

Child Protection Policy

1. Goal and Objective

Goal

To protect children from exploitation and abuse of all kinds in the delivery of SPREP supported projects.

Objective

To create and maintain protective environments for children in the delivery of SPREP's projects.

2. Scope

This policy applies to:

- All SPREP staff members
- All staff executing a SPREP implemented project
- All contractors appointed by SPREP or the executing agency
- All volunteers working at the request of SPREP
- Anyone visiting SPREP activities in communities, at the request of SPREP

3. Guiding Principles

This policy is based upon the following guiding principles:

3.1. Zero Tolerance of child exploitation and abuse

SPREP does not tolerate child exploitation and abuse. If such action is identified, it will attract criminal, civil and disciplinary sanctions. SPREP will not knowingly engage anyone who poses an unacceptable risk to children, nor will it fund any organisation that poses a risk to children.

3.2. Recognition of the best interest of the child

All Pacific islands have ratified the Convention on the Rights of the Child (CRC), which places emphasis on the equal protection of all children from abuse and neglect.

3.3. Sharing responsibility for child protection

SPREP requires the commitment, support and cooperation of its executing agencies and contractors to manage risks to children. Performance of executing agencies and contractors will be checked using spot checks and audits.

3.4. Risk management approach

Not all risks to children can be eliminated, however SPREP will conduct an initial risk assessment for all of its projects to identify particular hazards and develop measures to reduce risk.

3.5. Procedural fairness

SPREP will use fair and proper procedures when making a decision that affects a person's rights or interest.

4. Policy Requirements

Recruitment

SPREP will ensure that all staff working with children have been appropriately vetted and screened. This will include:

- Undertaking at least two verbal referee checks which will be documented
- Checking of criminal records before engagement (this may take the form of provision of police clearances by the applicant)¹
- Using behavioural based interview questions for position that involve working with children
- Asking at least one question during recruitment interviews that presents a hypothetical scenario relating to child protection which the applicant must respond to; and
- Asking the candidate to sign a declaration stating that they have not been charged with any child related offences.

Procurement

SPREP will ensure that all contractors working with children have been appropriately vetted and screened. This will include:

- Undertaking at least two verbal referee checks which will be documented
- Checking of criminal records before engagement (this may take the form of provision of police clearances by the applicant)²;
- Using behavioural based assessment criteria for positions that involve working with children; and

Asking the candidate to sign a declaration stating that they have not been charged with any child related offences.

Designated Person for Child Protection

The person responsible for child protection, and therefore of this policy, with SPREP is the Human Resources Officer. The Human Resources Officer is the primary contact for staff raising complaints in relation to this policy. In the event that it is inappropriate to raise a complaint with the Human Resources Officer (for example, if the complaint is against this individual), staff should contact the Human Resources Adviser.

The Human Resources Officer is responsible for ensuring a training schedule, receiving reports of contractor and executing agency performance in regard to the policy, and coordinating investigations. The Human Resources Adviser is responsible for ensuring the recruitment activities are undertaken as described above.

Training

¹ Police checks must be conducted in each country an individual has lived in for more than 12 months within the past 5 years. If a police check is not possible, the candidate can complete a statutory declaration disclosing any charges and spent convictions related to child abuse and exploitation instead.

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SPREP will provide training for its staff on child protection on at least an annual basis. Training for new staff will be provided as part of the staff induction and within three months of their commencement with SPREP. The training will focus on the responsibilities of staff to protect children and how they should report concerns or allegations about child exploitation and abuse.

Managing Allegations Against Staff

Community complaints about SPREP staff and SPREP contractors and associates will be received through the SPREP Grievance Mechanism.

SPREP will respond to suspicions and allegations of child abuse by a member of staff or a contracted entity in a manner which best ensures the child's protection in the immediate and longer-term, while also applying procedural fairness to the accused individual.

The appropriateness of reporting to the police and / or social welfare will be determined through a risk assessment specific to each case. SPREP will refer suspected situations of child abuse to Police or Social Welfare, where these institutions exist and where doing so does not place the victim or their family and the individual who reported the situation, in danger. Upon commencing a new project, SPREP will pre-identify the most suitable local organisations to call on for assistance within that local context.

The suspected individual will be prevented from having further unsupervised access to children during the course of the investigation and will be informed of their rights.

If there is insufficient evidence to support a criminal proceeding, SPREP will conduct its own disciplinary investigation which may still result in disciplinary measures, including suspension, termination and transfer to other duties, for the individual accused of child abuse.

Confidentiality and Information Sharing

The identity of any child put at risk or harmed in relation to a SPREP project will be kept confidential. Where an individual is convicted of criminal offences in relation to child abuse or exploitation, SPREP will share this information with its network of development partners in the Pacific island countries and territories.

All reports around suspected or disclosed child abuse will be stored confidentially by the Human Resources Officer and access will be highly restricted.

SPREP will notify DFAT immediately if any DFAT-funded personnel, or DFAT partner personnel, are accused of, charged with, or convicted of criminal offences relating to child exploitation and abuse.

Child Protection Code of Conduct

All SPREP staff and contractors (everyone who signs a SPREP contract) will be required to sign the SPREP Code of Conduct on Child Protection (Appendix 1).

This policy will be reviewed and updated every 3 years.

Appendix 1 SPREP Child Protection Code of Conduct

I _____ (insert name), acknowledge that I have read and understand SPREP's Child Protection Policy, and agree that in the course of my association with SPREP, 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 years 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
- In the course of my work 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
- In the course of my work not use physical punishment on children
- Not hire children for domestic or other labour which is inappropriate given their age or developmental state, which interferes with their time available for education and recreational activities, or which places them at a significant risk of injury
- Comply with all relevant national 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 SPREP 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 within the relevant cultural context and not in poses that could be seen as sexually suggestive
- Ensure images are honest reproductions 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 without informed consent as noted above.

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

Signed: _____

Name (printed): _____

Date: _____

Glossary

The definitions provided in this glossary and primarily sourced from the DFAT Child Protection Policy (2013).

Abuse	<p>Includes:</p> <ul style="list-style-type: none"> • 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 well-being. • 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.
SPREP Staff and contractors	People employed and engaged by SPREP on a permanent or temporary basis in Samoa or other PICTs
Behaviour based interview questions	Interview questions that probe the applicant’s past behaviour in specific situations relevant to the position. Behaviour-based questions give interviewers additional information about the applicant’s suitability to work with children.
Changes in circumstances	<p>Personnel should report the following changes in circumstances to management:</p> <ul style="list-style-type: none"> • Involvement in criminal activity • Disciplinary procedures and criminal or civil court proceedings relating to child exploitation and abuse
Child or children	In accordance with the United Nations Convention on the Rights of the Child, “child” means every human being under the age of 18 years unless under the law applicable to the child, majority is attained earlier. For the purposes of this policy, SPREP considers a child to be a person under the age of 18 years.
Child abuse material	Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse.
Child exploitation and abuse	<p>One or more of the following:</p> <ul style="list-style-type: none"> • Committing or coercing another person to commit an act or acts of abuse against a child • Possessing, controlling, distributing, obtaining or transmitting child exploitation material

	<ul style="list-style-type: none"> • Committing or coercing another person to commit an act or act of grooming or online grooming
Child exploitation material	Material, irrespective of its form, which is classified as child abuse material or child pornography material
Child pornography	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.
Child pornography material	Material that depicts a person, or is representative 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.
Child protection	An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.
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.
Criminal record check	A check of an individual’s criminal history record. Individuals need to consent to a criminal record check and be informed of the purpose for which the resulting police clearance certificate will be used, including sighting by SPREP.
Grooming	Generally refers to the 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.
Online grooming	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.
Personnel	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.
Police clearance certificate	The certificate showing the results of a criminal record check, which is issued by the police or other authority responsible for conducting such checks.
Policy non-compliance	The failure to abide by SPREP’s policy
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 measures are not considered appropriate.