



66. Reporting Misconduct Towards Children Policy

POLICY OWNER: Directors of Cufa

RELEASE DATE: November 2008

LAST REVIEWED: March 2020

LAST UPDATED: March 2020

VERSION NO: 2.3

66.1. Overview

Cufa does not tolerate misconduct towards children, this policy provides the mechanism for the reporting of any suspected or alleged instances of child abuse to ensure children live in a safe environment, free from harm. Refer to the [Child Protection Policy](#).

66.2. Scope

This policy applies to:

- Directors, employees, volunteers and interns of Cufa
- Contractors to Cufa
- Employees of contractors to Cufa
- Cufa's partners,
- Employees of Cufa's partners, and
- Visitors to project sites.

In this policy, each person in the categories listed above is referred to as a 'Cufa representative'.

Cufa requires all partners to agree to, and adhere to our Reporting Misconduct Towards Children Policy. This policy and the [Child Protection Policy](#) will be a standard provision of any partnership arrangement, including but not limited to, through its inclusion in MoU's or other agreements.

The processes outlined in this policy also apply to members of the public, including children, who can report any suspected or alleged instances of child abuse.

66.3. Guidelines for Reporting Misconduct Towards Children

It is important to create an environment where children, members of the public and Cufa representatives feel safe and free to report any suspected or alleged instances of child abuse without any fear of repercussion. Effective procedures for the reporting and handling of these claims are essential for Cufa to uphold its responsibilities to the children involved directly or indirectly with Cufa and any Cufa representatives implicated in an allegation.

The following guidelines should be followed to protect the rights of the child and the reputation of the accused:

- All representatives must treat a complaint of misconduct towards children with the utmost respect and privacy.
- Cufa's [Complaints Handling Policy](#) and [Whistle-Blowing Policy](#), including provisions for complaints to be made in a language other than English, will be used to handle a complaint.

- The child protection incident reporting focal persons are Cufa’s CEO and Programs Manager. When any suspected or alleged instances of child abuse are reported, any one of the two focal persons must immediately be informed. If the case involves the Programs Manager, the CEO must be informed. If the case involves the CEO, the Board of Directors must be informed, and a member of the Board of Directors, or other representative as appropriate, will be appointed as the acting child protection incident reporting focal person.
- Apply the [Procedural Fairness](#) process using fair and proper procedures when making decisions that affect a person as set out in the [Disciplinary Policy](#).
- The CEO or Board of Directors is to seek legal advice and an internal investigation is to be launched (as appropriate). Based on the advice received, and taking into consideration the potential for extra-territorial proceedings by the expatriate’s country of origin, the CEO or the Board of Directors may report the incident to local law enforcement authorities as required.
- The interests of the child are of utmost concern to Cufa and during the investigation priority will be given to ensuring the privacy of the child. If sexual abuse or any other type of abuse is proven or suspected, Cufa will ensure that support and assistance is provided or made available to the child, including trauma assistance, counselling and support and other forms of support.
- A Cufa representative accused or alleged of breaching the Child Protection Policy will be temporarily suspended during the investigation. The Cufa representative will be informed of the allegations made against them and given an opportunity to respond. Assistance will be provided to the Cufa representative accused of abusing a child, including appropriate counselling and support, where this is deemed suitable.
- As part of the investigation, all efforts will be made to obtain the facts and determine the truth of what actually happened. Based on this, a decision will be made regarding the status of the accused Cufa representative. At the end of the investigation, the Cufa representative will be informed of the outcome of the investigation and of any corrective or disciplinary measures to be taken.
- Following an investigation, where a breach of the Child Protection Policy is identified the employment or engagement of the Cufa representative will be immediately terminated as set out in the [Disciplinary Policy](#).
- If the reported abuse is found to be untrue or fabricated, appropriate corrective and/or disciplinary action as set out in the [Disciplinary Policy](#) will be taken against any and all persons involved in the allegations.
- All information regarding the investigation will be marked confidential and documented in writing.

66.4. [Mandatory Reporting to Department of Foreign Affairs and Trade \(DFAT\)](#)
 DFAT requires Cufa representatives to immediately report any suspected or alleged instances of child abuse, exploitation, harm or non-compliance to the Conduct and Ethics Unit by emailing the report to childwelfare@dfat.gov.au. Reports can also be made by members of the public or members of the community. Where Cufa becomes aware of any additional information after the initial reporting to DFAT, Cufa must also report that information to DFAT.

66.5. Child-Friendly Complaints Handling Process

Cufa is committed to ensuring that any child beneficiary, direct or indirect, understands their rights, and how to make a complaint against Cufa, or a Cufa representative if their rights are violated. Information on how to make a complaint must be provided to all child beneficiaries in an accessible, locally relevant, context-specific and culturally appropriate way. Child-initiated complaints must be handled in a fair, responsive and supportive manner and not requiring arduous or exclusionary processes. Cufa representatives must adhere to all relevant legislation, including reporting requirements.