Hands Across the Water

Child Protection Policy

Effective Date: October 2017

Review Date: October 2019

Contents

Hands Across the Water (HATW) is a charity that was formed in the aftermath of the 2004, Boxing Day tsunami to provide housing and meet the needs of children left without family to care for them. HATW is now a registered charity in Australia, New Zealand and Thailand. As such the care of children is at the forefront of everything we do and we have a zero tolerance approach to child exploitation or abuse.

These guidelines are implemented and seek to cover all of those who are part of HATW or interact with the centres in Thailand under the auspice of, or with connection to the charity. At HATW we accept that our responsibility towards the children in our care extends beyond the provision of the care that we provide and includes their protection of their rights from those who are part of or associated with HATW.

In drafting the HATW Child Protection Policy, the Department of Foreign Affairs and Trade Child Protection Policy has been heavily relied upon as a base document.

Scope of this Policy

This policy seeks to cover those who are directly connected with HATW through a formal engagement and those who are casually connected including:

- Board directors of HATW Australia, HATW NZ and HATW Thailand;
- Employees of the Australian based social enterprise Hands Group;
- Contractors employed by HATW to perform work or provide services at the centres in Thailand;
- Volunteers who work at the centres in Thailand whose visit has been endorsed by HATW;
- Visitors to the centres in Thailand whose visit who has been endorsed by HATW;
- Staff employed at the centres in Thailand;
- Any other person who has reason to engage with the children at one of the HATW run facilities in Thailand; and
- Any other person who has reason to engage with the children from one of the HATW run facilities outside of the centre.

Policy principles

Principle 1: Zero tolerance of child exploitation and abuse

HATW has a zero tolerance approach to child exploitation and abuse. Where evidence exists to support a suspicion of any child exploitation and abuse that will be reported to the appropriate authorities in the appropriate jurisdiction, including but not limited to local Police for investigaton. HATW will not knowingly engage—directly or indirectly—anyone who poses a risk to children.

HATW works to minimise the risks of child exploitation and abuse associated with its functions and programs, and will provide a copy of these guidelines to staff and partners on their obligations under this policy.

Principle 2: Assess and manage child protection risk and impact

While it is not possible to entirely eliminate risks of child exploitation and abuse, careful management can identify, mitigate, manage or reduce the risks to children that may be associated with HATW functions and programs. HATW will undertake a bi-annual review of this policy, a constant monitoring of our operations and remain cognisant of industry best practice.

Principle 3: Sharing responsibility for child protection

To effectively manage risks to children, HATW works in partnership with our Australian and Thai based partners to develop robust practical policy and programs that provide for the children in our care. The responsibility for these programs is shared equally with those engaging with HATW endorsed activities or programs.

Principle 4: Procedural fairness

HATW will apply procedural fairness when making decisions that affect a person's rights or interests. HATW's partners are expected to adhere to this principle when responding to concerns or allegations of child exploitation and abuse.

Principle 5: Recognition of the best interests of the child

Australia is a signatory to the United Nations Convention on the Rights of the Child. HATW is committed to upholding the rights of the child and Australia's obligations under this convention. In all actions concerning children, the best interests of the child shall be a primary consideration.

Risk Based Approach

This policy provides a risk based approach and management of child protection in HATW related activities.

To decide if this approach needs to be taken, the first question to ask is 'does the program, or activity involve potential contact with children, impact on children, or working with children'? If the answer is yes, an assessment of child protection risk must be conducted. Relevant risk and decision-making processes and documents must reflect this assessment. This does not need to be a stand-alone process, and can be incorporated into existing activity planning and risk management processes.

Where a risk assessment is to be conducted HATW has modelled our assessment tool on the DFAT Child Protection Guidance Note of 2017 and that is attached to this document. (Attachment A)

If the program or activity is determined to be 'contact with children' or impacts children then, depending on the level of risk identified, apply the appropriate minimum child protection standards to manage the risk.

Responsibilities under the Policy

HATW or Hands Group Australian/NZ Based Personnel

HATW or Hands Group personnel must ensure child protection risk is considered, and is managed in accordance with HATW risk management practices. Where abuse or exploration is suspected that should be reported for investigation in accordance with the policy.

HATW Partners

All HATW associated individuals or organisations are expected to act in accordance with the policy principles outlined in this document.

Where contact with children is identified in delivery of HATW business, HATW requires those partners to:
• comply with the undertaking of a risk assessment of the proposed activity to ensure they identify and manage risks to children appropriately.
• immediately report any suspected or alleged instances of child abuse, exploitation, harm or child protection policy non-compliance.

HATW will operate from a position of zero tolerance of exploitation and abuse of children and whilst demonstrating a level of natural justice to all parties involved will default to protecting the interests of the child first in all circumstances.

Any suspicion or disclosure of child abuse and exploitation must be reported immediately through the organisation's internal processes and to the Managing Director of HATW. When responding to allegations, HATW has a responsibility to ensure their employees, contractors or associated persons are treated fairly, and that the rights of each individual are respected during an investigation and any applicable disciplinary process.

For activities that have no contact or impact on children, partners are not required to implement the minimum standards.

HATW Compliance Mechanisms

HATW will provide a copy of this policy to all staff who are engaged by HATW whose activities involves interaction with children. This includes paid staff and volunteers.

HATW will provide all external groups engaging in a program that will see them have contact with children with a copy of this policy.

HATW will provide training to all new personnel to whom this policy applies ensuring their awareness and requirement to comply.

HATW will undertake an annual awareness program to ensure it remains aware of trends and best practice within the industry in which they operate.

Under HATW partnerships, HATW can ask to remove individuals from working on an activity or who may be engaged in a program when an individual has been accused, charged, arrested or convicted of a criminal offence relating to child exploitation and abuse, or when HATW considers that an individual poses a risk to a child's safety or well-being. HATW also requires anyone under formal investigation for offences relating to child exploitation and abuse to be removed from any activities that presents them with the opportunity of interaction with children.

HATW reserves the right to terminate programs, refuse to engage an individual, or require an individual to be replaced if appropriate criminal record checks are not undertaken, or cannot be undertaken for roles that are identified as working with or having contact with children.

HATW requires for anyone for whom this policy covers, that is engaged in regular or work with the children.

Where Working with Children checks or police criminal history name checks are required these will be forwarded to the Managing Director of HATW prior to any period of engagement with the children.

Reporting

It is mandatory for all HATW staff and partners to report immediately any suspected or alleged case of child exploitation, abuse or policy non-compliance by anyone within scope of the policy. This relates to paid or voluntary staff or participants in programs.

What to report

Persons to whom this policy applies must report any behaviour that is suspected of being child exploitation or abuse (including possession of child exploitation material) or policy non-compliance by:

- a HATW staff member;
- a local Thai based staff member employed within the homes supported by HATW;
- any personnel engaged to perform work or provide services at the homes, including any contractors or sub-contractors;
- personnel engaged in a co-ordinated program at the homes;
- any volunteers or visitors to the homes.

Reporting of any suspected child exploitation or abuse should be made to the Managing Director of HATW and if deemed necessary to relevant authorities including local police.

Receipt of a report

Should a report be received the Managing Director should make immediate enquires to identify if any children are at risk of further exploration or abuse. An investigation shall then be conducted by the Managing Director and any other person they deem appropriate to identify the nature of the allegations.

Where evidence exists to suggest a criminal offence has been committed the investigation by the Managing Director shall be terminated and the relevant police notified immediately.

Upon receipt of a report, that person receiving the report shall ensure the safety of the child or children involved, preserve any evidence that exists and document the nature of the report they have received in a contemporaneous manner. Those contemporaneous records shall be retained pending further investigations.

Date of effect

The policy is effective from October 2017 and will apply to business activities and projects initiated after that date. This policy will be reviewed every two years, and lessons will be incorporated into subsequent versions.

Management of the policy

HATW will ensure:
- effective implementation of the policy, including regular review;
- all reports of child exploitation and abuse, policy non-compliance and code of conduct breaches are responded to by HATW and reported to relevant authorities where warranted;
- monitoring of any investigations, outcomes and lessons learned are undertaken.

Child Protection

Professional Behaviours

HATW staff and program participants, service providers or volunteers undertaking activities on behalf of HATW that involves working or contact with children are expected to adhere to the following behaviours while they are performing those duties:

- treat all children with respect;

- not use language or behaviour 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;

- wherever possible, ensure that another adult is present when working near children;

- not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger;

- not sleep close to unsupervised children;

- never use any computers, mobile phones, video cameras, cameras or social media 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 Thai 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 that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during association with HATW;

- be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse;

These behaviours are not intended to interfere with normal family interactions.

Photographing or filming of Children

When photographing or filming a child or using children's images for work-related purposes:

- take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child;

- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided;

- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses 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.

Glossary

Abuse Includes:
- **physical abuse**—the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning;
- **neglect**—the 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 their physical and emotional development and wellbeing;
- **emotional abuse**—refers to a parent or caregiver's inappropriate verbal or symbolic acts toward a child, or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence;
- **sexual abuse**—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography;
- **ill-treatment**—disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child.

Change in circumstances:
Personnel should report the following changes in circumstances to management:
- involvement in criminal activity
- disciplinary procedures and criminal or civil court proceedings relating to child exploitation and abuse

Child exploitation includes:
One or more of the following:
- committing or coercing another person to commit an act or acts of abuse 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;

- using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.

Child pornography material:
Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive.

Contact with Children:
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).

Criminal Record Check
A check of an individual's criminal history record. In Australia, national criminal record checks are available through state and territory police departments. They take around 20 working days. The type of employment should be specified as 'overseas employment'.

Grooming:
Generally, refers to behaviour that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for example by encouraging romantic feelings, or exposing the child to sexual concepts through pornography).

Harm:
Any detrimental effect on a child's physical, psychological or emotional wellbeing. Harm may be caused by financial, physical or emotional abuse, neglect, and/or sexual abuse or exploitation whether intended or unintended.

Informed Consent:
Ensures the child and the parent or guardian understand the implications, purpose and potential uses of photographs or videos.

Online Grooming:
The act of sending an electronic message to a recipient who the sender believes to be under 16 years of age, with the intention of procuring the recipient to engage in or submit
to sexual activity with another person, including but not necessarily the sender; or of sending an electronic message with indecent content to a recipient who the sender believes to be under 16 years of age.

Unacceptable Risk:
The portion of identified risk that cannot be tolerated, and that must be either eliminated or controlled. For people deemed an unacceptable risk, control mechanisms are not considered appropriate.

Working with Children

Working with children means 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.

ATTACHMENT A

Hands Across the Water

Child Protection Risk Management

Effective Date: October 2017

Review Date: October 2019

HANDS ACROSS THE WATER CHILD PROTECTION GUIDE

PURPOSE

This guide will assist Hands Across the Water (HATW) staff (paid or unpaid) partners and program recipients undertaking activities or projects sponsored or endorsed by HATW in establishing the **child protection risk context** to help determine whether an assessment of child protection risk at the activity or project level is required. This guidance supports the HATW Child Protection Policy 2017.

STANDARD RISK MANAGEMENT PROCESSES AT DESIGN, IMPLEMENTATION, MONITORING AND EVALUATION – AND MANAGED THROUGHOUT THE LIFECYCLE OF AN ACTIVITY OR PROJECT.

Risk levels included in this document are modelled on the DFAT Child Protection Guide and follow the principles of the International Standard on Risk Management (AS/NZ 31000:2009).

'High' Risk Activities

Activities can be 'high' risk for a number of reasons. This can be due their nature, the organisation involved or a combination of both.

There are three steps outlined in this guide that are used to establish the **child protection risk context.** Once you have completed the three steps you can establish the overall potential **child protection risk context** and determine whether a full child protection risk assessment is required.

	Establishing Child Protection Risk Context	
Step 1	Does the activity involve working with children or contact with children? This step will guide you through identifying the level of involvement with children. *If the activity is determined to be 'working with children' then a full child protection risk assessment is required*	
Step 2	Is the organisation child-focused and what child protection controls are currently in place?	
Step 3	Based on the outcomes of the first two steps, determine the Child Protection Risk Context	
	Note: All steps must be undertaken. It is not enough to identify an activity as low risk.	

Step 1: Does the activity involve working with children or contact with children?

There are two parts to this step:

Part A – Determine the activity level of working with or contact with children

Part B – Activity Inherent Risk

Use the definitions at the end of the document to assist with answering Part A and B

Step 1: Part A – What is the level of working with or contact with children at the activity level?

Complete the worksheet by adding a Yes or No response.

1. Contact with Children - Assessment (No = nil contact)		
Inherent risk	Personnel will be deployed internationally (outside their usual country of residence)?	
	Personnel will be working in a remote and/or rural location?	
Degree of Isolation	Involves being alone with children? (not frequently enough to be working with children)	
	Involves activities that are away from organisation location	
	Involves meeting one-on-one with children? (not frequently enough to be working with children)	
	Involves unpredictable or remote settings?	
Online contact or access to personal details	Involves direct one-on-one or group access to children online?	
	Involves supervising child-to-child online contact?	
	Involves online access to a child's or children's personal and/or confidential information?	
	Inadequate/missing safe options for children to report unwanted attention or inappropriate behaviour by others?	
	Involves educating children and supporting adults on cyber safety?	
2. Working with Children - Assessment		
Vulnerability of child/children	Engages with children whose true or cognitive age impacts on their ability to protect themselves?	
	Engages with children who have challenges that contribute to their vulnerability? (e.g. psychological, situational)	
	Engages with children who do not have many support systems?	

Degree of physical contact	Involves demonstrating a skill to children?	
	Position involves need for physical contact/touching children?	
	Involves providing a personal service? (e.g. washing, dressing, toileting)	
Degree of monopoly	Monopoly on provision of goods and/or services • Medical? • Food distribution? • Career training (sports/musical)?	
Degree of supervision	Involves personnel having unsupervised contact with children?	
	Activities/engagement with children is not observed or monitored?	
	Insufficient number of trained staff to supervise activities/ engagement with children?	
Degree of trust	Involves developing close, personal, long term relationships with children?	
	Involves transporting youth?	
	Involves one or more of the following: One-on-one supervision, overnight supervision, out of town activities, advising or offering guidance to youth or spending extended periods of time with youth e.g. camps?	
	Contributes to important decisions regarding the future of children?	
Access to Property	Has access to personal/confidential information?	
	Adult has a perceived or actual level of authority? (from child perspective)	
Skills and knowledge required	Requires specific skills, knowledge, qualifications or service eligibility requirements to undertake a child related position?	
Child labour	Possibility that activity will lead to the employment of children?	
	Possibility that activity will lead to the removal of children from school?	
	Possibility that activity will lead to children being employed in hazardous work?	
Vulnerability of parent/carer	Engages with parents whose true or cognitive age impacts on their ability to protect their children?	
	Engages with parents who have challenges that contribute to their ability to provide care? (e.g. psychological, situational)	
	Engages with parents who do not have many support systems?	

Vulnerability can include:	Physical and mental disabilities, homelessness, child sex workers or parents who are sex workers, children and families impacted by disasters, displaced, migrants, refugees and asylum seekers, children in contact with the law, children that have been subject to trafficking, orphans, unaccompanied minors and the very young?	

Step 1: Part B – Activity Inherent Risk

Based on your responses in Part 1, identify the inherent risk of the activity using the table below. Activity Risk is the level of potential risks to children due to the nature of the activity (working with children) or the design of the activity (design of the activity introduces risks to children).

LOW	No contact	☐	The activity does not involve any individuals working in-country (Nil Contact) (you answered No to all questions in Step 1 Part A)
MODERATE	Contact with Children	☐	The activity involves or may involve contact with children (working incountry, remote or rural area) (you answered Yes to any questions in 'Contact with Children - Assessment' but 'No' for all questions in 'Working with Children - Assessment')
HIGH	Working with Children	☐	The activity involves working with children (you answered YES to any questions under 'Working with Children - Assessment')

Note: If an activity is determined to be 'working with children' then a full child protection risk assessment is required regardless of the organisational context outcome.

Step 2: Is the organisation child-focused and what child protection controls are in place?

There are two parts to this step:

Part A – Assessment of Organisation's Focus on Children and strength of child protection systems in place

Part B – Organisation Inherent Risk

Step 2: Part A – Assessment of Organisation's Focus on Children and Strength of Systems

Complete the worksheets below and add a Yes/No response against each question under 'Systems and Controls' and 'Focus'.

Systems and Controls - Strength of systems and controls scaled by number of 'yes' responses. Use the scale 0 Yes answers = poor systems, 9 Yes answers = strong systems		
Child protection policy and procedures	Child Protection Policy in place?	
	Risk management practices in place and include risks to children	
	Recruitment practices, screening completed for all staff, before commencing work?	
	Notifications/Incident reporting procedures in place?	
	Staff receive child protection training?	
	Boundaries for appropriate behaviour/code of conduct are implemented?	
	Feedback on staff performance recorded?	
	Record keeping procedures are in place (meetings, activities, incidents, reports, logs, record of complaints)?	
	Organisation checks if third party service providers are child safe?	

Focus - A child-focused organisation is an organisation that answers 'yes' to any of the questions below.		
Types of activities	Does the organisation across all of its operations provide any direct activities/services for children?	
	Does the organisation provide any humanitarian relief?	
Business model/services provided by organisation	Organisation provides Residential/Orphanage/Shelter services?	
	Organisation uses a child sponsorship model?	
	Organisation allows sponsors to visit with children?	
	Organisation is part of a 'voluntourism' program?	
	Organisation requires technical experience/expertise to implement child related services?	
	Organisation uses children and/or images of children as a 'product' for fundraising activities?	

Step 2: Part B – Organisation Inherent Risk

Organisational risk is the level of potential risk posed by the organisation due to their ability to address child protection risks through their policies, procedures and systems and the type of work the organisation engages in (e.g. if they are a child focussed organisation, their risks will be higher).

LOW	NO FOCUS	☐	Organisation is not a child-focused organisation (you answered No to all questions in Step 2 – Focus)
MODERATE	FOCUS & STRONG SYSTEMS	☐	Organisation is a child-focused organisation and has good child protection systems in place (You answered Yes to any question in Step 2 Focus and had a majority of Yes answers to the questions under systems and controls)
HIGH	FOCUS & POOR SYSTEMS	☐	Organisation is a child-focused organisation and has poor or nil child protection systems in place (You answered Yes to any question in Step 2 Focus and had a majority of No answers to the questions under systems and controls)

Step 3: Establish the overall potential child protection risk context and whether a full child protection risk assessment is required

Once you have completed steps 1 and 2 you can establish the overall risk context by placing the results of each activity in the appropriate field below:

Organisation level of contact with children and systems in place (organisation inherent risk from Step 2)	Activity Level of Contact with Children (activity inherent risk from Step 1)		
	NIL (LOW)	CONTACT (MODERATE)	WORKING (HIGH/VERY HIGH)
NO FOCUS (LOW)	☐ No further assessment required	☐ Include risks in relevant Investment risk register, monitor for changes	☐ Full child protection risk assessment required
FOCUS & STRONG SYSTEMS (MODERATE)	☐ Include risks in relevant Investment risk register, monitor for changes	☐ Include risks in relevant Investment risk register, monitor for changes	☐ Full child protection risk assessment required
FOCUS & POOR SYSTEMS (HIGH/VERY HIGH)	☐ Full child protection risk assessment required	☐ Full child protection risk assessment required	☐ Full child protection risk assessment required

Low Risk	Moderate Risk	High Risk	Very High Risk

If the matrix indicates a full child protection risk assessment is required

- Conduct a full assessment of the child protection risks within the organisation and activity using the organisation's own risk management processes and documentation. A full child protection risk assessment requires the partner to assess all possible child protection risks within the activity.
- Show evidence that the assessment has been completed and documented.

If the matrix indicates a requirement for monitoring of child protection risks, it is recommended that the risk be included in the relevant Investment risk register and monitored accordingly.

Identify and record who completed the steps above and when full child protection risk assessment (if required) will be completed.

DEFINITIONS

Working With children	Working with children means 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 work. *The risks of child exploitation and abuse generally increase with the frequency of contact, meaning that working with children is a higher risk than contact with children.*
Examples	Activities or services for children: • Disability service • Cultural youth exchange • Residential care • Child protection services • Justice facilities for children • Childcare services • Child education services, Children in sports • Child accommodation services • Health services, Access to Sexual & Reproductive Health • Counselling and support services for children • Emergency response, Humanitarian assistance to children and families
Contact With children	**Contact with children means being engaged in 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.** This means physical contact, face-to-face contact, oral communication, written communication or electronic communication. *Contact covers contact with children in the community not associated with the work being performed.*
Examples	• Any international work, in particular working in remote/rural locations • Oral and written communication (including electronic communication) relating to a child • Visiting premises e.g. schools, health or residential facilities, that provide services to children • Any community consultation (data collection, surveying, training) • Women and Gender focussed activities • Health Sector Programs

Additional Resources:

1. Queensland Govt - Practice guide: Assessing harm and risk of harm https:www.communities.qld.gov.au/resources/childsafety/practice-manual/pg-assess-risk-of-harm.pdf
2. NSW Govt - Keep them Safe. http://www.keepthemsafe.nsw.gov.au
3. Department of Community Services, NSW Govt - Risk Assessment in Child Welfare.
4. Australian Institute of Family Services - Aust Govt https://aifs.gov.au/cfca/publications/risk-assessment-child-protection