

SECTION 2

Child Safeguarding Guidelines

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1. INTRODUCTION

Child abuse is a global problem and can occur as physical abuse, psychological and emotional abuse, sexual abuse, neglect and being forced to live with family violence. Children can also be forced to endure child labour, prostitution and harmful traditional practices. Children living in poverty face a greater risk of child sexual exploitation and abuse.

2. PURPOSE

Salesian Mission Australia has developed the following Child Safeguarding Guidelines and Procedures to give greater emphasis and commitment to the issue of safeguarding in order to minimise the risks to children in the delivery of Salesian supported activities both in Australia and overseas.

Salesian Mission Australia aims to create an open and aware environment where concerns for the safety and wellbeing of a child can be raised and managed in a fair and just manner, which protects the rights of all.

Salesian Mission Australia's Child Safeguarding Guidelines and Procedures aim to protect children, as well as its representatives, through outlining systems and mechanisms for awareness raising, prevention, reporting and responding to child safeguarding issues.

3. Definitions

Child

A child or young person is regarded to be any person under the age of 18 years, unless a nation's laws recognise adulthood earlier.

Child Safeguarding

Is the term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated.

Child abuse

Physical abuse

Physical abuse is harm to a child or young person that is caused by the non-accidental actions of a parent or other person responsible for their care. Acts such as beating, shaking, biting, and deliberate burning with an object, attempted strangulation and female genital mutilation are examples of physical abuse or ill treatment.

Sexual abuse

Sexual abuse is any sexual act or threat to a child or young person that causes them harm, or to be frightened or fearful. It covers:

- non-contact forms of harm, such as genital exposure by the adult, having a child or young person pose or perform in a sexual manner or exposing them to sexually explicit material or acts (including pornographic material), communication of graphic sexual matters (including all electronic media);
- a range of contact behaviors, such as kissing, touching or fondling the child or young person in a sexual manner, penetration of the vagina or anus either by



digital, penile or any other object, or coercing the child to perform any such act on themselves or anyone else.

Psychological harm

Psychological harm can occur where the behavior of a parent or caregiver damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma. Psychological harm can occur through name calling, threatening, ridiculing, intimidating or isolating the child or young person. It can occur as the result of a 'one-off' event but is usually the result of frequent and persistence behavior.

Neglect

Neglect is the failure to provide the basic necessities of life such as food, clothing, shelter and supervision. It may or may not be intentional.

4. Legislative and regulatory framework

As a signatory to the UN Convention on the Rights of the Child (1989), Australia complies with Article 19 which requires all State parties to protect the child from all forms of violence, abuse, neglect, maltreatment and exploitation.

In addition the Commonwealth Government has passed specific legislation prohibiting Australians from engaging in sexual activity with children while overseas, and State and Territory Governments have enacted laws aimed at protecting children from abuse and exploitation in Australia.

The relevant criminal law and child safeguarding legislation is as follows:

Australian:

- Criminal Code Act 1995, Divisions 272, 273 and 474
- Crimes Act 1914 IIIA (Child Sex Tourism)
- Crimes Act 1900

States and Territory:

- New South Wales: · Children and Young Persons (Care and Protection) Act 1998
 - Privacy and Personal Information Protection Act 1998
 - Commission for Children and Young People Act 1998
- and the Child Protection (Offenders Registration) Act 2000 – relevant acts in other states
- Victoria: Children, Youth and Families Act 2005
- Queensland: Child Protection Act 1999
- Western Australia: Children and Community Services Act 2004
- South Australia: Children's Protection Act 1993
- Tasmania: Children, Young Persons and their Families Act 1997
- Australian Capital Territory: Children and Young People Act 2008
- Northern Territory: Care and Protection of Children Act 2007



International Child Safeguarding Protection Instruments that Australia is a Signatory to:

- United Nations Convention on the Rights of the Child
- Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict
- Geneva Declaration of the Rights of the Child
- International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

OTHER RELATED POLICIES AND DOCUMENTS

- ACFID Code of Conduct
- Australian Catholic Bishops Conference (ACBC) Privacy Policy
- ACBC Bullying & Harassment Policy
- ACBC Employee Assistance Program

Legislative Provisions

The *Crimes (Child Sex Tourism) Amendment Act (1994)* makes it a criminal offence in Australia for an Australian citizen or resident to engage in sexual activity with a child under the age of 16 in an overseas country. It is also an offence to encourage, benefit or profit from any activity that promotes sexual activity with children. The law applies to individuals, companies or corporations.

Australian State and Territory child safeguarding legislation specifies mandatory reporting of suspected cases of child abuse. Mandatory reporting varies between States, applying to specific groups in specific contexts (Queensland and WA), particular occupations (New South Wales and Victoria), or every adult (Northern Territory).

5. INTERNAL PROCEDURES

ASMOAF acknowledges our obligations under these laws and commits to taking all possible steps to ensure the safeguarding of children who come in contact with ASMOAF representatives or programs. The following measures are in place to achieve this end.

5.1 Recruitment Practices - Personnel - Screening and Awareness

Salesian Missions Australia is committed to child safe recruitment practices, particularly for those staff that will be in direct contact with children.

New employees

ASMOAF's induction program will include an explanation of this policy. All new staff and volunteers will be required to sign a copy of ASMOAF's Child Safeguarding Code of Conduct within two weeks of commencement.



In addition, child safe recruiting and screening procedures will be undertaken for preferred candidates applying to work in identified positions that involve direct contact with children. Such screening will include the following:

- Police checks;
- "Working with Children" checks;
- Reference checks including questions about suitability for working with children.

Employment offers may be made to candidates for these identified positions prior to the checks being completed; however, in these cases, the employment contract will explicitly state that the offer will be withdrawn if the checks are unsatisfactory and that the person is not to work with children until the checks have been finalised.

Existing employees

All current employees and volunteers will be provided with a copy of this policy document and be required to sign a copy of ASMOAF's Child Safeguarding Code of Conduct.

Any existing employees in designated positions will also be required to undergo the Police and other regulatory checks as mentioned above.

Responsibility for the above steps rests with:

- The Director of Salesian Missions in Australia; and
- The Partners of ASMOAF supported projects (in overseas countries).

All employees

If any employee breaches the Child Safeguarding Policy or Code of Conduct, ASMOAF has the right (after the set procedures have been followed - see below) to dismiss the employee or to transfer the person to other duties. This condition of employment will be included in the employment contracts.

Other ASMOAF representatives

This policy and code will also be brought to the attention of other ASMOAF representatives involved in travelling overseas with ASMOAF or visiting ASMOAF programs abroad.

Responsibility for the above steps rests with:

- The Australian Salesian Provincial, Chairman of the Governing Board,
- The Director of Salesian Missions in Australia, Br Michael Lynch, Salesian Missions Australia, P O Box 264, Ascot Vale Vic 3032, email : salmiss@salesians.org.au, Ph 61 3 9377 6060.



5.2 Working with Partners to educate and implement Child Safeguarding within their organisation.

Partnership level

Salesian Missions Australia insists that child safeguarding is integrated into our work with partners and is highlighted in its Standard Working Agreement.

It is our specific intention to:

- Ensure partners working directly with children have appropriate policy and internal procedures to prevent abuse of children.
- Ensure partners are aware of Salesian Missions Australia's Child Safeguarding Policy Statement, Child Safeguarding Guidelines and Procedures the Child Safeguarding Code of Conduct and their responsibility. This will be achieved by sharing with partners these documents, supporting them in promoting child safeguarding in their work, as well as, making them accountable through reviews. Where necessary Salesian Missions Australia will support awareness training for partners on child safeguarding and managing risks.
- Inform partners of the need to have procedures in place on what to do (e.g. what to report, how to report, who to report to, etc) when an abuse exists in their target communities which may or may not involve staff members or their volunteers, consultants, etc. (refer to Appendix A for guidance)
- Inform partners of the need to have internal procedure for handling complaints related to child abuse committed by staff member, volunteers, consultants, etc. (refer to Appendix A for guidance)
- Inform partners of the need to have staff training plans for new and existing staff on Child Safeguarding Guidelines and Procedures and the Child Safeguarding Code of Conduct.
- Inform partners of the need to obtain Local Police Checks (if available) for all staff including volunteers, consultants, etc.
- Inform partners of the need to be aware of local child safeguarding laws which prohibit the sexual abuse and exploitation of children – e.g. child sex tourism, child sex trafficking, child labour and child pornography.
- Inform partners of the need to abide by ASMOAF's Child Safeguarding Code of Conduct and ensure the compliance of staff and others.
- A regular review of the Child Safeguarding Policy Statement, Child Safeguarding Guidelines and Procedures and the Child Safeguarding Code of Conduct.

Furthermore, we advise our partners to incorporate the above in the recruitment of staff, volunteers, consultants, etc.



5.3 Child Abuse Reporting Procedures and How to Respond to Cases of Suspected Abuse

The following procedures will be followed when ASMOAF is notified of an allegation of child abuse by an ASMOAF staff member, volunteer, Board member, representative or other person associated with ASMOAF and/or our programs.

Concerns or allegations involving personnel or representatives who reside in Australia

- The concern or allegation should be immediately brought to the notice of the Salesian Provincial or Director of Salesian Missions - either directly or through another staff member or volunteer who then informs them;
- The Provincial or Director of Salesian Missions will immediately report the allegation to the relevant statutory child safeguarding authority or police authority;
- The person against whom the allegation is made will normally be suspended from their relationship with ASMOAF while an investigation is conducted. (If the person is a member of staff, this suspension may be on full pay.) Such suspension does not imply guilt but rather protects all parties while the matter is being investigated by the relevant authority.

Concerns or allegations involving personnel or representatives who reside overseas

- The concern or allegation should be immediately brought to the notice of the Co-coordinator of ASMOAF supported projects in the specified country and / or the local Salesian Provincial.
- The Co-coordinator of ASMOAF supported projects in the specified country and / or the local Salesian Provincial will immediately inform the Australian Salesian Provincial and the Director of Salesian Missions.
- The Co-coordinator of ASMOAF supported projects in the specified country and / or the local Salesian Provincial will ensure that local procedures and laws are followed.
- The Australian Salesian Provincial and the Director of Salesian Missions will inform the Australian Federal Police of allegations involving Australian staff, volunteers or representatives of ASMOAF.
- ASMOAF requires all instances of child abuse or suspected breaches to the Code of Conduct to be reported to the appropriate authority and documented in accordance with Appendix A of the Child Safeguarding Guidelines.

Substantiated cases of abuse will lead to:

- In the case of an *employee*: summary dismissal.
- In the case of a *Board member*: removal from the Board.
- In the case of *any other person associated with ASMOAF or our programs*: termination of the association.



Where allegations remain unsubstantiated

In some circumstances the capacity may not exist to undertake a fair and proper investigation of allegations against an employee or an associate of ASMOAF. In these circumstances, or where an allegation is not substantiated by evidence, ASMOAF will consider if further action is necessary to ensure the safety and protection of children and young people.

The person may also be subject to criminal prosecution under Australian law and ASMOAF will cooperate with any such prosecution.

5.4 Use of Children's Images / Information and Research

Children's Images

ASMOAF often uses photos and case studies of children to promote our work. Staff using photos or case studies in any communication media must comply with this policy and ASMOAF's 'Photo Library' policy in order to ensure that:

- photos and stories of children do not infringe their dignity or personal rights;
- photos and stories are not accompanied by detailed information which could enable the children to be identified or easily located; and
- permission is obtained from the child's parent or guardian (where possible) before taking and before using a child's photo in ASMOAF promotional materials. An explanation must be provided on how the photograph or film will be used.
- All children's images will be stored securely in the Salesian Missions Office, accessed only by authorised members of staff.
- Visitors to 'field sites' will be asked not to take photos of orphans and street children.

Children's Information and research

ASMOAF and/or our partners may collect and retain personal and medical information about children accessing our programs. ASMOAF will make every reasonable effort to ensure information about children is used only for the purpose for which it was gathered and is stored in a secure environment.

ASMOAF will ensure that any research project it conducts (either directly or in partnership with other bodies) that is likely to involve children has policies, protocols and appropriate ethics approval that specifically address their safeguarding.



5.5 Educating the Organisation on Child Abuse and the Child Safeguarding Policy Statement, Child Safeguarding Guidelines and Procedures.

Staff in relevant positions will be provided with training in the area of child safeguarding, with the training provided either in-house or through attendance by individuals at training sessions offered by expert providers.

Responsibility for the above steps rests with:

The Director of Salesian Missions in Australia.

5.6 Responsible Staff Members

Salesian Provincial in Australia and/or Director Salesian Missions in Australia

- Hold relevant ASMOAF personnel accountable to this policy and promote the policy in Salesian Missions and through Salesian schools, parishes, youth centres and hostels in Australia.
- Take the lead role in the event of a possible or actual breach of the ASMOAF's code or the law.

All Staff

- Fulfill the particular responsibilities assigned to them in this policy; and
- Understand and comply with this policy and Code of Conduct.

6. POLICY / GUIDELINES MONITORING AND REVIEW CYCLE

The Director Salesian Missions is responsible for assessing implementation of this policy annually.

The policy will be subject to thorough review every five (5) years.

Date of Change	Change Description	Authorised
10 th February 2011	Original Publication	ASMOAF Director – Br. M Lynch
31 st January 2015	Revised Publication	ASMOAF Director – Br. M Lynch
17 th Nov 2017	Revised Publication, updated to reflect ACFID Code and introduced Guidelines	ASMOAF Director – Br. M Lynch
19 th May 2020	Revised Publication to Child Safeguarding and reflect ACFID's Code.	ASMOAF Director – Br. M Lynch



19 May 2020

APPENDIX A

The following form can be used when -

a. Dealing with ' Complaints / Observations ' of suspected breaches to the Code of Conduct.

b. Dealing with Complaints from Children, the following is recommended;

If a child or young person tells you they are being, or have been, abused:

- Accept what the child or young person says but don't ask any probing or leading questions – leave that to child protection professionals or the police.
- Take the alleged abuse seriously but do not promise that you can "fix" anything.
- Reassure the child or young person that they have done the right thing by telling you.
- Let the child know you need to tell someone else. Do not promise total confidentiality. Let the child or young person speak freely but do not press for information
- Let the child or young person know what you are going to do next and that you will let them know what happens.
- Record carefully what you have heard while it is still fresh in your mind. Include attendance, date, time and place of your conversation and any incident disclosed. Date and sign anything you write and number the pages. Try to be as accurate as possible and use inverted commas to make clear what the child said, rather than your interpretation of what the child said. If you are going to give your opinion or assessment put it under a separate heading so as not to confuse the facts with an opinion. (Refer Report forms attached for guidance)
- Report in as much detail as possible and without delay to the local Salesian Provincial.

Confidentiality

All reports and the information herein provided will be treated and managed with the strictest confidentiality to protect the identity of the child concerned, informer and accused.



Child Safeguarding Reporting Proforma for Suspected Abuse

Part 1 – About You

1.1. Your Name :

1.2. Your Location / Place of Employment / Position Title :

1.3. Your relationship to the Child:

Part 2 – About the Child

2.1. Child's Name :

2.2. Gender:

Age:

2.3. Address:

2.4. Who does the Child live with?

Part 3 – About your concerns of Abuse

3.1. How did you come to have a concern / was the abuse observed or suspected?

3.2. Was an allegation made / did a child disclose abuse?

3.3. Date, Time and Place of the Incident (s):



Part 4 – Abuse Concern details

4.1. Nature of Concern / Allegation:

4.2. Observations made by you (e.g. Childs emotional state, physical evidence):

4.3. Write down exactly what the Child said and what you said (transcript of the conversation):

4.4. Other relevant information (e.g. disability, language):

4.5. Were other Children involved or aware?



Part 5 – Incident Reporting

5.1. Who have you reported this incident to?

5.2. Time and Date of reporting:

5.3. Advice received from person(s) to whom the report was made:

5.4. Action taken:

a) by you –

b) by the person who you reported the incident to -

5.5. Any other comments:

