clear to the review team.</p> <p><b>Implementation</b></p> <p>For the purpose of the AusAID accreditation process, it appears that checking whether applicants are signatories to the ACFID Code of Conduct is not an issue. However, the process does not permit a follow up of whether the applicant organisation is in fact complying with the specifics of the code, including the child protection obligation in any substantial sense.</p> <p>It appears that Volunteer services have had a general code of conduct for volunteers, which also covered child protection. The review team is not able to comment on the quality of such</p>

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Section	Analysis
	<p>codes or the degree of implementation of such codes in the field.</p> <p>The Review Team is aware that AusAID is working with the volunteer services providers under the AVID program to develop a child protection policy for the program.</p>
<p><b>New child protection compliance standards for contractors and NGOs</b></p>	<p><i>To ensure that contractors and NGOs understand and act on their obligations for managing risks to children, AusAID has introduced new mandatory child protection compliance standards for contractors and NGOs (attachment one).</i></p> <p><i>The standards also apply to partners, subcontractors or associates who are engaged by a contractor or NGO to perform any part of an AusAID funded activity.</i></p> <p><i>AusAID monitors compliance with the standards through new and existing methods including contractor performance assessments and reviews, the NGO accreditation process and a programme of audits.</i></p> <p><i>AusAID reserves the right to conduct random audits of contractors and NGOs compliance with the standards, including requesting documentary evidence.</i></p> <p><i>The compliance standards that apply to partners, subcontractors or associates who are engaged by a contractor or NGO are determined by the type of organisation that the partner, subcontractors or associates are. For example, where a strain NGO partners with a local (in-country) NGO to implement and AusAID child health project, the local NGO will have to meet compliance standard for category four type organisations (see Attachment 1).</i></p> <p><i>AusAID's child protection compliance standards require most categories of contractors and NGOs to develop their own child protection code of conduct and to ensure all personnel implementing AusAID funded activities agree to it and abide by it. A sample of such a code is at Attachment 2.</i></p> <p><i>As part of the policy, AusAID has also revised its tendering processes. Now tenders must obtain criminal record check for personnel who will be working with children. Preferred tenderers</i></p>

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Section	Analysis
	<p><i>must also now allow AusAID to cite the policy clearance certificate is of all personnel nominated in their tender for positions working with children, before contract signature.. AusAID reserves the right to terminate contract nominations if any police clearance certificates are not provided to AusAID for siting. AusAID also reserves the right to require replacement of any proposed personnel and AusAID believes to poses an unacceptable risk to children's safety or well-being. AusAID recognises that in limited instances it may prove impossible to obtain a reliable criminal record check and will take this into account during selection processes.</i></p>
	<p><b>Appropriateness</b></p> <p><b>Implementation</b></p> <p>See comments under Attachment 1 below</p>
<b>Phase-in of compliance standards</b>	
	<p><b>Appropriateness</b></p> <p><b>Implementation</b></p>
<b>2.5 Further information</b>	
	<p><b>Appropriateness</b></p> <p><b>Implementation</b></p>
<b>Attachment 1 Child protection compliance standards for contractors</b>	<p>The child protection compliance standards for contractors and NGOs details in Attachment 1 of the policy are divided into five categories of organisational types being as follows:</p>



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Section	Analysis
and NGOs	<p><b>Category 1:</b> <i>Contractors (excluding individually contacted advisers/consultants)</i></p> <p><b>Category 2:</b> <i>Individually contacted advisers/consultants to AusAID</i></p> <p>Must meet the following compliance standards:</p> <ol style="list-style-type: none"> <li>1. Must obtain a criminal record check, prior to contract signature, if working with children. (Criminal record checks may be required by AusAID as part of the tender processes and direct engagement.)</li> <li>2. Must comply with all contractual requirements relating to AusAID's child protection policy.</li> <li>3. Must sign and return to AusAID the child protection code of conduct included as a schedule attachment to the contract.</li> </ol> <p><b>Category 3:</b> <i>AusAID accredited Australian NGOs and ACFID code of conduct signatories</i></p> <p><b>Category 4:</b> <i>Local (developing country) NGOs, e.g. funded by AusAID small grants schemes</i></p> <p>Must meet the following compliance standards:</p> <ol style="list-style-type: none"> <li>1. must have their own child protection policy in place if implementing activities that involve personnel working with children.</li> <li>2. Must comply with all child protection requirements stated in the AusAID's funding agreements</li> </ol>

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Section	Analysis
	<p><b>Category 5:</b> <i>All other types of organisations (for example, Australian NGOs without AusAID accreditation and major international NGOs)</i></p> <p><b>Category 1, 3, 5 - are all required to meet the same compliance standards, these being:</b></p> <p><i>1. Must have their own child protection policy with these elements as a minimum:</i></p> <ul style="list-style-type: none"> <li>a. child – safe recruitment and screening processes, including criminal record checks prior to engagement, targeted interview questions and verbal referee checks, after all personnel (including volunteers) who will be working with children</li> <li>b. a documented child protection complaints management procedure</li> <li>c. regular provision of child protection training</li> <li>d. child protection code of conduct (covering, as a minimum, the content in the sample at Attachment 2), that must be signed by all personnel implementing AusAID funded activities in country</li> <li>e. a commitment that the organisation will not permit personnel to work with children if they pose an unacceptable risk to children's safety or well-being</li> <li>f. a provision in all employment contracts that the organisation has a right to dismiss transferred to other duties personnel who breach the child protection code of conduct</li> <li>g. a documented policy compliance regime, including specified sanctions for breaches</li> <li>h. provision for policy review every five years, or earlier if warranted.</li> </ul> <p><i>2. Where the contractor/NGO/organisation is responsible for risk assessment for an AusAID activity (including sub-activities of a facility/volunteer sending assignments) that involves</i></p>

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Section	Analysis
	<p><i>working with children, the risk assessment must cover risks to children.</i></p> <p><i>3. Must comply with all contract requirements relating to AusAID's child protection policy.</i></p>
	<p><b>Appropriateness</b></p> <p>The requirements set out in the standards are appropriate in that they cover the very basic requirement expected of a child protection policy to be in line with accepted standards.</p> <p>It is noted however that:</p> <ol style="list-style-type: none"> <li>1. Although local (developing country) NGOs under Category 4 is required to have their own child protection policy in place if implementing activities involving personnel working with children, there is no specification as to the minimum requirements for such a policy, unlike the specification for category 1, 3, 5 type organisations. Given that local NGOs are the organisation most likely to have personnel working with children, the requirement to have a child protection policy without any other guidance or requirements is a significant gap.</li> <li>2. The compliance standards are written assuming that each of the organisational type referred, are in a direct relationship with AusAID. This makes it difficult for contractors and NGOs to apply the compliance standards to their partners, subcontractors or associates who would not been in a direct relationship with AusAID. For example, as written compliance standard 3 applicable to each of category 1, 3, 5 type organisations; compliance standard 2 and 3 applicable to category 2; compliance standard 2 applicable to category 4 type organisations - all</li> </ol>

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Section	Analysis
	<p>assume a direct contractual relationship between AusAID and the organisation to which those standards apply. Translating such requirements in to contractual clauses or other obligations between a contractor and subcontractor, NGO and partner or NGO and contractor would prove difficult if not impossible to implement in most circumstances.</p> <p><b>Implementation</b></p> <p>From the information obtained and observations made by the review team, implementation of the compliance standards appear to been substantially achieved with organisations falling within the five listed categories with whom AusAID has an <i>immediate</i> contractual relationship, in that AusAID has embedded various child protection requirements in contracts and header agreements, organisations have developed child protection policies which, where required, have been determined to be in line with the minimum requirements set out in the policy and risk assessments have been undertaken for activities that have been determined involves working with children.</p> <p>The quality of the implementation however, appears to be inconsistent and not something AusAID's compliance mechanisms have been equipped/focused on assessing. For example, although there is a requirement on all organisational types except for category 2 organisations, to have a child protection policy, AusAID's the compliance mechanisms used to date have not enabled an assessment of the quality and utility of the policy within organisations. The review team found this particularly evident in the field trip to Cambodia.</p> <p>Even with Australian NGOs falling within category 3, it was clear from information provided</p>

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Section	Analysis
	<p>by the AusAID accreditors during the course of the review, that the process of accreditation merely permits an assessment of whether the organisation has not any child protection policy meeting the minimum requirements, the accreditation process has little scope if any to determine whether the policy in fact is sufficient in light of the requirements/work/activity of the organisation to safeguard children or whether the policy is appropriately implemented.</p> <p>A number of support documents and procedures that would enable proper compliance with the compliance standards and requirements of the policy have yet to be developed by AusAID. Of particular note is a lack of clarity and procedures in relation reporting child protection concerns to AusAID by NGOs and contractors. In this regard it is further note there are some requirements in the standard NGO header agreement as to what and when to report to AusAid. For example, clause 6.9 of the header agreement states that "the organisation must advise the AusAid child protection officer promptly in writing if any of the organisations personnel is alleged to have committed, or been arrested for, or convicted of, criminal offences relating to child abuse or child pornography." As noted by some of the participants in the focus group discussion this clause is not limited to personnel working on in AusAid funded projects and further the requirement for reporting in this clause extends to when an allegation has been made against personnel, however section 2.4 of the policy appears to only require reporting to AusAid in circumstances of an actual arrest or conviction a criminal offence. As to timeframe for reporting to AusAid, some but not all NGOs, were of the view that the requirement at clause 22.3 of the header agreement (under section 22 – Fraud), which require organisations to report in writing within five working days to AusAid any detected, suspected or attempted fraudulent activity within an AusAid project or program. This appeared to be the interpretation of this clause by the NGO</p>

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Section	Analysis
	<p>accreditation team. If this is the case, it is of some concern that the requirement is noted in the header agreement but not specified in the policy or consistently made known to all NGOs . It was noted by participants in the NGO focus group discussions that including such requirements only in the header agreement means that in practice those within the NGOs tasked with implementing the child protection policy are not always made aware of the requirement as header agreements are usually only provided and cited by the organisations senior executives and/or financial persons.</p> <p>It was evident from the focus group discussions, other meetings and field trip that the greatest gap in implementation of the policy is the application of the compliance standards to subcontractors, partners and associates engaged by a contractors and NGOs in the performance/implementation of AusAID funded activity. This is particularly so with organisations who are not child focused. A number of Australian NGOs, including large I NGOs based in Australia, indicated that given cultural issues and sensitivities was extremely difficult to engage with partners in any meaningful way to develop child protection policies, within the required timeframe, that were relevant to the circumstances. Other NGOs stated they were able to use the fact that having a policy was a requirement of AusAID funding, as the trigger for local partner organisations to agree to work on developing a child protection policy. Some, participants however did question the utility, appropriateness and commitment in country to a policy developed in such circumstances.</p> <p>It was also evident from observations and discussions, including discussions with the CPO that the compliance standards are not always uniformly applied. In particular it is noted that some smaller organisations are given much more leeway are not held to the same level of compliance with the standards as others. This seems to have arisen in cases mainly where</p>

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Section	Analysis
	<p>there has been some time pressure or other imperative for a local NGO to receive grant funds for repair project prior to having complied with the standards or where as small organisation has requested various extensions of time to comply with the requirement. In some cases, the CPO reported that due to conflicting work commitments she was not in a position to follow up with the organisations as to their compliance, plus some organisations going without meeting the requirements and in one case, well beyond what would be considered reasonable timeframe</p>
<b>Attachment 2 Sample child protection code of conduct</b>	Content not copied at this stage
	<p><b>Appropriateness</b></p> <p>Including such a code of conduct as part of child protection policy is in keeping with best practice. The contents of the code is in line with other codes of conduct proposed for such purpose.</p> <p><b>Implementation</b></p> <p>Within AusAid the code of conduct is not required to be signed by all staff, in particular it is not required to be signed by overseas-based employees or AusAid employees travelling overseas on short assignments. At the time of interview is being conducted in Canberra for the purpose of this review it appeared that the code of conduct was also not required to be signed by personnel being deployed as part of emergency humanitarian responses undertaken by AusAid even though it would appear that come within the scope of the policy.</p>

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Section	Analysis
	<p>Within the Australian based NGOs participated in the review, although some had codes that appear to be even more comprehensive than the code proposed by AusAid, all those that had Child Protection Policies, indicated that it included a code of conduct and further that they were signed by all staff employed within the organization and not just staff working directly with children. The NGOs did indicate that development of such code in country with local partners had proven difficult because of cultural differences and sensitivities. Many NGOs indicated that development of a meaningful and accepted child protection policy and associated code of conduct in local context took a great deal of time and resources and this was not always taken into account within the timeframe of compliance and funding requirements by AusAID.</p> <p>In this regard it was suggested by a number of NGOs participated in the review that would be helpful for the policy or in supporting documentation to include further guidance on child protection and its application in different cultural contexts.</p> <p>Interviews with both staff and Australian NGOs revealed that there was much confusion about the legal status of the code of conduct and its intersection with an employee's employment contract. Within AusAid itself, it would appear that the code is seen subordinate to the APS code of conduct in the event that any action was to be taken against an employee for inappropriate behaviour towards children.</p>
<b>Attachment 3 Legislation relevant to child protection</b>	
	<p><b>Appropriateness</b></p> <p>Including reference to relevant Australian legislation and applicable international</p>



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Section	Analysis
	<p>instruments is considered best practice.</p> <p><b>Implementation</b></p> <p>from discussions with the CPO as well as where NGO participants in the review it was apparent to the review team that implementation could be enhanced by greater assistance either within the policy, in supporting documentation or training to how the Australian legislation is applicable in the context of implementing the child protection policy.</p> <p>It is noted that a number of the references included in the table of state or territory legislation as well as the reference to the Commonwealth legislation needs to be amended as this has now become outdated.</p>
<b>Abbreviations and glossary</b>	
	<p><b>Appropriateness</b></p> <p>Including a list of abbreviations and a glossary is standard part of good policy development.</p> <p><b>Implementation</b></p> <p>In light of changes that have occurred since the launching of the CPP in 2008 additional changes will have to be made to this section, in particular changes to legislation or definitions that rely on that legislation given the changes referred to in the body of this report.</p>

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Section	Analysis
	<p>Of particular note is the reference to the meaning of the term "working with children". A number of staff in Canberra and other respondents indicated that they had difficulty in understanding applying the definition. This was particular so in relation to personnel who did not directly work with children or in a child focused organisation, for example, a school or an orphanage, but who were still able to have access to children by the very nature of their position. For example, an engineer or a road builder working on an infrastructure project located in a local town or village in which children clearly live. In this example the infrastructure personnel, especially if living within the local town or village, although not working with children clearly still have access to children.</p> <p>Rec</p>

## APPENDIX IX Indicators of effective implementation

Components of effective implementation based on AusAID CPP	Indicators based on international standards and best practice
<b>Effectiveness and extent to which AusAID has implemented the policy</b>	<p>Increased focus on protection of children in strategy and programme documents</p> <p>Negative/positive decisions made on funding agencies based on their CP commitments and arrangements</p> <p>Examples of changes from all types of stakeholders including children, communities and service providers</p>
A. Coordinated approach to policy implementation	<p>Requirement to protect children from abuse of all kinds is clearly articulated, along with examples of the 4 principles:</p> <ul style="list-style-type: none"> <li>• Zero tolerance of child abuse:</li> <li>• Recognition of children's interests: meeting CRC obligations esp. for particularly vulnerable.</li> <li>• Sharing responsibility for child protection: all stakeholders</li> <li>• Risk management approach</li> </ul> <p>Records of development process show wide ranging consultations; respondents describe participation/consultation processes that they were a part of/aware of</p> <p>Systematic distribution process undertaken. Check distribution process, confirm with staff and others (local partners, service providers, community members inc. children)</p> <p>Received in language they understand – translations?</p> <p>Policy and implementation supports (training, briefing, guidance, etc.) recognize obstacles to implementation and provide suggestions for overcoming these</p> <p>Written 'SMART' plan in place and agreed by senior management; plan is 'live', regularly updated and reported on to those responsible/accountable for</p>

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Components of effective implementation based on AusAID CPP	Indicators based on international standards and best practice
	<p>implementation</p> <p>CP mapping outcomes written up, used to inform local implementation especially in developing reporting procedures</p> <p>Links made with local CP resources – contact details readily available</p> <p>Activities involving children are subject to risk assessment</p> <p>Guidance exists that describes arrangements for the care and protection of children and for their safe participation, including supervision, checks on carers, staff ratios, etc.</p> <p>Physical environments are assessed as safe (buildings, play equipment, etc.) and non-violent (corporal punishment is prohibited)</p> <p>Systems in place for regular reporting on and review of CPP implementation</p> <p>Systems in place to monitor staff understanding, behaviours, attitudes, perceptions</p> <p>Systems in place to ensure concerns are addressed specifically and generally through ongoing meetings</p> <p>Systems is in place for external review of staff conduct with beneficiaries of programmes including children</p> <p>Regular programme visits and meetings with beneficiaries / partners include exploring CPP-related issues (staff conduct, etc)</p>
<p>B. Increased awareness of child protection issues</p>	<p>CPP displayed in offices, project sites</p> <p>Leaflets, brochures, posters in evidence</p> <p>CP materials available/distributed regularly</p> <p>CP on meeting agendas</p> <p>A standard induction programme on CP exists</p> <p>All staff receive induction / briefing at time of recruitment</p> <p>Key issues arising from training/briefing sessions and team meetings are documented for inclusion in future discussions / meetings</p> <p>System in place to ensure all staff receive full training within 3 months of induction / recruitment</p> <p>System in place to track and review induction and training / briefing sessions attended by individual staff</p> <p>Process in place to ensure ongoing training. Training records.</p> <p>System in place to test awareness</p> <p>Personnel are able to articulate key elements of</p>

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Components of effective implementation based on AusAID CPP	Indicators based on international standards and best practice
	<p>CPP/CoC that describe their responsibilities to protect children</p> <p>Personnel are able to describe actions they currently undertake in the course of their work, not previously a feature prior to the development of the CPP, designed to ensure the protection of children</p> <p>Personnel describe the reporting process and express willingness to use it</p> <p>Designated staff describe clearly their responsibilities and confidence in carrying these out</p> <p>Respondents identify at least one aspect of K, A, P that has changed in relation to CP</p> <p>Reporting levels indicate knowledge of and confidence in reporting mechanisms</p> <p>Respondents describe the reporting process and express willingness to use it</p> <p>Reports of shifts in attitudes and practices towards children resulting in reduction of violence, consideration of protection issues</p> <p>Introduction of child protection committees</p> <p>Increased sense of responsibility for CP amongst adult stakeholders, esp. those in positions of authority</p> <p>Children's group initiatives triggered focused on CP issues</p>
C. Strengthened internal recruitment and screening processes	<p>Job advert:</p> <ul style="list-style-type: none"> <li>• child protection statement in advertisement for post</li> <li>• child protection statement and specific responsibilities of the post holder included in the job description</li> </ul> <p>Information to applicants include:</p> <ul style="list-style-type: none"> <li>• summary of CPP</li> <li>• summary for applicants of Child Protection Recruitment and Selection Guidelines</li> <li>• Disclosure of Convictions form</li> <li>• Consent to Criminal Records Check form</li> </ul>

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Components of effective implementation based on AusAID CPP	Indicators based on international standards and best practice
	<ul style="list-style-type: none"> <li>Interview questions developed to determine attitudes, perceptions, behaviours of candidate about children / child protection issues (should be general but also specific to the position)</li> </ul> <p>Employment interview:</p> <ul style="list-style-type: none"> <li>identification and resolution of employment gaps</li> <li>questions on convictions/disciplinary record</li> <li>questions on child protection issues relevant to role</li> </ul> <p>Pre-employment vetting:</p> <ul style="list-style-type: none"> <li>criminal records checks</li> <li>Reference Enquiry Form to include specific reference to work with children</li> <li>sight check on qualifications claimed on application form</li> <li>job history checked through</li> <li>passport requested as proof of identity</li> <li>Reference checks include questions around candidate's previous professional or personal conduct around children (and any concerns)</li> </ul> <p>All staff required to sign CP code</p> <p>Performance management/staff appraisal systems address competence re keeping children safe/operating within the CPP</p>
D. Effective and appropriate internal procedures for handling complaints related to child abuse	<p>Reporting process is developed and individualised for each geographic location (i.e. sub-office) using a general format</p> <p>Staff are consulted in the development of the reporting framework</p> <p>Communities, especially children, are consulted in the development of complaints mechanisms</p> <p>System in place to check staff awareness</p> <p>Local systems for CP are mapped/engaged</p> <p>Reporting process is developed for both internal and external reporting, documented and posted in relevant language(s)</p> <p>Reporting process is addressed in induction, training, etc</p> <p>Check dissemination and levels of awareness of staff re reporting steps</p> <p>Responsibility is vested appropriately in staff i.e. level of seniority, responsibility and approach.</p> <p>Ensure identified contacts are clear about their</p>

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Components of effective implementation based on AusAID CPP	Indicators based on international standards and best practice
	<p>roles and responsibilities</p> <p>System is in place to monitor understanding by staff and others, including children</p> <p>Check with staff re awareness of mandatory reporting requirement, what to do, who to go to etc.</p> <p>Required levels of confidentiality are observed.</p> <p>Incidents are reported to the CP Officer.</p> <p>Practical guidelines are developed to help staff in the reporting process e.g. what types of incidents externally and internally we are most concerned about, information about the capacity of local support mechanisms, suggestions around maintaining confidentiality, what to do with anonymous reporting, etc</p> <p>CPP issues are included in local policy manuals (SOPs etc.) including reporting mechanism and reflect that agreed in HO</p> <p>Individuals, agencies or local groups with expertise (legal, social, religious, etc) who can provide guidance to the process are identified.</p> <p>List of names and contact information for easy access is prepared; list is posted in prominent places for easy access by staff and others</p> <p>Records demonstrate that actual/potential CP violations have been identified, documented and reported to appropriate authorities</p>
E. Appropriate use of communication systems	<p>IT safe usage policy exists to ensure staff do not abuse technology and that children that are put in contact with new media are kept safe</p> <p>Training, guidance and supervision is available to children using agency IT systems/platform</p> <p>Pro forma exist and are used in all circumstances where children's images and stories may be used by the agency</p> <p>Guidelines exist that describe agency policy and provide practice guidance in this area</p> <p>Monitoring of use of IT in place to detect inappropriate use</p>
F. Incorporation of child protection strategies into risk management procedures	<p>Internal policies developed where areas of risk have been identified</p> <p>Areas of risk identified and updated regularly</p> <p>Mechanisms in place to ensure areas of risk are managed to decrease risk</p> <p>Potential risks identified at individual and programme level e.g. gender mix, level of contact with children, turnover, etc</p>

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Components of effective implementation based on AusAID CPP	Indicators based on international standards and best practice
	<p>CP is considered in design, planning, delivery and review of projects; CP is integrated into work in all sectors so that programmes in health, education, etc. contribute to the increased safety and protection of children</p> <p>Process in place to monitor, discuss, and document external risks to children (e.g. linked to security, cultural, socio-economic)</p> <p>Systems in place to address these issues (e.g. community and children's awareness-raising / community-based responses)</p> <p>Partnership arrangements are risk assessed</p> <p>Risk register identifies specific CP risks and mitigating actions</p> <p>Project documentation includes reference to CP risks and mitigating actions</p>
G. Effective management of risks to children in disaster situations	<p>Child protection concerns are highlighted in key documents relating to disaster response</p> <p>The special vulnerability of children is recognised at all levels from decision makers to actors on the ground) and highest priority given to CP issues in disaster response</p> <p>CP is incorporated into DRR and emergency preparedness planning</p> <p>Assessment tools include identification of CP risks and issues</p> <p>Agencies link into CP coordinating mechanisms</p> <p>Policies exist (AusAID, partners, contractors) relating to recruiting staff at short notice which includes rigorous CP checks, familiarisation with CP policy and signing of Code of Conduct</p>
H. Improvement in the quality and coverage of codes of conduct	<p>Codes of Conduct comply with content described in Attachment 2 of CP Policy (p11-12)</p> <p>Examples of "before" and "after" Codes of Conduct?</p>
I. Compliance from AusAID-funded NGOs and contractors including roll-out of compliance standards etc	<p>Match against Compliance Standards in Attachment 1 of CP Policy (pp8-10)</p> <p>Clear systems in place to monitor and enforce compliance</p> <p>Examples of sanctions against non-compliers</p>



### APPENDIX X Reference to child protection in AusAID's annual reports

From a review of AusAid's annual reports since the launching of the CPP in March 2008, the following is noted:

- No references made to the launching of the policy in the annual report for 2007/2008 or the following year 2008/2009. In fact, no references made to child protection policy until the 2010/2011 annual report. This is somewhat surprising given what was described during the Canberra visit, as a very enthusiastic embracing of the policy by the then Director General of AusAid.
- Even after the launching of the child protection policy, the term 'child protection' appeared in the index for the first time in the 2010/2011 annual report. However reference to programmes funded by AusAid that would clearly fall under programs to address child protection issues were noted in the 2009/2010 annual report. This was in the context of reporting on performance during the financial year re AusAID's Asia Regional Trafficking in Persons Project which is described as focusing "on strengthening criminal justice systems to promote an effective and coordinated response to people trafficking". The description of the project makes clear that it also worked with child victims, (p 92). AusAID's four-year program to combat the commercial sexual exploitation of children in the Mekong sub-region, developed to address both protection and prevention issues, was also reported (p.92).
- The annual reports contain a standing item in relation to reporting on an AusAID's fraud and risk management control within the Management and Accountability section of the report. For example, at pp 211-213 of the 2010/2011 annual report. There has been no similar reporting in the accountability section or elsewhere in relation to child protection risk management.
- A brief description of achievements during the 2010/2011 financial year, however, does appear for the first time in relation to child protection in the performance section of the 2010/2011 report (p 184). After reference to the extent of the problem and AusAid's commitment "to ensuring that risks of child abuse associated with aid delivery are managed effectively" the report refers to AusAID having "in place a child protection policy which provides a clear framework for managing and reducing risks of child abuse by those engaged in delivering Australian aid program activities (including contractors and non-government organisations)." After making a statement that "raising awareness of the issues involved in child protection is a key step in reducing risks to children when delivering aid activities" it lists the key development achievements in 2010 – 11 as including:

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- “delivering child protection training in Pretoria, Nairobi and Dili, and training a total of 678 people internationally and domestically
  - designing and implementing the innovative child protection knowledge sharing project, a five – week online forum aimed at improving the understanding and application of the child protection policy by non-government organisations and contractors. The project was supported by Childfund, World Vision, Save the Children and Plan
  - building a network of child protection officers and focal points, providing stakeholders with a range of resources and contacts."
- The other reference to child protection in the 2010/2011 annual report was in the context of referring to AusAid providing \$25.4 million in core funding to UNICEF under the AusAid – UNICEF Partnership Framework Agreement which it was said enabled it, along with other donors, to among other things “strengthen child protection systems in 131 countries”.

### **Appendix XI Example of CPP implementation: Vanuatu**

Rather than adopt a standard, compliance model implementation process to the CPP (i.e. disseminate the policy and brief/train staff and partners on the requirements it makes of them) the approach in Vanuatu was to convene a range of stakeholders for a workshop to examine current child protection issues in line with programme approaches. The 2007 report in Vanuatu, 'Drivers for Change' also identified the need to work with and support Civil Society Organisations, national NGOs, church partners and Chiefs in order to achieve social change, including in areas such as child protection.

The context in Vanuatu is one where 30% of girls under 15 are sexually assaulted, there is a high incidence of incest and other sexual offences against children, there is no child protection system, very little police presence in rural areas and no budget to support police investigations of incest or child abuse cases in remote/rural locations, so chiefs and churches are being requested to deal with these child abuse issues. There is some legal provision for family protection but it contains little reference to child protection. A new government social development initiative may help address these issues in the future.

The CPO was invited to deliver training on the CPP along with Save the Children and local NGO staff to a group of church partners. A collaborative approach was adopted, which recognised that churches were already engaged in CP work in responding to a range of issues affecting children they were working with and which also took 'child protection is everybody's business' as its starting point.

Some of the participants had been through CP training previously, which was a bad experience, and a number did not see a CPP as relevant for them. However, by focusing on the pressing protection issues they were having to deal with day-to-day and tailoring the CPP development process to these realities, the outcomes of the workshop were very positive.

A CP working group was formed to coordinate efforts across participating agencies. Priority issues have been identified, such as teachers that are abusing in schools, and so relevant ministry staff and staff from teachers' associations have also been invited to join in this coordinated protection initiative. Development of CPPs is seen as relevant and meaningful in the sense that it is rooted in the experience of the agencies themselves and CPPs are being designed that reflect the need to address specific protection risks and issues. The CPPs are different as there is no one policy that will fit all agencies, but this degree of flexibility is seen as important.

This initiative is interesting in that it is resulting in AusAID partners energetically and enthusiastically developing CPPs, and them demonstrating commitment to and ownership of these policies. The impetus for the CPPs comes from a wider collaborative, collective process that has been engendered by the CPP workshop aimed at addressing in a coordinated way a wide range of serious

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child protection issues in Vanuatu. Government and other partners are being drawn into this programmatic initiative and there appears to be a groundswell of activity that promises real social change. Within AusAID also, colleagues from education and health have been pulled into the process to strengthen the cross-sectoral aspects of the protection initiative.

This approach seems to provide an excellent example of how the requirement for partners to meet certain standards in relation to CP policy can be very effectively met through a broader process of engagement on programmatic child protection issues.