



## CHILD SAFEGUARDING POLICY

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### INTRODUCTION

Palms Australia has a vision of a just, sustainable, interdependent, and peaceful world free of poverty. Central to this is a commitment to safeguarding the safety, wellbeing, and rights of all children<sup>1</sup>.

The United Nations Convention on the Rights of the Child<sup>2</sup> (UNCRC) is the foundation of Palms Australia's work on child safeguarding. Children's rights as enshrined in the (UNCRC) act as the motivation for both our internal and external child protection measures and activities.

### STATEMENT OF COMMITMENT

This child safeguarding policy demonstrates our commitment to always ensuring the protection of children and young people. This will be achieved by providing all personnel who have contact with children with the necessary training and skills to implement this policy.

Palms Australia maintains a safe and open organisational culture that encourages continual learning and improvement, risk analysis and review, to ensure child safeguarding is effectively implemented across all areas of our governance, programming, and operations.

### PURPOSE

The Palms Australia Child Safeguarding Policy provides a whole-of-organisation safeguarding framework to implement child safe measures across Palms to keep children safe.

### GUIDING PRINCIPLES

Palms Australia's commitment to child safeguarding is informed by the following principles:

**Children's rights:** Palms Australia believes that all children have the right to be safe at all times. We will proactively work to provide safe and protective programs, activities, and environments. Palms Australia will promote children's rights to life, survival, and development, participation and non-discrimination. Children have a right to participate in decisions that affect them.

**Inclusion:** Palms upholds the right of the child to be included, irrespective of the child's or their parent's or legal guardian's gender preference, nationality, religious or political beliefs, age, sexual orientation, family and social background and culture, economic status, physical or mental health and criminal background.

**Child safe organisational culture:** Palms Australia will not tolerate child exploitation and abuse in any way by anyone who works for or is associated with Palms. Palms Australia will not knowingly engage anyone who poses a risk to children and will take seriously any allegations of personnel misconduct raised.

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<sup>1</sup> Children are defined as all people under the age of 18 years.

<sup>2</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

**The best interests of the child:** All decisions regarding the welfare and protection of children will be made based on the Best Interests of the Child Principle.

**Shared responsibility:** The protection of children is the responsibility of all those covered by this policy. Palms Australia will ensure that all staff and relevant stakeholders are made aware of the Child Safeguarding Policy and their responsibilities.

**Taking a risk management approach:** Palms Australia accepts that all children are vulnerable to child exploitation and abuse and is committed to identifying and minimising risk in all its programs and activities.

**Transparency and accountability** Palms Australia will continually strengthen its internal child protection systems to improve accountability to our stakeholders, especially the communities with which we work. Specific child protection roles and responsibilities will be delegated to staff to embed child safe organisational practice across all Palms Australia's programs, operations, and activities.

Palms Australia will strive to ensure a child safe culture across the organisation, where any child protection issues and concerns including poor practice can be discussed and where necessary, acted upon by Palms Australia management.

The principles in this policy are also guided by those contained in the Department of Foreign Affairs and Trade's (DFAT) Child Protection Policy and ACFID's Code of Conduct, the National Principles for Child Safe Organisations, NSW Child Safe Standards and the Australian Charities and Not-for-profits (ACNC) External Conduct Standards.

## DEFINITIONS

**Child Protection:** is the term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated.

**Child Safeguarding:** Actions, policies, and procedures that create and maintain protective environments for children including to protect them from exploitation and abuse of all kinds.

**Child Abuse:** involves the abuse of children's rights and includes all forms of violence against them. Abuse can be inflicted on a child by both men and women, as well as by young people themselves and in some cases, professionals and other adults working with children in a position of trust also abuse children.

**Duty of Care:** is a common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the organisation to protect children from all reasonably foreseeable risk of injury.

**Physical Abuse:** occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

**Emotional Abuse:** occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or care giver; to the extent that it affects the child's physical and emotional growth.

**Neglect:** is the persistent failure or the deliberate denial to provide the child with clean water, food, shelter, sanitation or supervision or care to the extent that the child's health and development are placed at risk.

**Sexual Abuse:** occurs when a child or young person is used by an older or bigger child, adolescent or adult for his or her own sexual stimulation or gratification - regardless of the age of majority or age of consent locally. These can be contact or noncontact acts, including sexualised language, voyeurism,

fondling genitals or breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object and exposing a child to, or involving a child in pornography.

**Child Labour:** work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially, or morally dangerous and harmful to children and often interferes with their education and recreation. In its most extreme forms, child labour includes slavery, trafficking, sexual exploitation, and hazardous work that put children at risk of death, injury, or disease.

**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.

**Grooming:** predatory conduct undertaken to prepare a child for sexual activity at a later time. Grooming behaviour is where an adult communicates, by words or conduct, with a child or with a person who has care, supervision, or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

**On-line grooming:** sending electronic messages to children, with the intention of procuring children 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 is a child.

**Exploitation:** Commercial or other exploitation of a child refers to the use of the child in work or other activities for the benefit of others that are to the detriment of the child's physical and mental health, education, or moral and social-emotional development. It includes, but is not limited to, child labour, child trafficking and child sexual exploitation.

**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.

**Working with children:** working with children means 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.

## SCOPE

This policy applies to:

- Palms Australia personnel (Palms Australia employees, office volunteers, interns, associates and Palms Australia Board and committee members).
- All Palms Australia program participants
- Visitors to our programs (including media)
- Palms Australia partners
- External service providers engaged by Palms Australia. This includes consultants, contractors and subcontractors.

## POLICY IMPLEMENTATION

### 1. Child Safe Recruitment and Selection

Palms Australia will apply robust child safe recruitment and screening procedures to prevent a person from working with or being in contact with children if they pose an unacceptable risk to children. This includes:

- A statement that confirms Palms Australia’s commitment to child safeguarding in advertisements and job descriptions.
- Providing applicants with Palms Australia’s Child Safeguarding Policy and Child Safeguarding Code of Conduct during the recruitment and onboarding process.

The following also apply to all Palms Australia’s personnel (Palms Australia employees, office volunteers, interns, associates and Board and committee members) and program participants:

- National Criminal record checks- criminal record checks must be obtained prior to commencing in their role, for all personnel and program participants irrespective of position or length of engagement.
- Sign and comply with this policy and the Palms Australia Child Safeguarding Code of Conduct as a condition of commencing with Palms Australia. A written record of policy agreement will be retained on file.

The following apply to all Palms Australia employees and program participants:

- Verbal Referee Checks: At least two verbal referee checks will be conducted and documented. Referee checks will include questions pertaining to an applicant’s suitability to either work with or be in contact with children.
- Behavioural-based interview questions: questions pertaining to the applicant’s interactions with children will be utilised in employment interviews to determine attitudes, motivations, and values, in regard to children and Palms Australia’s commitment to child rights.
- All employment contracts contain provisions for potential disciplinary action: including termination of employment following breach of the Child Safeguarding Policy and Code of Conduct. As a condition of partnership, Palms will expect similar conditions from its partners.
- The Volunteer Code of Conduct and assignment confirmation letter contains provisions for potential disciplinary action: including termination of assignment following breach of the Child Safeguarding Policy and Code of Conduct.
- Working with Children Checks (WWCC) - WWCC applies to all Palms Australia personnel roles (employees, office volunteers, interns, associates and Palms Board and committee members, and all international program participants) that involve direct work with children, including roles that have access to child-sensitive data, or any contact with children by letter, email, phone, or social media. The responsibility lies with the person to provide evidence of having obtained a WWCC prior to their engagement with Palms, including adding Palms as an organisation and to maintain a valid WWCC throughout the period of their engagement. Palms personnel must notify Palms Australia when their WWCC is renewed, has lapsed, or been revoked. Palms has the right to suspend personnel or transfer to other duties, until the person obtains a valid WWCC.

Actions following disclosure:

- Palms Australia will not employ or mobilise personnel or program participants if their criminal record check includes convictions or sentences for: sexual offences against a child or adult; violent offences against a child or an adult; any child exploitation or abuse offence; stalking of a child; serious drug offences; family and domestic violence offences. The nature of other adverse findings will be reviewed on a need to know and case-by-case basis by the Global Programs Coordinator and Executive Director.
- Palms Australia will take all fair and reasonable steps as part of any investigation following an adverse finding, including whether the nature of the finding is in conflict with or affects the role – or other persons also covered by the scope of this policy from being able to carry out their duties and responsibilities. Palms Australia will abide by relevant Australian laws and legislation and the Palms Enterprise Agreement, regarding ensuring any investigations following disclosure are

undertaken in line with privacy, confidentiality, principles of natural justice and anti-discriminatory legislation.

## 2. Educating the Organisation on Child Abuse and the Child Safeguarding Policy

Palms Australia is committed to educating personnel and program participants in child protection and abuse, in the CSP, and in how to reduce risks and create child safe environments. We will promote child safe practices which keep children safe in the organisation and in their own community and provide information about child protection to the children and communities in which we work. This information will include reporting child abuse if they have concerns about a Palms Australia member of staff or program participant.

Palms Australia personnel and program participants will undertake child safeguarding training as part of induction. Training will include understanding of expected behaviours under the Palms Australia Child Safeguarding Code of Conduct and how to report allegations about child abuse and exploitation.

All program participants will complete a pre-deployment briefing.

Palms Australia's Child Safeguarding Policy and Child Safeguarding Code of Conduct will be available on the Palms Australia website.

## 3. Working with Partners

As part of a shared responsibility, Palms Australia will collaborate with overseas and Australian partner organisations to strengthen child safeguarding practice.

Partnership Agreements with all partners will include clauses which state a partner's commitment to safeguarding children (including commitment to incident reporting) and compliance with Palms Australia's Child Safeguarding Code of Conduct.

For partners involved in the delivery of Palms Australia managed or funded programs who have contact with children, including overseas partner organisations where program participants are placed (in-country or remotely), Palms Australia will conduct due diligence to assess the partner's child safe standards. Palms expects these partners to comply with the following child safeguarding standards:

- operate in accordance with Palms Australia's Child Safeguarding Policy or the partner's own organisational child safeguarding/protection policy
- apply child safe recruitment and screening procedures for all personnel in contact with or working with children
- provide child safeguarding training to personnel
- have clear reporting mechanisms or processes for all personnel, program participants, external service providers and visitors to report concerns of child abuse or exploitation
- have child safeguarding policy and reporting information available and accessible to community members, that is appropriate to the local context.

Where a partner does not have their own Child Safeguarding Policy, CoC and procedures in place, Palms Australia works with them to develop their own documents in line with global /donor/sector minimum standards including the ACFID Code of Conduct.

Palms Australia has an agreed reporting mechanism in place with partners for concerns regarding child abuse or a breach of the CSP.

## 4. Palms Safeguarding Focal Point

The Executive Director will support implementation of this Policy and to promote shared learning to strengthen child safe practices across all Palms programs.

## 5. Use of Images and Communication

Palms Australia bases all image gathering and publishing processes on ethical standards, which includes an assessment of risks to children, respect for children's rights, privacy, integrity, and dignity. This includes obtaining and documenting informed consent from a child's parent/guardian and children themselves (age/development stage appropriate). Children's best interests and protection will be prioritised over opportunities for promotion and advocacy.

Palms Australia will promote awareness of child safeguarding approaches to image gathering and publishing processes during program participant pre-departure learning/briefings, staff inductions and during child safeguarding training briefings.

## 6. Child Safeguarding Risk Assessments

Palms Australia personnel will undertake child safeguarding risk assessments for all programs and activities that may have contact with children. This assessment will identify risks (including the level of contact with children and the nature of contact), classify high risk activities, and document steps being taken to reduce or remove these risks. Child safeguarding risk assessments should be undertaken at the program design stage with evidence of adaptation to local context and be reviewed and updated regularly during the life of the program.

## 7. Responding to and Reporting Child Protection Concerns

Palms Australia 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. Palms Australia is committed to a reporting process which is truthful, fair and professional.

Palms Australia personnel, program participants, partners and external service providers must immediately report any concerns, observations, suspicions, or behaviour that is suspected of being child abuse or exploitation, or a suspected breach of Palms Australia's Child Safeguarding Policy and Child Safeguarding Code of Conduct. Children and members of the community may also report.

No action will be taken against any person who informs Palms Australia in good faith of incidents and risks. However, those who willfully inform Palms using false information will be subject to investigation and possible consequences as per disciplinary procedures. Palms is committed to ensuring privacy, and psychological and physical safety for individuals who report.

### **What to report:**

- An observation or disclosure (by an adult or child) of abuse or exploitation.
- An observation or disclosure of potential risk of harm or child abuse.
- A breach of the Palms Australia Child Safeguarding Policy or Child Safeguarding Code of Conduct.
- A situation or environment which is working in opposition to or poses a threat to children's rights.
- An observation or disclosure of behaviour which could be considered grooming.
- Child exploitation materials that are received on Palms Australia electronic equipment (this can include, but is not limited to, SPAM, popups, text messages, emails, or social media communications).

### **A report must be made when:**

- Suspected harm is due to the actions or inactions of a Palms Australia board member, staff member or program participant, or other associate, or due to the actions of a person representing a Palms partner or contractor.
- An alleged criminal offence has been committed against a child and the matter will be reported to the relevant authorities both in the country where the crime was committed and to Australian authorities.
- Suspected harm is committed by a Palms Australia partner where Palms Australia program participants are placed.

**When to report:** The report must be made immediately, or within 24 hours, of becoming aware of the incident, suspicion, or risk.

**Who to report to:** Reports must be made to the Executive Director, [soraya@palms.org.au](mailto:soraya@palms.org.au)

**How should it be reported?** Verbally and by completing the Palms Australia child abuse incident reporting sheet

### **What will happen next?**

The Executive Director in consultation with the Chairperson will discuss the allegations and then decide upon the next step. This will involve one or more of the following:

- Interviewing the person/persons who made the allegations and/or other witnesses to gather more information with which to make a decision about the allegation;
- Reporting to local police and or child protection authority when it is suspected or becomes clear that a crime has been committed;
- Reporting to the Australian Federal Police when it is suspected or becomes clear that a crime has been committed regarding child sex tourism, child sex trafficking and child pornography
- Reporting to local child protection services as necessary
- Handling the concern internally if it is not a criminal matter
- No further action taken
- Providing support to all stakeholders (including reporter) as necessary

### **Disciplinary Action**

Disciplinary action will be taken against any personnel or associate found to:

- Have failed to report a child protection concern
- Have intentionally made a false allegation
- Have made a serious breach of the Child Safeguarding Policy and/or Code of Conduct (minor breaches may result in action such as refresher training or increased supervision)

Disciplinary action may include the following sanctions:

- Palms Australia personnel – disciplinary action / dismissal
- Partners – up to and including termination of all relations including contractual and partnership agreements with Palms Australia
- Where relevant – reporting to authorities

### **How to respond to children if they disclose:**

When a child/young person tells you that he or she has been abused, they may be feeling scared, guilty, ashamed, angry, and powerless. You, in turn, may feel a sense of outrage, disgust, sadness, anger and sometimes disbelief.

If a child discloses abuse, whatever the outcome, the child must be taken seriously. It is important for you to remain calm and in control and to reassure the child/young person that something will be done to keep him or her safe.

When a child or young person's discloses they are being harmed you can show your care and concern for the child/young person by:

- Listening carefully
- Telling the child/young person you believe him or her
- Telling the child/young person it is not their fault and he/she is not responsible for the abuse
- Telling the child/young person you are pleased he/she told you.

**You will not be helping the child/young person if you:**

- Make promises you cannot keep, such as promising that you will not tell anyone
- Push the child/young person into giving details of the abuse. Your role is to listen to what the child/young person wants to tell you and not to conduct an investigation (beware of asking any leading questions as this may prejudice any subsequent investigation)
- Indiscriminately discuss the circumstances of the child/young person with others not directly involved.
- If the child is injured seek medical attention
- Do not examine the child unless you are a parent/legal guardian or acting in a role as a medical practitioner.
- Don't confront an alleged offender (this can endanger the person who reports or the child themselves).

**Confidentiality and Safety:**

Palms Australia will ensure that all incidents and reports are handled according to the principles of confidentiality, safety, impartiality, procedural fairness, timeliness, and accuracy. All incidents and reports and the names of people involved will be handled in the strictest of confidence. Details will only be disclosed on a 'need to know' basis, where required by relevant local or Australian law, or when a report to police or appropriate authorities is made.

**POLICY REVIEW**

This policy will be reviewed from time to time or as legislation is amended, considering current good practice and applicable regulatory advice.

**RELATED POLICIES AND DOCUMENTS**

Palms Australia Code of Conduct

Palms Australia Enterprise Agreement

Palms Australia Prevention of Sexual Exploitation, Abuse and Harassment Policy

Palms Australia Privacy Policy

**VERSION CONTROL**

<b>Version</b>	<b>Purpose/ Change</b>	<b>Author</b>	<b>Date</b>	<b>Reviewed</b>	<b>Date</b>
01.1	Update to new format, inclusion of new information in accordance with ACFID guidelines	Jen Wiggins	29/05/2024	Soraya Kassim	29/07/2024