



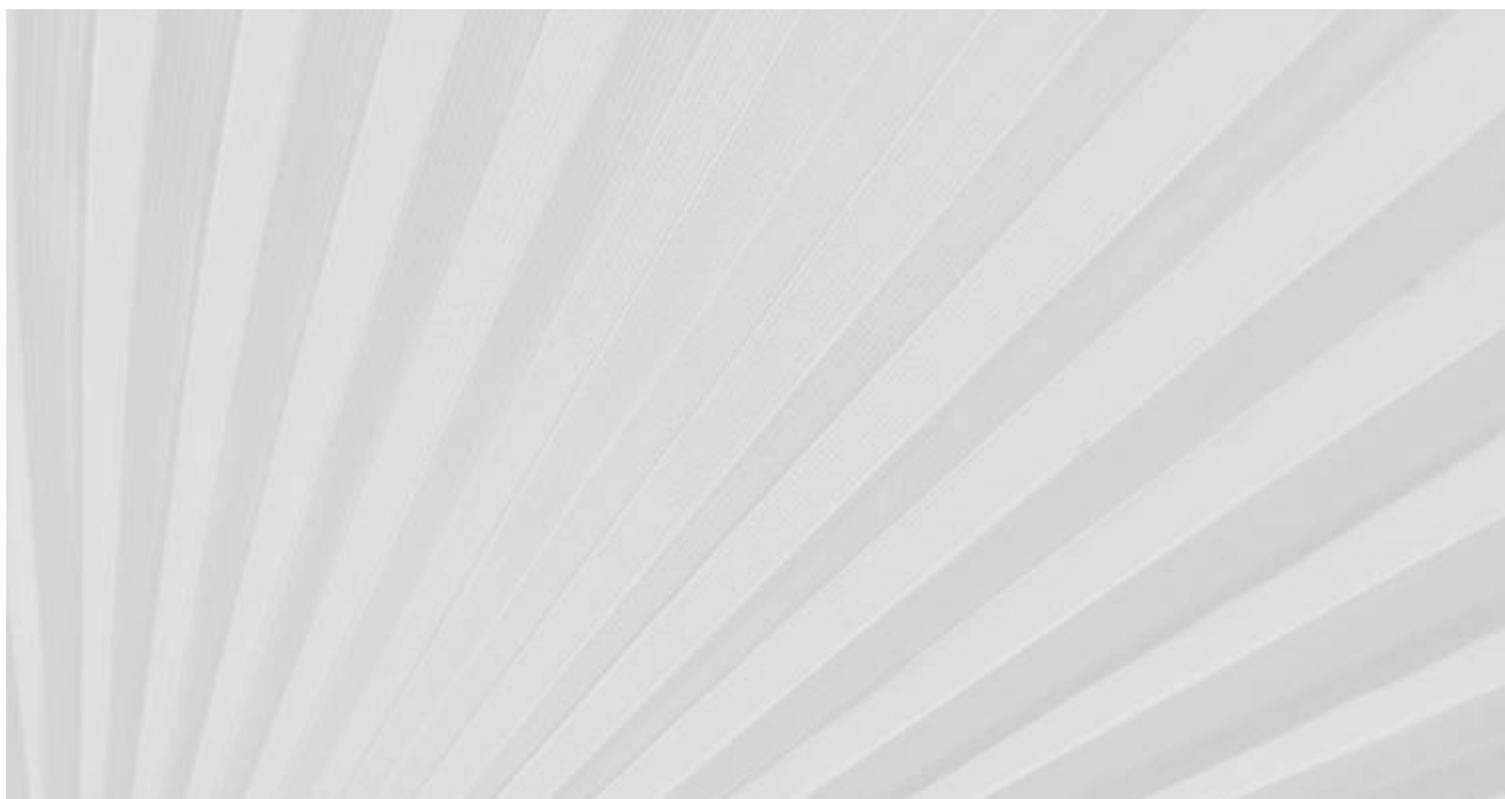
PALMERA

INNOVATING  
FOR SUSTAINABLE  
LIVELIHOODS

# Child Protection Policy

Palmera

APRIL 2017, VERSION 3





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### INTRODUCTION AND CONTEXT

Palmera values the safety and protection of children in the communities in which we operate. Palmera comes into contact or impact children in one of two ways:

1. Children may be indirect beneficiaries of our projects simply by their relationship to the direct beneficiaries.
2. Palmera may also undertake youth programs from time to time directly targeted towards child beneficiaries who are severely affected by a lack of access to education, lack of engagement in meaningful activities and a limited sense of belonging or contribution to their community,

Given this context, and as set out further in this policy, Palmera adopts a risk-based approach to the management of child protection in its activities.

However, as an overriding principle that guides all of its activities, Palmera acknowledges that its responsibility to ensure the safety of children is paramount and adopts a zero tolerance approach to child exploitation or abuse.

### OUR COMMITMENT TO CHILD PROTECTION

Palmera is committed to the safety and wellbeing of children and to protecting them from abuse and exploitation.

Palmera believes child protection is best safeguarded by embedding child protection values in our organisational culture and by ensuring those values permeate into individual conduct.

Palmera will do this by:

1. ensuring child safety risks are taken into consideration when implementing a project,
2. providing guidelines for appropriate behavior when visiting project sites,



3. requiring each individual who works for, or represents Palmera, to commit and adhere to the Child Protection Code of Conduct,
4. requiring each implementing NGO partner to adopt and adhere to Palmera's child protection values as stated in this policy,
5. providing a clear mechanism for reporting suspected abuses, and
6. ensuring the message is clear throughout the organisation and with our NGO partners that Palmera does not tolerate child exploitation and abuse.

## **GUIDING PRINCIPLES**

Palmera does not tolerate child abuse or exploitation in any form.

Palmera's Child Protection Policy is guided by the principles enunciated in the

UN Convention on the Rights of the Child (1989), ratified in domestic legislation including the *Criminal Code Act 1995* (Cth) and *Children and Young Persons (Care and Protection) Act 1998* (NSW).

The starting point of the Child Protection Policy is article 19 of the Convention on the Rights of the Child, which states:

*"State Parties shall... protect the child from all forms of physical and mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse..."*

## **SCOPE**

For the purposes of this policy, a child is a person is under 18 years of age.

This policy applies to all projects implemented by Palmera. The policy governs the conduct of:

- Palmera staff
- Palmera volunteers
- Board members
- Any other representatives of Palmera, such as consultants, photographers, and persons attending project sites on behalf of Palmera
- Staff of implementing NGO partners involved in Palmera's projects

## **DEFINITIONS AND TERMS**

### **Physical abuse**

Physical abuse occurs when a person uses or threatens to use physical force against a child that results in harm to the child. Physical abuse includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.

### **Emotional abuse**

Emotional abuse occurs when inappropriate verbal or symbolic acts are carried out towards a child, or where there is a pattern of failure over time to provide a child with adequate non-physical nurture and emotional support. Such acts are likely to damage a child's self-esteem or social competence and include ridiculing, intimidating, threatening or isolating the child.

### **Sexual abuse**

Sexual abuse is the use of a child for sexual stimulation or gratification by an adult or significantly older child or adolescent.



## **Neglect**

Neglect is the intentional withholding from a child the basic necessities of life, such as clothing, shelter and supervision to the extent that the child's health and development are at risk.

## **1 CHILD SAFETY RISK MANAGEMENT**

During the design phase, the Palmera member in charge of the program (typically the Program Manager or the CEO) must identify any risks to child safety arising out of the implementation of a project at the risk management phase of Project Due Diligence.

As noted above, Palmera adopts a risk-based approach to the management of child protection in its projects. In undertaking its Project Due Diligence, it first seeks to resolve whether the program or activity will involve potential contact with children, impact on children or work with children. If the answer is yes, Palmera must undertake a thorough assessment of child protection risk, the outcomes of which are documented in the Project Appraisal. This is not only incorporated in Project Implementation Plan but also all ongoing monitoring and evaluation of programs and activities.

The source of the risk is to be described as 'Child Safety'. Examples of specific risks that might be relevant to a project include:

- Unaccompanied children attend project sites during the project implementation
- Children of beneficiaries are left unsupervised due to parents/guardians' involvement in the project
- Visitors to the project sites acting on behalf of Palmera take photographs of children without their guardian's knowledge and/or permission

Risk mitigation strategies should be adopted to respond to the risks identified.

As a minimum, the strategies should include a requirement that:

1. All Palmera staff, volunteers and representatives attending the project site have signed and committed to the Child Protection Code of Conduct (outlined below).
2. Implementing NGO partner staff who will be working on the project site must provide confirmation that they will adhere to their own Child Protection Code of Conduct, which must align with Palmera's code, or if the implementing NGO partner does not have any such code, its relevant staff are to sign and adhere to Palmera's Child Protection Code of Conduct.
3. Project staff should ensure that children are not permitted to be present on project sites without an accompanying parent or guardian.

Where it is determined that there is no impact or contact with children, the minimum standards and guidelines for conduct set out in this policy will not apply.

## **2 VISITING PROJECT SITES**

In line with its risk-based approach, Palmera will ensure reasonable precautions are taken to protect children if any staff, volunteers or representatives (including those of an NGO implementing partner) are likely to come into contact with children during any site visits or in carrying out any of its activities. It does by ensuring its staff, volunteers and representatives adhere to the following guidelines:

1. Palmera staff and representatives must conduct themselves with the utmost professionalism and integrity at all times. Visitors must not physically injure or threaten to injure a child, emotionally abuse or sexually abuse a child.



2. Visits to project sites must be arranged through Palmera. Unauthorized visits are when a person visits a community directly or requests access from the implementing NGO partner, bypassing Palmera. If that occurs, the implementing NGO partner must notify Palmera and manage the person according to the guidelines outlined in this policy.
3. In preparation for the visit, visitors will be provided with a copy of this policy and the Child Protection Code of Conduct and will be given information regarding appropriate behavior during the visits.
4. Palmera staff and/or implementing NGO partner staff must accompany other visitors to the project sites at all times. Visitors must not spend time with a child of a beneficiary unsupervised.
5. Any gifts, contributions or correspondence to or with beneficiaries or their children must be facilitated through and screened by the implementing NGO partner.
6. Inappropriate or suspicious behavior of visitors towards any child must be addressed immediately. The Palmera or implementing NGO partner staff member accompanying the visitor must seek assistance of their supervisor and follow the guidelines established in this policy for managing and reporting suspected child abuse.

### **3 CHILD PROTECTION CODE OF CONDUCT**

Palmera has a Child Protection Code of Conduct (annexed to this Policy). In accordance with its risk-based approach, all Palmera staff, volunteers, board members, and others who are likely to come into contact with children, impact on children or work with children Palmera must sign and adhere to the Child Protection Code of Conduct at the commencement of their engagement with Palmera. At a minimum, Palmera will ensure that all of its "Hub" staff read and abide by the this Policy and sign the Child Protection Code of Conduct.

### **4 CONDUCT OF IMPLEMENTING NGO PARTNERS**

Palmera's implementing NGO partners are also required to adhere to the child protection values outlined in this policy.

This is to be monitored by the Palmera Project Coordinator through the Organisational Due Diligence process during which the Project Coordinator:

1. Must request and review a copy of the implementing NGO partner's Child Protection Policy (or equivalent) and Code of Conduct to ensure it aligns with Palmera's child protection guidelines outlined in this policy.
2. If no such policy or code is in place, provide a copy of Palmera's Child Protection Policy and Code of Conduct to the implementing NGO partner and obtain their agreement to abide by the policy and code. As a minimum, the implementing NGO staff who will be present on project sites must sign Palmera's Child Protection Code of Conduct if they have not already signed their own organisation's Code of Conduct.

### **5 RECRUITMENT**

Palmera follows strict guidelines in the recruitment of staff, volunteers, board members and other representatives to ensure candidates do not pose a child safety risk. These guidelines are implemented in the interviewing of candidates, reference checks and candidate pre-screening. Palmera will not employ or engage any person if they pose an unacceptable risk to children.

Candidates are also provided with information regarding Palmera's Child Protection values, including a copy of this policy and the Code of Conduct, and asked to disclose any relevant information regarding child safety.



## Background checks in Australia

Palmera will adopt a risk-based approach in considering which staff, volunteers or representatives undertaking child related services or being in contact with children will be required to submit to a 'Working With Children Check' or 'National Police Check'. In particular, if such checks are not available to staff or volunteers (eg staff and volunteers from overseas jurisdictions), Palmera will consider alternative means of ensuring appropriate background checks are undertaken.

### Background checks on project partner staff

All staff of project partners directly involved programs and activities that involve potential contact with children or impact on children as determined in Palmera's Project Due Diligence Phase will be subject to appropriate background and reference checks to mitigate the child protection risk posed by that program or activity. The extent of the risk posed by the program or activity will determine the level of background and reference checks that Palmera will undertake (or require its Project Partner undertake) on the project partner staff members involved in the delivery of that program or activity. This nature of the background checks will be determined on a project by project basis.

## 6 USE OF VISUAL IMAGES AND WRITTEN PUBLICATIONS

Palmera understands and is committed to portraying children in a positive manner in all its marketing and communication materials.

Palmera will at all times:

- Portray children in a dignified and respectful manner and not as vulnerable or submissive,
- Ensure that photographs, films of children and website publications respect and are in the best interest of the child,
- Assess and endeavor to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child,
- Obtain informed consent from the child and their parent/guardian before photographing or filming a child. As part of this Palmera must explain how the photograph or film will be used,
- Ensure children are adequately clothed and not presented in any way that could be seen as sexually suggestive,
- Ensure images are honest representations of the context and the facts,
- Ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

Implementing partners are also required to portray children in a respectful, appropriate and consensual way.

These principles and the guidelines for conduct are outlined in the Child Protection Code of Conduct.

## 7 CHILD ABUSE REPORTING MECHANISM

Palmera will take all reasonable steps to prevent child abuse and to hold accountable those who abuse children.

The mechanism for reporting, investigating and resolving complaints of child abuse is as follows:

1. Reporting:
  - a. Any incident, belief or suspicion of sexual or physical abuse (past or present) by Palmera staff, volunteer, board member, consultant, or other representative must be reported immediately to the Chief Executive Officer. If the report relates to conduct of the Chief Executive Officer, then incidents



will be reported to the Chairperson of the Board of Directors.

- b. The Palmera staff member who receives the complaint or disclosure regarding suspected abuse must, as soon as possible, fully document the complaint including the time, place and witnesses to the incident.

2. Investigation:

- a. The person complained against is to be stood down while the investigation takes place.
- b. The investigation must not pre-determine guilt or innocence. The person complained against is entitled to a fair and just process.
- c. Allegations should not be discussed with other people until all issues have been considered and a decision made by the Chief Executive Officer or other person who is delegated to fulfill the task.
- d. The family of the child should be informed of the allegation and the action proposed. They should be consulted where possible on the process to be followed.

3. Decision:

- a. Following the investigation, the Chief Executive Officer is to make a decision as to whether to terminate the tenure of the person complained against, whether to report the incident to law enforcement agencies (see below), whether further investigation is required or whether the findings of the investigation have satisfied the Chief Executive Officer that the complaint is not founded.
- b. Palmera will not retain any person in a role if the investigation shows that they pose an unacceptable risk to children.
- c. The decision made should be documented and filed.

4. Reporting to law enforcement agencies:

- a. If the incident is alleged to have occurred in Australia, the Chief Executive Officer may contact the police, depending on the nature of the incident, to investigate the allegation.
- b. ALL allegations of actual physical or sexual assault as defined in this policy must be reported to the police (whether in Australia or in the project country), whether or not the victim has consented to the matter being reported.

5. Confidentiality:

- a. All cases of child abuse are to be handled with utmost care and confidentiality to protect the wellbeing of the child concerned. The name or identify of the child and his or her family must not be disclosed to any person outside Palmera and may only be documented in the confidential investigation report.
- b. Investigation reports and decisions are to be marked confidential and are not to be released to any third party other than law enforcement agencies if required to assist with their investigations.

## 8 EDUCATION ON CHILD PROTECTION AND THIS POLICY

Palmera staff and volunteers will receive training in issues relating to child protection. All staff, volunteers, board members, consultants and other representatives of Palmera, and all implementing NGO partners will be made aware of their individual responsibilities to uphold Palmera's Child Protection Policy.



## REVIEWING THE CHILD PROTECTION POLICY

This policy is to be reviewed every three years, or earlier if appropriate, and lessons learned incorporated into subsequent versions.

	<b>Drafted By:</b>	<b>Reviewed By:</b>	<b>Approved By:</b>	<b>Next Review Date</b>
<b>Person</b>	Nivedha Thiru	Abarna Suthanthiraraj	Abarna Suthanthiraraj	12/4/16
<b>Date</b>	2/04/13	7/034/13	12/04/13	
<b>Person</b>	Nivedha Thiru	Abarna Suthanthiraraj	Abarna Suthanthiraraj	1/4/17
<b>Date</b>	1/4/14	1/4/14	1/4/14	
<b>Person</b>	Sagar Sritharan (changes to align with changes in DFAT Child Protection Policy)	Abarna Suthanthiraraj	Abarna Suthanthiraraj	28/02/20
<b>Date</b>	28/02/17	April 2017	April 2017	



## Child Protection Code of Conduct

I, \_\_\_\_\_ [name], acknowledge that I have read and understood Palmera's Child Protection Policy and agree that in the course of my involvement with Palmera, whether as staff member, volunteer, director, or other representative, I must:

- treat children with respect regardless of race, colour, gender, language, religions, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or act
- wherever possible, ensure that another adult is present when working in the proximity of children
- not invite unaccompanied children into my accommodation, unless they are at immediate risk of injury or in physical danger
- not sleep close to unsupervised children unless absolutely necessary
- use any computers, mobile phones, video cameras, cameras or social media appropriately and never to exploit or harass children or access child exploitation material through any medium
- not use physical punishment on children
- not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures
- immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with Palmera that relate to child exploitation and abuse.

When photographing or filming a child or using children's images for Palmera, I must:

- assess and endeavor to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child
- obtain informed consent from the child and their parent/guardian before photographing or filming a child. As part of this I must explain how the photograph or film will be used
- ensure photographs and video footage present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not presented in any way that could be seen as sexually suggestive



- ensure images are honest representations of the context and the facts
- ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

I understand that the onus is on me, as a person associated with Palmera, to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_