



# Merciful Group INC

## Child Protection Policy

### (People and Culture)

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# Merciful Group INC

## Child Protection Policy (People and Culture)

### 1. Introduction

Children are vulnerable to abuse or harm as a result of the power imbalance between them and adults in society. This is particularly true for children living in poverty or in a disaster context. Merciful Group INC ("MG") is committed to taking all necessary steps to minimise the exposure of children to risk of harm, and in the case of suspected harm to ensure appropriate steps are taken to address that situation, while maintaining the safety and comfort of the child involved.

### 2. Policy Statement

MG believes that all children have a right to personal dignity and protection from abuse and it recognises the special responsibility and duty of care it bears to create a safe environment for children within the course of our work. The interest of child safety and protection is paramount to any other interest which might compromise it.

MG is committed to the freedom from harm of all children and prioritises the protection of children who come into contact with our staff and organisation, whether through our programmes, through our fundraising or through any other means. MG is committed to a zero-tolerance approach to child exploitation and abuse.

This policy intends to minimize the risk of harm to children through the course of our work. This will be achieved by providing standards of practice to which all MG related parties must abide, implementing responsive and robust child protection risk management procedures within programmes, and in the case of suspected harm, providing children with an accessible and safe channel to pursue resolution.

This policy is informed by and strictly adheres to the UNCRC and Australian legislation. MG adheres to the DFAT child protection compliance standards and requires all partners to comply with these standards. As MG adheres to the Child Protection standards set forth in in Section B.3.4 of ACFID code.

### 3. Scope

All MG staff, volunteers, contractors and partners, both within in Australia and in any location where MG is operating or implementing programmes.

### 4. Exclusions

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### 5. Objectives

The key objective are:

- To uphold the rights of the child to freedom from harm by ensuring our work does not result in the harm of children.
- To identify and manage child protection risks within our work and organisation in order to reduce them.
- To codify child protection standards of practice in the areas of Human Resources,
- Programming, Fundraising and Communications to ensure child protection is prioritised in all aspects of our work.
- To provide a clear and straight forward process in the case of harm to address that situation equitably whilst maintaining the safety of the child or observer.
- To demonstrate the commitment of MG and the individuals who work within it to zero tolerance of child abuse.

### 6. Definitions

## Child

As per the United Nations Convention on the Rights of the Child, MG defines a child as any person under the age of 18. Their marital status, position within their family, or work situation does not impact their definition as a child, or the rights that definition infers.

## Child Abuse

**All forms of physical or mental violence, exploitation or intimidation, including:**

- **Sexual abuse:** the involvement of a child in sexual activity by an adult or someone who is bigger or older. This may involve the use of power and authority or physical force. Sexual abuse can involve sexual behaviours which are physical, such as masturbation, oral sex, vaginal or anal penetration using any object, involvement in pornography, or non-physical, such as exhibitionism, exposure to pornography, or discussion of an explicit or sexual nature.
- **Physical abuse:** The use, or threat of use, of physical force against a child for the purpose of, or resulting in, harm to the child. Physically abusive behaviour includes slapping, shaking, throwing, shoving, burning, grabbing or kicking.
- **Emotional abuse:** Failure to provide a child with nurture or emotional support to the effect of threatening a child's self-esteem. Emotionally abusive behaviours involve inappropriate verbal or symbolic acts such as name calling, threatening, ridiculing, humiliating or isolating the child. Exposing a child to domestic violence is a form of emotional abuse.
- **Neglect:** The consistent failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for the child's physical and emotional development and well-being. This includes a failure to provide food, clothing, shelter, supervision or medical care which the caregiver is in a position to provide, to the extent that the child's health or development are at risk of being impacted.

## Child Exploitation

**Including:**

- Child labour;
- Committing or coercing another person to commit an act or acts of abuse or exploitation against a child;
- Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material;
- Committing or coercing another person to commit an act or acts of grooming or online grooming. Child soldiers

## Child Pornography

MG adopts the definition within the Optional Protocol to the Convention of the Rights of the Child; that being, 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.'

## Child Sex Tourism

The commercial sexual exploitation of children by men and women who travel from one place to another, and there engage in sexual acts with children. Child sex tourism is a significant problem within some countries where MG is working.

## Contact with Children

Contact with children refers to the incidental contact with children that may occur in the course of work even if that work is not child-focused, or indirect contact within the community.

## Grooming

The act of an adult or someone bigger or older than a child forming a relationship of trust with them for the purpose of exploiting them to sexually abuse them. Grooming includes online grooming, which is the transmission of messages via any online medium from an adult or someone bigger or older to a child or someone who the recipient believes to be under 18 years old, for the purpose of forming a sexual relationship.

## **Inappropriate content**

Visual depictions or narratives which are obscene, child pornography, potentially harmful to minors, or content which is not compliant with the Policy on Child Protection in Communications and Messaging.

## **Particularly vulnerable children**

Children who are particularly vulnerable to abuse, such as children with physical or intellectual disabilities, child sex workers, homeless children, or children impacted by disaster.

## **Stakeholders**

Those parties including partner organisations, consultants, contractors, suppliers and other third-party organisations that are involved in the delivery of MG projects.

Supporters Those whose contact with MG includes making donations, sponsoring a child, volunteer fundraising, being an ambassador and being a member of the public who has dealings with MG.

## **Working with children**

Paid or voluntary positions which include activities involving direct engagement with children as a normal part of that activity, in addition to any incidental contact with children. Positions of this nature require child-safe recruiting.

# **7. Policy in Action**

## **1. Child Protection in Programmes In order to manage risk related to child protection in Programmes, the MG Programmes team will:**

- a. Require a Child Protection Context section of all new project proposals.
- b. Conduct a child protection risk assessment on all new projects.
- c. Conduct a child protection risk assessment on all projects that undergo substantial change, or on an annual basis for long-term projects.
- d. Review and support partners in mitigating and reducing the exposure of children to risk of harm, abuse or exploitation.
- e. Maintain child protection monitoring in the MG Risk Register for the President to submit as an item on the Risk Report sent to the Committee members quarterly.
- f. Review and report annually to the Compliance Committee on the effectiveness of our MG programme risk assessment tools and processes and changing or updating as needed.

## **2. Child Protection in Communications In order to manage risk related to child protection in Communications and Messaging, the Communications team will:**

- a. Ensure no inappropriate content is used internally or externally for communications.
- b. Ensure the consent form/audio file from a child's parent or guardian is always attached with the picture within the MG 'Photo Library', or else not use the image in any internal or external communications.
- c. Ensure that a child cannot reasonably be identified or specifically located by a picture or case study.
- d. Ensure no photo or case study is used of a child which may infringe upon their dignity or rights.

## **3. Child Protection in Human Resources In order to manage risk related to child protection amongst personnel and within the organisation, the Human Resources team will:**

- a. Maintain a zero-tolerance approach to child abuse by ensuring people who pose an unacceptable risk to children are not engaged in identified position involving contact with children or working with children.
- b. Conduct child-safe recruitment procedures on all recruitments and additional procedures on recruitments that have been identified as 'working with children'. Ensure all new staff are inducted into the Child Protection

Policy and sign the Child Protection Code of Conduct. (Annexure A).

- c. Ensure all staff are subject to annual police checks and (in states where relevant) specific child protection checks.
- d. Ensure all staff annually undergo a child protection refresher training or undergo additional training upon any substantial change to the MG Child Protection Policy or Procedures.
- e. Ensure all volunteers are inducted into the Child Protection Policy and have signed the Child Protection Code of Conduct, and if likely to have contact with children in the course of their activities or travel with MG undertake a police check and (in states where relevant) specific child protection checks).
- f. Ensure all Committee members, ambassadors and any individual who visits MG projects overseas are inducted into the Child Protection Policy and have signed the Child Protection Code of Conduct, and undertake a police check and (in states where relevant) specific child protection checks. Ensure any person contracted to provide consultancy or other services are aware of the policy and sign the Child Protection Code of Conduct.

#### **4. Responsible Staff Members and Reporting President**

- a. The President is responsible for ensuring that MG remains an organisation committed in principle and action, at all levels, to the protection of children. The President holds all Line Managers or highest-level line staff members accountable to this Policy and Code of Conduct
- b. Line Managers or highest level line staff member: The Line Managers or highest level staff members are responsible for coordinating with the HR Department to ensure all staff within their line are inducted into the Policy and have signed the Code of Conduct. They are accountable in ensuring all work done or produced within their department is compliant with this Policy.
- c. Child Protection Focal Point (CPFP): Within MG, the Compliance Committee will appoint a Child Protection Focal Point on an annual basis to be the easily identifiable first point of contact for all concerns or allegations regarding a possible breach of the Policy or Code of Conduct. Additionally, the CPFP will assist the HR Department in inducting new staff into the policy or conducting refresher training. The CPFC will also be responsible for monitoring all sources of child protection principles mentioned in this Policy and any new sources as they should arise- to ensure the Policy remains relevant and up to date.
- d. All staff, volunteers, and ambassadors: All MG staff, volunteers and ambassadors are required to comply with the MG Child Protection Policy, Child Protection Procedure and Child Protection Code of Conduct. Staff are expected to remain alert and responsive to any child protection risks. MG staff are required to ensure they are aware of reporting procedures so they can follow them correctly and inform volunteers where necessary. Reporting procedures are outlined in the Child Protection Procedures and should be followed upon any occurrence of suspected child abuse. There is no penalty for instigating Child Protection reporting under any circumstances or against any staff member.

## (Annexure A)

### Child Protection Code of Conduct

All paid and unpaid staff, including volunteers, interns or trainees of Merciful Group INC ("MG") are responsible for the safety and wellbeing of children and young people who engage with MG. All paid and unpaid staff are expected to act in accordance with this Code of Conduct in their physical and online interactions with children and young people under the age of 18 years.

#### I WILL

- Act, in accordance with MG child safety and wellbeing policies and procedures at all times.
- Behave respectfully, courteously and ethically towards children and their families and towards other staff.
- Listen and respond to the views and concerns of children, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well.
- Promote the human rights, safety and wellbeing of all children in MG.
- Demonstrate appropriate personal and professional boundaries.
- Consider and respect the diverse backgrounds and needs of children.
- Create an environment that promotes and enables children's participation and is welcoming, culturally safe and inclusive for all children and their families.
- Involve children in making decisions about activities, policies and processes that concern them wherever possible.
- Contribute, where appropriate, to MG policies, discussions, learning and reviews about child safety and wellbeing.
- Identify and mitigate risks to children's safety and wellbeing as required by MG risk assessment and management policy or process.
- Respond to any concerns or complaints of child harm or abuse promptly and in line with MG policy and procedure for receiving and responding to complaints.
- Report all suspected or disclosed child harm or abuse as required by relevant legislation and by MG policy and procedure on internal and external reporting.
- Comply with MG protocols on communicating with children.
- Comply with the relevant legislation and MG policies and procedures on record keeping and information sharing.

#### I WILL NOT

- Act, in accordance with MG child safety and wellbeing policies and procedures at all times.
- Engage in any unlawful activity with or in relation to a child.
- Engage in any activity that is likely to physically, sexually or emotionally harm a child.
- Unlawfully discriminate against any child or their family members.
- Be alone with a child unnecessarily.
- Arrange personal contact, including online contact, with children I am working with for a purpose unrelated to MG activities.
- Disclose personal or sensitive information about a child, including images of a child, unless the child and their parent or legal guardian consent or unless I am required to do so by [the MG policy and procedure on reporting.
- Use inappropriate language in the presence of children or show or provide children with access to inappropriate images or material.
- Work with children while under the influence of alcohol or prohibited drugs.
- Ignore or disregard any suspected or disclosed child harm or abuse.

## (Annexure A)

### Child Protection Code of Conduct (cont.)

**If I think this Code of Conduct has been breached by another person in MG I will:**

- Act to prioritise the best interests of children.
- Take actions promptly to ensure that children are safe.
- Promptly report any concerns to my manager, MG Child Safety Officer, the Chief Executive Officer or another manager or leader in MG.
- Follow MG policies and procedures for receiving and responding to complaints and concerns.
- Comply with legislative requirements on reporting if relevant, and with MG policy and procedure on internal and external reporting.

**I agree to abide by this Code of Conduct during my employment with MG.**

**I understand that breaches of this Code of Conduct may lead to disciplinary action or termination of my employment with MG.**

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**Signature**

.....

**Full Name**

.....

**Date**

## Relevant Legislation

The following legislation and regulatory frameworks underpin Child Safety Code of Conduct:

- Children, Youth and Family Act 2005 (Vic)
- Child wellbeing and safety Act 2005 and the child safe standards (Vic)
- Working with children Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Children and young people Act 2008 (ACT)
- Working with vulnerable people (background checking) Act 2011 (ACT)
- Criminal Code Act 2002 (ACT)
- Human Rights Act 2004 (ACT)
- Family law Act 1975 (Cth)
- Care and protection of children Act 2007 (NT)
- Criminal Code Act 1983 (NT)
- Children and Young persons (care and protection) Act 1998 (NSW)
- Child protection (offenders registration) Act 2000 (NSW)
- Child Protection (Working with children) Act 2012 (NSW)
- Crimes Act 1900 (NSW)
- The Ombudsman Act 1974 (NSW)
- Child protection Act 1999 (Qld)
- Working with children (Risk management & screening) Act 2000 (Qld)
- Criminal Code Act 1899 (Qld)
- Child protection reform amendment Act 2014 (Qld)
- Family child and commission Act 2014 (Qld)
- Children's protection Act 1993 (SA)
- Family and community services Act 1972 (SA)
- Criminal law consolidation Act 1935 (SA)
- Children's protection regulations 2006 (SA)
- Children and community services Act 2004 (Tas)
- Registration to Work with Vulnerable People Act 2013 (Tas)
- Criminal Code Act 1924 (Tas)
- Children and Community Services Act 2004 (WA)
- Working with Children (Criminal Record Checking) Act 2004 (WA)
- Criminal Code Act 1913 (WA)
- Australian Association of social Workers code of Ethics (2010)
- Family Dispute Resolution Practitioners' Obligations to Clients
- Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015
- Child Safe Standards (VIC)