

LOVE MERCY AUSTRALIA

Child Protection Policy

Statement of Purpose: The following child protection policy presents the strong position taken by the Love Mercy Foundation (LMF) against child abuse and exploitation. LMF is committed to the welfare and universal rights of children, affirmed by the Universal Declaration of Human Rights. Article 25 requires children to be treated with “special care and assistance”. They will be treated with respect regardless of race, colour, sex, language, religion or belief, political or other opinion, ethnic or social origin, disability, birth or other status. This includes all children under 18 years of age.

The following Child Protection Policy applies to:

- Love Mercy Foundation staff (both in Australia and Uganda).
- Love Mercy Foundation board members (both in Australia and Uganda).
- Love Mercy Foundation volunteers and interns (both in Australia and Uganda).
- Partner organisations.
- Individually contracted consultants and labour personnel (both in Australia and Uganda).
- Third party organisations that may come into contact with children (both in Australia and Uganda).
- Individuals partaking in observation trips to Uganda

Last review: July 2020

1. Program planning

LMF commits to the enrichment of its programs through the respectful interaction with children through the following guidelines:

- 1.1. Projects and programs will be developed in accordance with this Child Protection Policy and relevant international human rights treaties including the Convention on the Rights of the Child 1989.
- 1.2. All projects will undergo evaluation and monitoring, specifically regarding the treatment of children, to ensure that this policy is implemented effectively.
- 1.3. The invaluable voice of children will be incorporated into the program cycle at all stages, through the real and palpable participation of children, particularly where programs directly impact them.
- 1.4. LMF believes that children have the right to speak and be heard. Involving them in the process enables them to know their right to protection. Children are encouraged to cooperate actively, share information and be involved in advocacy initiatives.

2. Interaction with children

LMF commits to lawful, respectful, and fruitful interaction with children through the following guidelines:

- 2.1. Children will be treated with equal respect regardless of gender, age, status, religion, race, ethnicity, political views, or sexuality.
- 2.2. Interaction with a child, including interviews, conversations, activities and workshops will occur only with the child's permission or in response to the child's needs.
- 2.3. Love Mercy staff, volunteers and contracted personnel will remain visible when with children at all times in the presence of another staff member or contracted personnel.
- 2.4. Staff and volunteers will act responsibly around children and avoid any kind of explicit language or behaviour deemed inappropriate or culturally insensitive. The Preamble of the Convention of the Rights of the Child states that the indigenous culture of the child must be taken into consideration in any decision-making regarding the child.
- 2.5. Staff and volunteers will take all concerns and opinions of children seriously and encourage child participation. The best interest of the child will be the paramount consideration in all dealings with children, as stated under section 60 CC of the Family Law Act 1975 (Australia).
- 2.6. Staff and volunteers will not use their elevated power to bully or pressure the children.
- 2.7. Staff and volunteers will not exploit children in a sexual nature whether through inappropriate contact or the misuse of technological resources for pornographic purposes.
- 2.8. Children will not be exposed to labour that is harmful to their health, hinders their education or development or places them at significant risk of injury. This aims to reflect article 32 of the

Convention of the Rights of the Child that states that children must be protected from work that is hazardous to their education, health, physical, spiritual, moral or social development.

2.9. Children have the right to practice the religion of their choice and will not be coerced or pressured by LMF members.

2.10. All complaints by children will remain anonymous and will be dealt with seriously and according to applicable guidelines.

2.11. Child abuse can be a criminal offence and will be vehemently opposed. Children and adults will be encouraged to inform staff of any misconduct involving children. See section 5 of this policy for the complaints mechanism used when dealing with claims of child abuse.

Different forms of child abuse are described internationally under article 19 of the Convention on the Rights of the Child and domestically under the Children and Young Persons (Care and Protection) Act 1988 NSW, as:

Physical Abuse: Any punishments and physical abuse to children such as beating including with a stick or other implement, poisoning, shaking and smothering or forcing the child to work in an unsafe way/environment. These are things that deliberately and negatively affect the physical well-being of children.

Mental Abuse: Any actions (gestures, words or behaviours) that deliberately affect a child's mental/emotional well-being for example, making them afraid, anxious or discouraged.

Neglect: Any actions that deliberately neglect to provide the four essential rights of children: right to live, right to learn, right to participate and the right to speak.

Sexual Abuse: Any actions with sexual intent towards children such as touching children's genitals, forcing child to watch or take part in pornography or coercing the child to have sex.

3. Vulnerable children

LMF recognizes children as "vulnerable persons" under international and domestic law. Furthermore, LMF recognizes the illegality of conscripting child soldiers under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that specifically outlaws child soldiers. LMF commits to the nurture and support of vulnerable children through the following guidelines:

3.1. Staff and volunteers will approach and interact with children in a manner sensitive to potential emotional, physical, sexual experiences encountered as a result of civil conflict or experiences as a child soldier.

3.2. Staff and volunteers will ensure that children are aware that any voicing of their militant histories will not be used against them in a punitive manner.

3.3. Children will not be pressured to recount family histories.

4. Use of images and Information, and confidentiality

LMF commits to the appropriate and informed use of any images or information about children, with regards to fundraising initiatives, publishing, and publicity materials through the following guidelines:

- 4.1. Computers, mobile phones, video and digital cameras will be used appropriately, and never used to exploit or harass children or to access child pornography through any medium.
- 4.2. Before photographing or filming a child, LMF will assess and endeavour to comply with local traditions or restrictions for reproducing personal images.
- 4.3. Before photographing or filming a child, LMF will obtain consent from the child and a parent or guardian. It must be explained to the child how the photograph or film will be used.
- 4.4. All personal information of children will be kept privy to staff who strictly require this information.
- 4.5. LMF will 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.
- 4.6. LMF will ensure images are honest representations of the context and the facts.
- 4.7. LMF will ensure file labels do not reveal identifying information about a child when sending images electronically.

5. Complaint mechanisms

LMF considers the abuse and exploitation of children to be completely unacceptable. We will take all concerns and reports of child abuse seriously and act on these reports immediately. LMF is committed to a reporting process which is truthful, fair and professional.

LMF will endeavour to provide a robust complaint mechanism that encourages any member of staff, any community member, or child to raise issues and complaints where necessary through the following guidelines:

- 5.1. All complaints involving children are to be reported to:

Australian point of contact for complaints:

- Rebecca Lloyd (CEO), <mailto:rebecca@lovemercyfoundation.org> or 0422 532 068.
- Katie Rosser (Chair of Board), katie@seldonrosser.com / +61 424 944 997.

Ugandan point of contact for complaints:

- Jimmy Okullo (Program Manager), jimmylovemercy.aucf@yahoo.com or +256 774 581 156.
- Julius Achon (Country Director) jachonj@yahoo.com or +256 789 834 089.

The Australian CEO is to be informed of all complaints received by Ugandan staff as soon as is practically possible. The Australian CEO is LMF's prevention of sexual exploitation and abuse focal person.

The Australian CEO and Ugandan Program Manager will investigate all complaints (except those involving the abuse of children) made against LMF staff or volunteers in their respective country, unless the complaint is against the CEO or Program Manager, in which case the Chair of the Board will investigate the complaint in Australia and the Country Director will investigate the complaint in Uganda.

5.2. It is mandatory for all LMF board members, staff, volunteers, partner organisations and any other LMF representative, to report concerns or allegations of child abuse. Concerns may relate to a child and an LMF representative or a child and a person outside of LMF. Where cases of abuse are either suspected or witnessed by any member of staff, community member or child, the complaint mechanisms outlined below are to be utilised:

5.2.1. All complaints are to be reported to the CEO immediately and without delay.

5.2.2. All complaints received by the CEO involving the abuse of children are to be immediately directed to the LMF Board in Australia for its consideration. An internal review process will be initiated whereby an assessment as to the quality and reliability of the information will be made and a timeline will be established in regards to the necessary action to be taken.

5.2.3. The Board is responsible for appointing one of its members, or a member of staff, to interact with the various parties throughout the course of the complaint process as a mediator.

5.2.4. In circumstances where there is an allegation or suspicion that involves a child having been sexually abused, or physically abused causing bodily harm, the state police and/or child protection authorities are to be notified immediately. These are crimes in Australia and should be left to the relevant authorities to investigate.

5.2.5. Where there is a risk to the child's welfare, an allegation or suspicion of neglect or emotional abuse should be reported to the relevant child protection authorities.

5.2.6. In Uganda, where a foreigner is involved in the complaint, the relevant Embassy is also to be informed.

5.2.7. Consideration will be given to children who may require extra protection if the perpetrator is found to be guilty and has not been arrested.

5.2.8. An incident report should be completed that details all of the facts related to the incident and the resulting investigation. The incident report will be carefully and confidentially filed.

5.2.9. The Board will ensure the prevention of any person from working with children where the Board deem that they present an unacceptable risk to children; this could include dismissal, suspension or transfer to other duties for any employee who breaches the Child Protection Policy.

5.3. The victim and perpetrator will be treated with respect from the start of the process through to the end and LMF is committed to the protection of both parties.

- 5.4. The complaint mechanism will be child friendly in that children will be able to access staff and information in a way that is appropriate to them. Space will also be created in order to allow the child to share openly, on a strictly confidential basis.
- 5.5. Communities and children with whom we work will be informed of the protocols and will be assured that project support will not be discontinued if they report suspicious behaviour. Furthermore, staff will not be asked to leave for reporting suspicious behaviour.
- 5.6. All members of the team will encourage staff to be open in discussing the potential of abuse in their organization.
- 5.7. Confidentiality (as opposed to secrecy) is a key principle of reporting and managing child protection concerns. All information regarding a child protection concern must only be shared with the designated Manager, CEO or the Board. The names of people involved and the details of the report will remain confidential. Information will only be released on a “need to know” basis or when required by Australian or overseas law or when a report to police or child protection authorities is made.

6. Dealing with disclosure by a child

LMF recognises the complex circumstances surrounding the disclosure by a child of alleged child abuse. It can be a difficult time for both the child and the person in which they confide. LMF board members, staff and volunteers are therefore advised to consider the following guidelines when responding to a child’s disclosure of abuse:

- 6.1. A child who discloses abuse, whatever the situation, should always be taken seriously and treated with respect.
- 6.2. A child who discloses abuse may experience a mixture of emotions including fear, guilt, embarrassment, shame or anger. The person informed of the abuse, in turn, may also experience a range of emotions including outrage, disgust, sadness, anger, fear for the child’s safety or even disbelief. It is important for the person informed of the abuse to remain calm and controlled at all times and to reassure the child that the situation will be handled to ensure their safety.
- 6.3. When put on the spot in such an unpleasant situation it can often be difficult to think of the right things to say or do.
- 6.3.1. The most effective way for a person informed of child abuse to show the child they care and to assist in dealing with the situation is by:
- Giving the child your full attention and listening carefully;
 - Reassuring the child you believe him/her;
 - Telling the child it is not their fault that the abuse happened and he/she was not responsible for it;
 - Telling the child that you are pleased that he/she told you.

6.3.2. Despite their best intentions being to help the child, it is not helpful and can be harmful to the child if the person informed of the abuse:

- Makes promises they can't keep, such as promising not to tell anyone. In the event that a child asks for the information not to be told to another person, advice should be sought from the CEO in relation to how best to support the child and manage the disclosure.
- Pressuring, or worse, forcing the child into providing details on the abuse. Just listen and avoid asking any leading questions.
- Discusses the situation with others not directly involved.

7. Risk Mitigation

LMF is committed to complying with all relevant local legislation on child rights and welfare in order to provide what is in the 'best interest of the child'. Inappropriate, harassing, abusive, sexually provocative or demeaning language or behaviour towards children will not be tolerated. This risk will be mitigated through the following safe recruitment, selection, screening and training practices as well as the following on-going monitoring and assessments to ensure LMF staff are the safest and most suitable candidates to work with and around children:

7.1. All applicants applying for a position working with children will be expected to provide the following with their application:

- Detailed information on their background, including dates and places of employment, qualifications and training and any other relevant information requested;
- A statement addressing the selection criteria (specifically addressing past experience working with children);
- A completed Child Safe Screening Questionnaire (Annexure A to this policy); and
- At least two verbal professional references and one personal reference.

7.2. All shortlisted applicants must be interviewed, preferably face-to-face, and shall be asked a set of relevant behavioural-based questions.

7.3. Information on this policy must be given before and on acceptance of employment. A form must be signed agreeing to the Child Protection Policy and stating that the potential employee has not had any previous convictions for abuses against children or violent behaviour. Their future employers will be informed if an employee is dismissed for abuse.

7.4. In Australia, a Working with Children check will be conducted prior to the successful applicant commencing employment.

7.5. Criminal record checks of all staff are to be provided on a biannual basis, or at any other time as requested by the Board.

7.5.1. Credible character references will be deemed usable in Uganda if unable to attain proper check.

7.6. All staff will be briefed on child protection policy annually.

7.7. Training and induction days for new staff (in Australia and Uganda) will cover LMF's Child Protection policy, as well as educating new staff on proper and responsible behaviours when dealing with children. They are expected to be continually aware of potential risks to children as well as to be actively minimising opportunities and situations where children can be harmed.

- 7.8. Training days for all Australian staff (including Board members, interns, volunteers) will occur pre-departure for Uganda on responsible behaviours when dealing with children and this Child Protection Policy.
- 7.9. All personnel will be monitored to ensure their compliance with this policy.
- 7.10. The Code of Conduct form (Annexure B to this policy) is to be signed by contracted personnel as well as pre-departure for all trips to Uganda.
- 7.11. LMF reserves the right to dismiss any personnel who violates the code of conduct.
- 7.12. LMF recognises that there are a number of potential risks to children in the delivery of our programs. In recognising these risks, LMF proactively assesses and manages risks to children in order to reduce the risk of harm. This is achieved by examining each activity and program and its potential impact on children. Activities and programs that involve direct work with children are considered a higher risk, and therefore require more stringent child safeguarding procedures. LMF's extensive PMEL policy includes focus on child safety, issues and risks.

8. Policy Review

- 8.1. This policy will be reviewed annually but may be amended at any time the Board sees fit.
- 8.2. Review will include collection of paperwork from both organisation including board minutes outlining child protection training, reporting on children's wellbeing from Uganda, and police and safety checks from Australia and Uganda, and signed Child Protection codes of conduct.

Child Safe Screening Questionnaire

Surname: **Given Names:**

Date of Birth: Male Female

Address:

Phone (Home): **Phone (mobile):**

Email:

PLEASE ANSWER THE QUESTIONS BELOW BY TICKING 'YES' OR 'NO'

If the answer to any other following questions is “yes”, please give details on a separate document if necessary.

1. Have you ever been convicted of a criminal offence? Yes No
2. Have you ever been charged of a criminal offence? Yes No
3. Have you ever had permission to undertake paid or voluntary work with children or other vulnerable people refused, suspended or withdrawn in Australia or any other country? Yes No
4. Has a child or dependent young person in your care (as a parent or in any other capacity) ever been removed from your care, or been the subject of a risk assessment by the authorities? Yes No
5. Have you ever engaged in any of the conduct below, even though you were never charged? Yes No
 - Sexual contact with someone under your care other than your spouse (e.g. client, patient, student, employee or subordinate);
 - Sexual contact with a person under the age of consent;
 - Illegal use, production, sale or distribution of pornographic materials;
 - Conduct likely to cause harm to people, or to put them at risk of harm.
6. Have you ever had an apprehended violence order, order for protection or the like issued against you as a result of allegations of violence, abuse, likely harm, harassment or stalking etc? Yes No
7. Have you done anything in the past or present that may result in allegations being made against you of child abuse? Yes No
8. Have you ever done anything in the past or present that may result in allegations being made against you of bullying or any form of harassment of adults? Yes No
9. To your knowledge, have you ever been the subject of an allegation of sexual abuse or sexual misconduct? Yes No

Annexure A

10. Have you a history of alcohol abuse or a history of substance abuse including prescription, over-the-counter, recreational or illegal drugs? Yes No

Annexure B

Child Protection Code of Conduct

I _____, hereby commit to the following while implementing Love Mercy Foundation projects. I will;

- Treat children with equal respect regardless of gender, age, status, religion, race, ethnicity, political views, or sexuality.
- Respect the privacy of children and the sensitive nature of their personal histories.
- Only come into physical contact with children at times of absolute need.
- Act appropriately around children in respect to language and behaviour.
- Avoid all situations in which I will be alone with a child.
- Not give gifts to a child
- Not give drugs or alcohol to a child
- Not invite children into my home unless accompanied by an adult, or with physical injury.
- Not engage a child in any form of sexual act, sexual exploitation or abuse.
- Not misuse technological resources for the purpose of exploiting children.
- Comply with relevant international human rights treaties and domestic laws regarding the rights of a child.

When photographing or filming children, I will;

- Be respectful to local traditions and restrictions on the taking of photographs or films.
- Obtain parental consent and explain the nature of the photograph before photographing children.
- Not position children within a photograph in a manner deemed submissive or sexually suggestive, and will not use photographs or films for pornographic purposes.
- Ensure that the photographs and films are representative of the context and do not misrepresent a community or individual.
- Maintain the anonymity of children when distributing images or films.

I understand that my failure to comply with the above standards will result in my dismissal and potential legal action to be taken against me. I also understand it is my responsibility to avoid behaviours or actions which may be perceived as an abuse or exploitation of children whilst undertaking Love Mercy Foundation projects.

Signed: _____

Witnessed: _____

Date: _____