

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.¹ 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.² 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, 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

¹ AusAID Child Protection Policy (2009 version).

² AFP Presentation, 2007 ASEAN Regional Taskforce Meeting Hanoi, Vietnam, 1-2 July 2007.

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Global Child Protection Services (GCPS)³ 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 stakeholders⁴ - 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.

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.

³ www.gcps.org.uk

⁴ See Appendix III for list of participating agencies

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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 AusAID⁵.

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 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

⁵ 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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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.

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

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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, 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 launched⁶ 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

⁶ 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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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.
- 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.

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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.

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.

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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 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.

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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 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 DFID⁷ and Irish Aid⁸ (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.

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

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