

# graceWorks Australia Inc.

## Child Protection Policy

### Contents

<b>1. The challenge</b>	<b>1</b>
<b>2. The policy</b>	<b>1</b>
2.1 Goal and objective	1
2.2 Scope	2
2.3 Guiding principles	2
2.4 Implementation within graceWorks Australia Inc.	3
2.5 graceWorks Australia Inc.'s expectations of overseas partners	4
<b>3. Attachments</b>	<b>6</b>
1. graceWorks Australia Inc.-compliant child protection policy	6
2. graceWorks Australia Inc. Child Protection Code of Conduct	8
3. Mandatory reporting process for graceWorks Australia Inc. Committee Members and graceWorks Australia Inc.-funded partners	9
4. Legislation relevant to child protection	10
<b>4. Glossary</b>	<b>12</b>
<b>5. End notes</b>	<b>14</b>

# 1. The challenge

## The need to protect children from exploitation and abuse

The need to protect children is an issue for all communities. Children across the world are subjected to exploitation and abuse and experience sexual, physical and psychological violation. Many are forced into exploitative work, including commercial sexual exploitation.

There are many factors that increase children's vulnerability to exploitation and abuse, including disability or being orphaned, poverty, displaced, homeless or abandoned.<sup>1</sup> During emergency and disaster situations, children are more likely to experience exploitation and abuse as a result of being separated from their parents and other caregivers who would normally protect them from such harm.<sup>2</sup>

Child exploitation and abuse traumatises children and adversely affects their development and well-being. Children who are exploited and abused experience a greater likelihood of long-term consequences, including mental health issues, reduced educational outcomes, drug and alcohol abuse and increased likelihood of coming into contact with the law. At its core, child exploitation and abuse undermines a child's right to grow up safely.

### Matthew 18:1-6

At that time the disciples came to Jesus and asked, "Who, then, is the greatest in the kingdom of heaven?"

<sup>2</sup> He called a little child to him, and placed the child among them. <sup>3</sup> And he said: "Truly I tell you, unless you change and become like little children, you will never enter the kingdom of heaven. <sup>4</sup> Therefore, whoever takes the lowly position of this child is the greatest in the kingdom of heaven. <sup>5</sup> And whoever welcomes one such child in my name welcomes me.

<sup>6</sup> "If anyone causes one of these little ones—those who believe in me—to stumble, it would be better for them to have a large millstone hung around their neck and to be drowned in the depths of the sea.

## Rationale for a graceWorks Australia Inc. Child Protection Policy

There is international recognition that adults who have a formal role in working with or supporting children are in positions of trust and authority. The relationship between an adult and child is not a relationship between equals. Children are dependent on adults to care for and protect them.

It is a shared and collective responsibility of all adults to prevent child exploitation and abuse. graceWorks Australia Inc. has adopted this policy in recognition of its responsibilities to the Australian Charities and Not-for-profit Commission, and is committed to working with its partners to prevent and respond to child exploitation and abuse.

This policy sends a clear message that child exploitation and abuse is not tolerated and attracts disciplinary and commercial sanctions, as well as criminal penalties under Australian domestic and extra-territorial laws.

Perhaps even more importantly, the very reason for existence of graceWorks Australia Inc. is to bless and nurture children. Following Jesus' example, we must take every step possible to ensure any ministry we support brings good and not harm to these precious children.

## 2. The policy

### 2.1 Goal and objective

#### **The goal of this policy is:**

*To protect children from exploitation and abuse of all kinds in the delivery of graceWorks Australia Inc.'s child sponsorship, education sponsorship and humanitarian aid programs.*

#### **Objective:**

*To create and maintain protective environments for children in the delivery of graceWorks Australia Inc.'s child sponsorship, education sponsorship and humanitarian aid programs.*

### 2.2 Scope

This policy applies to:

- > graceWorks Australia Inc. Committee members
  
- > all Australian volunteers and mission trip participants, who seek the support of graceWorks Australia Inc. including:
  - individual volunteers
  - school mission groups
  - church groups
  
- > all Filipino agencies, who receive funding through graceWorks Australia Inc. including:
  - organisations
  - church groups
  - individuals
  - any ministry approved by the graceWorks Australia Inc. Committee

### 2.3 Guiding principles

The policy is guided by the following principles:

#### **Zero tolerance of child exploitation and abuse**

graceWorks Australia Inc. does not tolerate child exploitation and abuse. Such action attracts criminal, civil and disciplinary sanctions in both Australia and the Philippines. graceWorks Australia Inc. works to reduce the risks of child exploitation and abuse associated with delivering education and humanitarian aid activities and trains its staff on their obligations. graceWorks Australia Inc. will not knowingly engage—directly or indirectly—anyone who poses an unacceptable risk to children. graceWorks Australia Inc. will not fund any individual or organisation that does not meet graceWorks Australia Inc.'s child protection compliance standards in their operations and activities.

## Recognition of the best interest of the child

Australia is a signatory to the United Nations Convention on the Rights of the Child, and graceWorks Australia Inc. is committed to upholding the rights and obligations under this convention. graceWorks Australia Inc. recognises that some children, such as those with disability, children living in areas impacted by disasters and children living in conditions of financial disadvantage, are particularly vulnerable.

## Sharing responsibility for child protection

To effectively manage risks to children, graceWorks Australia Inc. requires the commitment, support and cooperation of our partners. They must meet the terms of this policy and will be held accountable, through the development of their own policies, audits and spot checks, for complying with it.

## Risk management approach

While it is not possible to eliminate all risks of child exploitation and abuse, careful management can reduce the risks to children that may be associated with aid activities. These are identified during initial risk assessments and are managed for the duration of the aid activity.

## Procedural fairness

graceWorks Australia Inc. will use fair and proper procedures when making decisions that affect a person's rights or interests. Our partners are expected to adhere to this principle when responding to concerns or allegations of child exploitation and abuse.<sup>3</sup>

In line with procedural fairness principles, graceWorks Australia Inc. reserves the right to terminate support for an activity if appropriate background checks are not provided. graceWorks Australia Inc. will not support the engagement of an individual, or will require an individual to be replaced, if there is an unacceptable risk to a child's safety or well-being.

## 2.4 Implementation within graceWorks Australia Inc.

### Ensuring a consistent child protection approach with overseas partners

graceWorks Australia Inc. is responsible for:

- > ensuring that overseas partners have established a child protection policy appropriate to their activity. Such a policy must include procedures for responding to reports of child exploitation and abuse.
- > ensuring that volunteers and mission teams sent from Australia to our partners overseas are compliant with the policy
- > conducting child protection audits and spot checks to monitor the child protection systems of our partners overseas
- > reviewing the policy every three years.

### Increasing awareness of child protection obligations under the policy

- > graceWorks Australia Inc. Committee Members must:
  - provide the Public Officer with evidence that they have completed a Working With Children Check
  - immediately report any concerns or allegations of child exploitation and abuse, and policy non-compliance, by anyone covered by the policy

- acknowledge their responsibilities by signing graceWorks Australia Inc.’s Child Protection Code of Conduct and providing it to the Public Officer. They must comply with the code of conduct during the course of their service on the graceWorks Australia Inc. Committee.
- consider child protection as part of an initial risk assessment for aid activities and for the duration of the aid activity.

### Internal screening processes

To ensure that inappropriate people are not involved in the activities of our partners overseas, graceWorks Australia Inc. will ensure that all volunteers and mission team participants who are over 18 undergo screening measures. These include personal references from a graceWorks Australia Inc. Approved Sending Body and background checks and may include a Working with Children Check.

In particular, all volunteers who visit the Philippines as representatives of graceWorks Australia Inc. will provide documentation verifying that they have undergone a Working with Children Check.

### Internal procedures for handling reports related to child exploitation and abuse

graceWorks Australia Inc. has internal procedures for handling reports related to child exploitation and abuse<sup>4</sup> and notifies relevant law enforcement agencies as appropriate. These procedures outline obligations and responsibilities for reporting on and managing concerns about inappropriate behaviour.

### Ensuring risks to children are managed in humanitarian disaster responses

graceWorks Australia Inc. recognises that children living in areas impacted by disasters are particularly vulnerable. Risks to children must always be considered when developing humanitarian disaster response activities.

### Child Protection Code of Conduct

All graceWorks Australia Inc. Committee Members, volunteers, mission team participants and overseas partners must comply with graceWorks Australia Inc.’s Child Protection Code of Conduct which sets stringent standards for personal behaviour. graceWorks Australia Inc. expects partners to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse in the course of their association with graceWorks Australia Inc..

### Reviewing the child protection policy regularly

This policy will be reviewed every three years, and lessons learnt will be incorporated into subsequent versions.

## 2.5 graceWorks Australia Inc.’s expectations of overseas partners

All overseas partners, mission team participants and individual volunteers are expected to immediately notify graceWorks Australia Inc. if any graceWorks Australia Inc.-linked personnel, or partner personnel, are accused of, charged with, arrested for, or convicted of criminal offences relating to child exploitation and abuse.

### Overseas Partners

Our overseas partners play an important role in protecting children. graceWorks Australia Inc. partner organisations are required to develop and implement a graceWorks Australia Inc. compliant child protection policy (Attachment 1) which consists of nine standards that provide a framework for managing and reducing the risks of child exploitation and abuse. The partner organisation’s child protection policy

must apply to all personnel, partners and subcontractors who are engaged to perform **any part** of a graceWorks Australia Inc. partner organisation activity.

graceWorks Australia Inc. can require individuals to be removed from working on an activity managed by our overseas partners, and can also require anyone under formal investigation to be suspended from duty or transferred to other duties during an investigation. This right is exercised when an individual has been convicted of a criminal offence relating to child exploitation and abuse, or when it is considered that an individual poses an unacceptable risk to a child's safety or well-being.

graceWorks Australia Inc. reserves the right to suspend or terminate an agreement or activity in whole or in part if a partner organisation does not take appropriate steps to manage and resolve an allegation of child exploitation and abuse.

### **Individual Australian volunteers**

Individual Australian volunteers who are in contact with children are required to sign the graceWorks Australia Inc.'s child protection code of conduct and ensure they comply with this during their term of service.

In particular, Australian volunteers who visit the Philippines as representatives of graceWorks Australia Inc. will provide documentation verifying that they have undergone a Working with Children Check.

## Attachment 1

### graceWorks Australia Inc.-compliant child protection policy

Compliance standard	Why this is required	Evidenced by
<p>1. The organisation has a child protection policy that applies to all personnel, partners and subcontractors that are engaged by a contractor or civil society organisation to perform any part of a graceWorks Australia Inc.-funded activity.</p>	<ul style="list-style-type: none"> <li>- A child protection policy provides clear guidance and demonstrates how the organisation, across its operations, will ensure that children are protected from child exploitation and abuse in the delivery of Australian aid.</li> </ul>	<ul style="list-style-type: none"> <li>- Child protection policy.</li> <li>- Personnel are aware of the organisation's child protection policy (e.g. through internal communication and training).</li> <li>- Documented plan for ensuring graceWorks Australia Inc. -funded implementing partners are meeting the minimum standards set out in 2.5 of this policy.</li> </ul>
<p>2. The organisation has robust recruitment screening processes for all personnel in contact with children. These recruitment procedures include:</p> <ul style="list-style-type: none"> <li>- criminal record checks before engagement</li> <li>- verbal referee checks</li> <li>- interview plans that incorporate behavioural-based interview questions. These are to be used when candidates are applying for positions that involve working with children.</li> </ul>	<ul style="list-style-type: none"> <li>- Child-safe recruitment and screening processes are essential to enable an organisation to choose the most appropriate person for a position that involves contact with children.</li> </ul>	<ul style="list-style-type: none"> <li>- Documented criminal record checks for personnel in contact with children.</li> <li>- Documented verbal referee checks.</li> <li>- Interview plans incorporating behavioural-based interview questions that are specific to positions that involve working with children.</li> <li>- Documented request for an applicant to disclose whether they have been charged with child exploitation offences and their response.</li> </ul>
<p>3. The organisation's child protection policy includes a documented reporting procedure for child exploitation and abuse allegations and policy non-compliance, including available sanctions for breaches.</p>	<ul style="list-style-type: none"> <li>- An effective child protection policy requires a report handling procedure. One of the biggest hurdles to personnel reporting child exploitation and abuse is that there is no formal system in place to do so, or that personnel are not aware of a formal system to report concerns or allegations.</li> <li>- Reporting systems must respect the rights of the alleged victim and alleged offender.</li> </ul>	<ul style="list-style-type: none"> <li>- Organisation's guidelines for managing concerns or allegations of child exploitation and abuse, and policy non-compliance.</li> <li>- Documentary evidence that personnel can raise concerns about a child's safety or well-being or unacceptable behaviour by personnel.</li> <li>- Documentary evidence outlining the organisation's details of available sanctions for breaches of the code of conduct.</li> </ul>
<p>4. The organisation provides child protection training for personnel.</p>	<ul style="list-style-type: none"> <li>- Personnel must be fully aware of their responsibilities to protect children and how to report concerns or allegations about child exploitation and abuse.</li> </ul>	<ul style="list-style-type: none"> <li>- Training agendas and timeframes for training.</li> <li>- Materials used in training.</li> </ul>

Compliance standard	Why this is required	Evidenced by
<p>5. The organisation has a child protection code of conduct that meets the minimum standard set by graceWorks Australia Inc. (see Attachment 2– graceWorks Australia Inc.’s Child Protection Code of Conduct).</p>	<ul style="list-style-type: none"> <li>- A code of conduct protects children and personnel. It makes clear the organisation’s standards for acceptable/unacceptable behaviour in relation to children and must be signed by all personnel.</li> <li>- It protects personnel by providing guidance on how to avoid situations that may be perceived as harmful to children. It also provides employers with a sound basis on which to conduct disciplinary action.</li> </ul>	<ul style="list-style-type: none"> <li>- A child protection code of conduct based on graceWorks Australia Inc.’s Child Protection Code of Conduct.</li> <li>- Signed codes of conduct or a register documenting details of personnel who have signed the code of conduct.</li> </ul>
<p>6. The organisation’s child protection policy commits it to preventing a person from working with children if they pose an unacceptable risk to children.</p>	<ul style="list-style-type: none"> <li>- Provides the organisation with clear grounds as an employer to determine whether a person is the most appropriate to work with children.</li> </ul>	<ul style="list-style-type: none"> <li>- Referenced in relevant documentation, including policies, contracts and human resource guidelines.</li> </ul>
<p>7. The organisation’s employment contracts contain provisions for dismissal, suspension or transfer to other duties for any employee who breaches the child protection code of conduct.</p>	<ul style="list-style-type: none"> <li>- Reinforces the importance of the organisation’s policy to personnel.</li> <li>- Ensures the organisation has legal recourse to remove or transfer personnel who pose an unacceptable risk to children.</li> </ul>	<ul style="list-style-type: none"> <li>- Contract with personnel.</li> </ul>
<p>8. The organisation’s child protection policy is subject to regular review— at least every five years or earlier if warranted.</p>	<ul style="list-style-type: none"> <li>- Contexts change, particularly in the development sector. There must be a commitment to review and update the policy as required.</li> <li>- Given that child protection policies are relatively new for many organisations, it is important that an organisation can learn and adapt from its experiences in implementing its child protection policy.</li> </ul>	<ul style="list-style-type: none"> <li>- Timetable/timeframe for review.</li> <li>- Policy review report at least every five years.</li> <li>- Records of consultation with graceWorks Australia Inc. on policy review.</li> </ul>
<p>9. The organisation undertakes a risk assessment that covers all graceWorks Australia Inc. -funded activities that have contact with children. The assessment should identify risks, classify any high-risk activities, and document steps being taken to reduce or remove these risks.</p>	<ul style="list-style-type: none"> <li>- Some activities are higher risk than others. This may be due to the nature of the activity or the location. For example, working with children with disability or in an emergency situation.</li> </ul>	<ul style="list-style-type: none"> <li>- Risk log identifying high-risk activities and measures to reduce or remove the risk to children.</li> <li>- Evidence that risk assessments are reviewed/updated throughout the lifecycle of the activities.</li> </ul>

## Attachment 2

### graceWorks Australia Inc. Child Protection Code of Conduct

I, \_\_\_\_\_ [insert name], acknowledge that I have read and understand graceWorks Australia Inc.'s *Child Protection Policy, October 2015*, and agree that in the course of my association with graceWorks Australia Inc., I must:

- > treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- > 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 or acts
- > wherever possible, ensure that another adult is present when working in the proximity of children
- > not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger
- > not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible
- > 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 KSLC Inc. that relate to child exploitation and abuse.

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

- > assess and endeavour to comply with local traditions or restrictions for reproducing personal images 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. As part of this I must explain how the photograph or film will be used
- > 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.
- > I understand that the onus is on me, as a person associated with graceWorks Australia Inc., to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

Signed:

Date:

## Attachment 3

# Mandatory reporting process for graceWorks Australia Inc. Committee members and graceWorks Australia Inc.-funded partners

### What should I report?

You should report:

- > any behaviour that you suspect may be **child exploitation** and **abuse**, including possession of **child exploitation material**, or **policy non-compliance** by:
  - a graceWorks Australia Inc. Committee member
  - all Australian volunteers and mission trip participants, who seek the support of graceWorks Australia Inc. including:
    - individual volunteers
    - school mission groups
    - church groups
  - all Filipino agencies, who receive funding through graceWorks Australia Inc. including:
    - organisations
    - church groups
    - individuals
    - any other ministry approved by the graceWorks Australia Inc. Committee
- > any report made to you by anyone relating to child exploitation and abuse or policy non-compliance by a graceWorks Australia Inc. Committee member or graceWorks Australia Inc. partner.

### What if I am not sure what I have seen is child exploitation and abuse?

Contact graceWorks Australia Inc. for confidential advice and further information about what constitutes child exploitation and abuse or policy non-compliance.

### How do I make a report?

Reports can be made by:

Email: [info@graceworks.org.au](mailto:info@graceworks.org.au); [chair@graceworks.org.au](mailto:chair@graceworks.org.au); [secretary@graceworks.org.au](mailto:secretary@graceworks.org.au); [treasurer@graceworks.org.au](mailto:treasurer@graceworks.org.au)

Mail: graceWorks Australia Inc., PO Box 641, Cardiff NSW 2285.

### What information do I need to provide in the report?

You should provide as much information as possible, including:

- date(s) of incident(s)
- name of organisation(s) involved
- alleged offender's details, including name, nationality and occupation
- details of alleged incident(s)
- whether local law enforcement authorities have been informed
- if it is a graceWorks Australia Inc.-funded activity, the name of the activity (if known)
- details of what the organisation(s) proposes to do
- any other relevant information.

### What happens to the information I provide?

All information provided to graceWorks Australia Inc. will be treated confidentially in accordance with relevant Commonwealth legislation, including the *Privacy Act 1988*.

## Attachment 4

### Legislation relevant to child protection

A range of laws are relevant to this policy, including Australian Commonwealth, state and territory laws and local laws in countries where graceWorks Australia Inc. works. A number of international child protection instruments also apply.

#### 1. Relevant Australian legislation

Under Commonwealth law an Australian citizen or resident can be prosecuted for an offence committed against a child in another country under laws that have an extra-territorial application.

##### Commonwealth legislation

<b><i>Criminal Code Act 1995</i></b>		
<b>Legislation</b>	<b>Examples of offences</b>	<b>Maximum penalty</b>
<i>Division 272 (child sex offences outside Australia)</i>	Engaging in sexual intercourse outside of Australia with a child under 16 years of age	20 years imprisonment
	Engaging in sexual activity outside of Australia with a child under 16 years of age	15 years imprisonment
	Engaging in sexual intercourse or sexual activity outside of Australia with a child under 16 years of age and the child has a mental impairment or is under the care, supervision or authority of the defendant	25 years imprisonment
	Engaging in sexual intercourse outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	10 years imprisonment
	Engaging in sexual activity outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	7 years imprisonment
	Grooming a child under 16 years of age to engage in sexual activity outside of Australia	12 years imprisonment
<i>Division 273 (offences involving child pornography material or child abuse material outside Australia)</i>	Possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia	15 years imprisonment
<i>Division 474 (telecommunications offences, subdivision C)</i>	Accessing, soliciting or transmitting child pornography or child abuse material using a carriage service	15 years imprisonment
	Engaging in sexual activity with a child under 16 years of age using a carriage service	15 years imprisonment
	Online grooming of a child under 16 years of age	15 years imprisonment
<b><i>Crimes Act 1914</i></b>		
<i>The Crimes Act 1914 sets out the laws that govern the way legal proceedings under the Criminal Code Act 1995 are conducted, including the conduct of investigations and the protection of children involved in proceedings for sexual offences (under Part 1AD).</i>		

## State and territory child protection legislation

State and territory laws provide legal protection to children and families that are affected by child exploitation and abuse that occurs in Australia.

State or territory	Legislation	Source
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i>	<a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>
Victoria	<i>Children, Youth and Families Act 2005</i>	<a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Queensland	<i>Child Protection Act 1999</i>	<a href="http://www.legislation.qld.gov.au/OQPChome.htm">www.legislation.qld.gov.au/OQPChome.htm</a>
Western Australia	<i>Children and Community Services Act 2004</i>	<a href="http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html">www.slp.wa.gov.au/legislation/statutes.nsf/default.html</a>
South Australia	<i>Children's Protection Act 1993</i>	<a href="http://www.legislation.sa.gov.au">www.legislation.sa.gov.au</a>
Tasmania	<i>Children, Young Persons and their Families Act 1997</i>	<a href="http://www.thelaw.tas.gov.au">www.thelaw.tas.gov.au</a>
Australian Capital Territory	<i>Children and Young People Act 2008</i>	<a href="http://www.legislation.act.gov.au">www.legislation.act.gov.au</a>
Northern Territory	<i>Care and Protection of Children Act 2007</i>	<a href="http://www.nt.gov.au/dcm/legislation/current.html">www.nt.gov.au/dcm/legislation/current.html</a>

## 2. Local legislation

The Philippines has legislation relating to child exploitation and abuse.

When working in-country, graceWorks Australia Inc. Committee members and volunteers and our partner organisations implementing program activities are required to abide by local legislation, including labour laws with regard to child labour.

## 3. International child protection instruments that Australia is a signatory to

Instrument	Source
The United Nations Convention on the Rights of the Child	<a href="http://www.unicef.org/crc">www.unicef.org/crc</a>
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<a href="http://www.unhcr.org/refworld/docid/50b353232.html">www.unhcr.org/refworld/docid/50b353232.html</a>
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	<a href="http://www.unhcr.org/refworld/docid/47fdfb180.html">www.unhcr.org/refworld/docid/47fdfb180.html</a>
Geneva Declaration of the Rights of the Child	<a href="http://www.un-documents.net/gdrc1924.htm">www.un-documents.net/gdrc1924.htm</a>
International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	<a href="http://www.ilo.org/ilolex/english/convdisp1.htm">www.ilo.org/ilolex/english/convdisp1.htm</a>

# Glossary

<p><b>Abuse</b></p>	<p>Includes:</p> <ul style="list-style-type: none"> <li>- <b>physical abuse</b>—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</li> <li>- <b>neglect</b>—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 well-being</li> <li>- <b>emotional abuse</b>—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</li> <li>- <b>sexual abuse</b>—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.<sup>8</sup></li> </ul>
<p><b>Behavioural-based interview questions</b></p>	<p>Interview questions that probe the applicant’s past behaviour in specific situations relevant to the position. Behavioural-based questions give interviewers additional information as to the applicant’s suitability to work with children.</p>
<p><b>Changes in circumstances</b></p>	<p>Personnel should report the following changes in circumstances to management:</p> <ul style="list-style-type: none"> <li>- involvement in criminal activity</li> <li>- disciplinary procedures and criminal or civil court proceedings relating to child exploitation and abuse.</li> </ul>
<p><b>Child or children</b></p>	<p>In accordance with the United Nations Convention on the Rights of the Child, ‘child’ means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this policy, KSLC Inc. considers a child to be a person under the age of 18 years.</p>
<p><b>Child abuse material</b></p>	<p>Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse.</p>
<p><b>Child exploitation and abuse</b></p>	<p>One or more of the following:</p> <ul style="list-style-type: none"> <li>- committing or coercing another person to commit an act or acts of <b>abuse</b> against a child</li> <li>- possessing, controlling, producing, distributing, obtaining or transmitting <b>child exploitation material</b></li> <li>- committing or coercing another person to commit an act or acts of <b>grooming</b> or <b>online grooming</b>.</li> </ul>
<p><b>Child exploitation material</b></p>	<p>Material, irrespective of its form, which is classified as child abuse material or child pornography material.</p>
<p><b>Child pornography</b></p>	<p>In accordance with the Optional Protocol to the Convention on the Rights of the Child, ‘child pornography’ means ‘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.’ For further information regarding child pornography offences, refer to the <i>Criminal Code Act 1995</i>.</p>

<b>Child pornography material</b>	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. <sup>9</sup>
<b>Child protection</b>	An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.
<b>Contact with children</b>	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.
<b>Criminal record check or Working With Children Check</b>	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.' Overseas, different checking procedures apply in each country and may take six weeks or longer. Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including sighting by graceWorks Australia Inc..
<b>Grooming</b>	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).
<b>Online grooming</b>	The act of sending an electronic message with indecent content 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. For further details, refer to the <i>Criminal Code Act 1995</i> , Division 474 (telecommunications offences, subdivision C).
<b>Personnel</b>	Personnel are either employed by an organisation, engaged by an organisation on a subcontract basis, or engaged by an organisation on a voluntary or unpaid basis.
<b>Police clearance certificate</b>	The certificate showing the results of a criminal record check, which is issued by the police or other authority responsible for conducting such checks.
<b>Policy non-compliance</b>	The failure to abide by graceWorks Australia Inc.'s policy.
<b>Unacceptable risk</b>	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.

# Endnotes

- 1 World Health Organization 2006, *World report on violence against children*.
- 2 Paulo Sergio Pinheiro 2006, *Report of the independent expert for the United Nations study on violence against children*.
- 3 Australian Government Attorney-General's Department 2010, *Procedural fairness guidelines*.
- 4 graceWorks Australia Inc. adheres to *Handling misconduct: a human resources practitioner's guide to the reporting and handling of suspected and determined breaches of the APS Code of Conduct* <http://www.apsc.gov.au/publications-and-media/current-publications/handling-misconduct>
- 5 When criminal record checks are required under these child protection compliance standards, checks must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship. Individuals need to provide their consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate should be used, including being sighted by DFAT. DFAT recognises that in limited instances it may prove impossible to obtain a reliable criminal record check. A statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted in lieu.
- 6 As defined under the *Criminal Code Act 1995*.
- 7 As defined under the *Criminal Code Act 1995*.
- 8 Fact Sheet No. 12 *What is child abuse and neglect?* National Children's Clearinghouse, Australian Institute of Family Studies.
- 9 This definition has been extracted from the *Criminal Code Act 1995*. See Part 10.6 of the criminal code for the full definition.