



## **65. Child Protection Policy**

**POLICY OWNER:** Directors of Cufa

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### 65.1. Overview

Cufa supports the Universal Declaration of Human Rights and in accordance with Article 25, where *“childhood is entitled to special care and assistance”*, Cufa is committed to ensuring the safety, privacy and well-being of all children.

This policy deals with the rights of children who are associated with Cufa and/ or are beneficiaries of any of Cufa’s projects. Cufa aims to create a safe and respectful workplace and the following guidelines outline the responsibilities and behaviour of all board members, employees, interns, volunteers, contractors or agents (“representatives”) of Cufa when working with children.

### 65.2. Underlying Principles

- For the purpose of this policy, the definition of a child is any person under the age of 18; and
- Cufa supports and endorses the United Nations Convention on the Rights of the Child (1989), expressly committing to Article 3, where “the best interests of the child shall be a primary consideration” in all actions concerning children.

### 65.3. 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’.

Reports of any suspected or alleged instances of child abuse can also be made by members of the public/members of the community.

Cufa requires all partners to agree to and adhere to this Child Protection Policy and [Reporting Misconduct Towards Children Policy](#). Both policies will be a standard provision of any partnership arrangement, including but not limited to through MoU’s or other agreements as stated in the [Development Partner Relationships Policy](#). The Child Protection Policy is publicly available on the [Cufa website](#).

### 65.4. Staff and Volunteer Recruitment and Screening for Child Related Employment

- All prospective Cufa representatives are to be made aware of Cufa’s Child Protection Policy in the initial stages of the recruitment process.

- As part of Cufa’s screening process, all Cufa representatives who are applying for roles which involve working with children<sup>1</sup> will be asked to complete a written application, personal interviews and reference checks. Applicants will be asked about previous work with children during the interview process.
- All prospective Cufa representatives who reside in Australia and are applying for roles which involve potential contact with children<sup>2</sup> or working with children must agree to have Cufa undertake a National Criminal History Record Check and a Working with Children Check.
- All prospective Cufa representatives who reside in other jurisdictions and are applying for roles which involve potential contact with children or working with children must agree to undertake equivalent type checks as available in the relevant overseas jurisdiction. If no such checks are available in the overseas jurisdictions, every effort must be made to suitably screen the applicant during the interview process, including undertaking reference checks and must sign a Child Protection Declaration upon commencement of employment.
- Both, National Criminal History Record Check and Working with Children Check will be rechecked when and if an individual’s role within Cufa changes which brings them into direct contact with children.
- All existing Cufa representatives who are working in roles which involve working with children must agree to undertake the required checks.
- All new and existing Cufa representatives who are working in roles which involve working with children must acknowledge in writing that they have received, understand and agree to comply with and be bound by Cufa’s Child Protection Policy.
- For all positions which involve potential contact with children or working with children, Cufa reserves the right to not hire an applicant or terminate a contract with an existing Cufa representative if relevant background checks reveal the person is unsuitable to work with children or if for any reason that individual may pose a threat to children’s safety, and
- In the instance a Cufa representative is charged for suspected sexual abuse, or any other type of abuse against children, Cufa is entitled to disclose such information to a prospective employer in accordance with local law.

#### 65.5. Child Protection Code of Conduct

This Code of Conduct is to be followed at all times when working with children.

All Cufa representatives are responsible for their behaviour towards children. In the instance a child instigates any of the activities below, the Cufa representative is still accountable for their own actions and must not encourage or participate in conduct that is detrimental to the mental or physical health of a child.

The onus is on the Cufa representatives to use common sense and avoid actions or behaviours that could be construed as child exploitation and/or abuse.

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<sup>1</sup> The [Department of Foreign Affairs \(DFAT\), Child Protection Policy](#) (January 2018) defines ‘working with children’ as ‘being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works’.

<sup>2</sup> DFAT’s [Child Protection Policy](#) (January 2018) defines ‘contact with children’ as ‘working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment, also see ‘working with children’ definition above.

A Cufa employee must accompany all Cufa visitors to Cufa projects sites relating to children.

All Cufa representatives will:

- Adhere to this Child Protection Code of Conduct and adhere to the required standards of behaviour
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- Not employ people under the age of 18 years
- Treat all children with respect, listen to children, take their comments seriously and allow them the opportunity to contribute to decisions that affect them
- Treat all children equally and with respect and not engage in discrimination on the basis of gender, race, ethnicity, sexual orientation, age, intellect, political or religious affiliation
- Be visible when working with children and wherever possible follow the two-adult rule, where there is more than one adult present in any interactions with a child
- Submit all gifts for and correspondence with children for screening by Cufa
- Ask permission before holding hands if it is necessary during the course of work
- Be aware of public perception and avoid actions or behaviours that could be perceived by others as child exploitation and/or abuse
- Respect cultural sensitivities and customs in all languages, actions and interactions with children
- Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during employment Cufa,
- Immediately report concerns or allegations of child exploitation and abuse, and policy non-compliance in accordance with the [Reporting Misconduct Towards Children Policy](#)
- Receive training on this Policy as outlined in the [Staff Training Policy](#), and
- Be required to sign the Child Protection Code of Conduct confirming their commitment to child protection
- Be informed this Child Protection Policy is a Zero Tolerance policy as outlined in the [Disciplinary Policy](#) and [Whistle-blowing Policy](#), and
- Be informed that, should they be suspected or alleged of breaching the Child Protection Policy, they will be temporarily suspended during the investigation as outlined in the [Reporting Misconduct Towards Children Policy](#), and
- Be informed that, following an investigation, where a breach of the Child Protection Policy is identified their employment or engagement will be immediately terminated as set out in the [Disciplinary Policy](#).

All representatives of Cufa will not:

- Be alone with a child wherever possible
- Touch, hold, kiss, hug or fondle a child in an inappropriate and/or culturally insensitive way. Touching should only ever be with the child's permission (except in response to an emergency situation), the buttocks and groin must be avoided, and any physical contact must be open and non-secretive
- Engage in physical contact of any kind that can be interpreted as being sexual in any way;
- Do things of a personal nature that a child is capable of doing for themselves, such as going to the toilet or changing their clothes
- Associate with a child outside the workplace, without approval from a parent/guardian. Where possible, interaction outside the workplace must be avoided

- Invite or take unaccompanied children into their own home or private residences, unless they are at immediate risk of injury or in physical danger
- Sleep in the same room or bed as a child
- Develop sexual or abusive relationships with a child
- Show favouritism towards a particular child or children through the provision of gifts or inappropriate attention
- Use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- make advances or gestures that are of a sexual nature,
- Smack, hit, bully or use inappropriate physical force on a child,
- Condone illegal behaviour or supply a child with alcohol, cigarettes or illegal drugs,
- use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium, or
- engage children under the age of 18 in any form of sexual intercourse<sup>3</sup> or sexual activity<sup>4</sup> including paying for sexual services.

#### 65.6. Promotional Material Regarding Children

Cufa has detailed guidelines on the use of promotional material in our communications. Refer to the [Use of Images and Promotional Material Policy](#).

#### 65.7. Guidelines for Reporting Misconduct Towards Children

Cufa has a detailed complaints procedure for reporting any suspected or alleged instances of child abuse. Refer to the [Reporting Misconduct Towards Children Policy](#), including mandatory reporting to the Department of Foreign Affairs and Trade (DFAT).

#### 65.8. Training in Child Protection

Training in child protection is essential to ensure that employees are aware of their obligations and legal requirements. Ongoing training also provides a chance for employees to be updated on new developments and changing policy requirements.

- Training in child protection is delivered to relevant personnel during the recruitment and orientation process. The Child Protection Policy, Cufa's support of international human rights declarations and our commitment to DFAT and ACFID guidelines for child related employment is discussed with all new employees
- New risks and challenges facing child protection are raised and discussed with relevant personnel throughout the year and adequate provisions are inserted into project plans to address these issues, and
- Child protection requirements and laws are readdressed and discussed in Cufa's annual training day on human rights and development.

#### 65.9. Local legislation

Each country office is required to abide by local legislation, including labour laws with regard to child labour. Every country in the world except one (United States of America) has ratified the UN Convention on the Rights of the Child.

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<sup>3</sup> As defined under the *Criminal Code Act 1995*.

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