

Child Protection Policy Webinar - Follow-up Q&A

December 2013

* Answers provided by the Child Protection Team of DFAT

1. *I think that reporting to DFAT is a problem from a privacy perspective because the agency will be disclosing information to DFAT that doesn't otherwise fall within the disclosure restrictions in the Privacy Act or in state privacy legislation. How do you suggest this to be dealt with?*

It would only be an issue if the information you provide us with was then used for purposes other than those for which it was recorded. This would be a breach of the Privacy Act. Because it is for DFAT funded personnel or activities, there is no breach of the Privacy Act. DFAT will tell you upfront that you need to provide information, and you as an agency should be providing that advice to everyone covered by your policy, i.e. advising them that the information will be provided to the Child Protection Compliance Section of DFAT as per the policy. If you inform people upfront, then it is not a breach.

2. *Could you please indicate when we will receive feedback on the CP stocktake survey?*

DFAT is working as quickly as possible – but we're only collating and checking information at this stage, as it's a big job and we want to make sure we get the most out of the information before we consider what information we would feedback to participants. This survey is for internal use only – but DFAT will provide what it can after the purpose for which it was requested has been completed. This is likely to be a list of standard issues and suggested fixes, and perhaps publishing of some recurring/standard risks and their controls.

3. *Are the inclusions in a child protection policy that you outlined mandatory? E.g. recruitment practices or is this just a good idea?*

It is mandatory – refer to compliance standard 2, page 10 of the Child Protection Policy. Noting that behaviour based questions are only required for those positions deemed 'working with children'.

4. *Do you have any tips or information coming from the Philippines Typhoon regarding risk to children?*

DFAT has nothing yet, which is a little concerning given the risky environment people are working in....

5. *I work at a university. There are over 3300 staff and at present, only 4 have potential contact with children through a DFAT/AusAID funded research program, and of these, only 1 research program directly involves research into child-related*

issues. It isn't clear to me from the compliance standards if each of these must apply across the university or if they are all intended to apply to DFAT-funded projects/activities only. If we address each compliance standard in policies and procedures that are specific to DFAT-funded researchers who will come in contact with children in the course of their projects or consultancies will this satisfy the requirements?

DFAT are requesting that your policy cover DFAT-funded projects/activities. An ethics clearance does not cover off on risks to children from participants (HR issue) but does cover off on risks to children through the activity. Many universities that we fund are putting in place policies for the whole university as they have reviewed the risks and recognised the value of the policy for the whole workforce.

6. *Could you provide an answer for the second part of question 2?*

Is this "question 2"?

At what level should the risk log be maintained? At the program level or at the organisational level? Will it not be more meaningful to maintain the detailed risk log at the program level to promote ownership at the program level and for effective monitoring?

If so, the answer I gave previously still applies. Risk management is specific to an organisation. If an organisation can adequately monitor risks at the organisational level for specific programs, then that is how they can do it. I cannot imagine ANGOs being able to do this at a practical level given the diverse nature of programs and the differing risks that would need to be monitored.

7. *What is the definition of a prescribed agency?*

You will need to review the appropriate State legislation to determine that. I am not a lawyer, nor am I covered by State legislation (I am a Commonwealth employee) so am not across what each states legislation contains.

8. *Why the criminal record checks do not apply to short term advisers that are more at risk to commit child abuse?*

They do apply to short term advisers. Please contact me directly on this matter. I am interested where this information has come from.

Child Protection Policy Webinar – Resources

The following resources advocate for NGO commitment to **Child Safe policies**:

Keeping Children Safe (UK) - Standards for Child Protection

<http://www.keepingchildrensafe.org.uk/toolkit>

Save the Children - Child-Safe Organisations: Training toolkit and safe study manual

<http://www.savethechildren.org.uk/resources/online-library/child-safe-organisations-training-toolkit-and-safe-study-manual>

Canadian Red Cross (2011) – Ten steps to creating safe environments: How organizations and communities can prevent, mitigate and respond to interpersonal violence. <http://www.redcross.ca/what-we-do/violence-bullying-and-abuse-prevention/courses/ten-steps-to-creating-safe-environments>

Australian Institute of Family Studies - Pre-employment screening: Working With Children Checks and Police Checks

<http://www.aifs.gov.au/cfca/pubs/factsheets/a141887/>

STATE BASED RESOURCES:

VICTORIA

Victorian Government (2013) *Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations* - Betrayal of Trust report

<http://www.parliament.vic.gov.au/>

NSW

NSW Commission for children and young people – Become a child safe organisation -

<http://www.kids.nsw.gov.au/Working-with-children/Become-a-Childsafe-Organisation>

- [develops Child Safe policies](#)
- [has a Child Safe code of conduct](#)
- [ensures effective staff recruitment and training](#)
- [understands privacy considerations](#)
- [has a plan for managing risk](#)
- [encourages children and young people to participate](#)
- [effectively deals with concerns or complaints about behaviours towards a child](#)
- [attends Child Safe Organisation training](#)

** Free training on building child-safe organisations

<http://www.kids.nsw.gov.au/Seminars-and-events/Child-Safe-training>

NSW Ombudsman - Child Protection in the Workplace: responding to allegations against employees guidelines

<http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/child-protection/child-protection-in-the-workplace-responding-to-allegations-against-employees>

<http://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/child-protection>

- [Addressing child protection issues in codes of conduct – CP06](#)
- [Child protection: Responsibilities of heads of agencies – CP05](#)
- [Keeping records – CP01](#)
- [Planning and conducting an investigation – CP04](#)
- [Practice Update - Making a finding](#)
- [Recognising and managing conflict of interests – CP07](#)
- [Reviewing child protection policies: an agency self-assessment checklist – CP08](#)
- [Risk management following an allegation against an employee – CP09](#)

<http://www.ombo.nsw.gov.au/news-and-publications/publications/brochures/brochures/complaint-handling-kit-for-community-services-cs-crama>

NSW Ombudsman - Child Protection in the Workplace training: Not free, very good

<http://www.ombo.nsw.gov.au/training-workshops-and-events/our-workshops/employment-related-child-protection-training>

ACT

ACT Government Community Services – Child Safe Organisations

http://www.communityservices.act.gov.au/ocyfs/services/child_safe_organisations

NT

NT Government Screening Authority – Nothing specific

<http://www.workingwithchildren.nt.gov.au/resources.html>

QLD

Qld Commission for children and young people and child guardian – nothing specific

<http://www.ccypcg.qld.gov.au/resources/publications/brochures.html>

WA

WA Department for child Protection and Family Support – nothing specific

<http://www.dcp.wa.gov.au/Resources/Pages/PoliciesandFrameworks.aspx>

TAS

No resources identified at this time.

COMMONWEALTH:

Department of Social Services

National Framework for Protecting Australia's Children 2009–2020

<http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>

Royal Commission

The 2013 Australian Government Royal Commission has asked for submissions on what is required to make a child safe organisation. It is expected that they will release details on minimum standards required. At the core of all of the above, the same standards are there. They are risk controls. The submissions can be viewed here:

<http://www.childabuseroyalcommission.gov.au/view-submissions-to-issues-paper-3-child-safe-institutions/>

RESOURCES ON SPECIFIC ASPECTS OF CHILD SAFE SYSTEM:

Handling Misconduct

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/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/handling-misconduct>

Child Protection in Humanitarian Action and Organisations – Minimum Standards

<http://cpwg.net/minimum-standards/>

Criminal record checks in foreign countries

<http://www.immi.gov.au/allforms/character-requirements/character-penal.pdf>

Use of Children's Images

National resource, note the privacy act information in this article.

<http://www.aifs.gov.au/nch/pubs/sheets/rs18/rs18.html>

The child rights international network gives the international perspective – which is consistent with the AIFS resource sheet above.

<http://www.crin.org/resources/infoDetail.asp?ID=20150>

Informed consent issues

Informed consent assumes the adult and/or child has the cognitive ability to form an opinion, which is required to give informed consent. This adheres to the UNCRC Article 16 (children have the right to privacy). If children are not being asked, how do we know that the obligations under Article 16 are being met?

At DFAT, we don't consider all adults automatically fill the role of 'guardian'. We don't consider all village chiefs to be guardians for the purpose of obtaining informed consent when taking pictures of children (see news article below).

PNG officials trading in trafficking victims: US report

<http://www.abc.net.au/news/2013-06-24/an-png-officials-trading-in-trafficking-victims/4775790>

We're also delivering the message in DFAT that teachers, principals, CEOs of an NGO etc. are not automatically the guardian due to (actual or potential) conflict of interest issues. We need to put the child before fundraising efforts, perceived pressure that if they don't consent then funding will cease, and ensure the best interests of the individual child is prioritized over the opportunity for advocacy on child's rights and children's issues.

What DFAT staff and advisors are required to do is in line with the requirements in Australia. If you know you are going to a school, plan ahead. Have parents sign a consent form or hold a parent information session where literacy levels are not very high to use a form.

Behavioural Based Questions

Structured interviews that incorporate behavioural based questions – *what did you do in this situation* is a good example. Questions where they have to provide real life examples rather than hypothetical examples are always best.

Assess the applicants' response. It is important to ensure the structure of the interview is replicated with all candidates.

- Structure questions to probe the applicants attitude and values in regards to children
- Structure questions to probe the motivation for wanting to work/volunteer for your organisation
- Probe previous experiences of working with children, request examples of how the applicant responded to instances that may be in the grey areas of your code of conduct

Examples from ChildWise:

Behavioural Interviewing

- Behavioural based interviewing asks interviewees to provide examples of their past behaviour in specific situations relevant to the job
- The best predictor of future behaviour is past behaviour
- Questions are based on the key selection criteria

Value and Attitudinal Based questions

Boundaries & Accountability

- What do you think about our Child Protection Policy and Code of Conduct?
- Do you think our Code goes far enough/too far?
- What would you include in a Code of Conduct that applies to mentors?

Sensitivity to and awareness of children's rights

- Why do you think children/youth rights are necessary?

Relationships with Children

- Can you describe the essential ingredients in the relationships between adults and young people/children?

Boundaries

- What are some of the ways in which workers can ensure that professional boundaries are maintained?

Scenario

If the mother of the young person you mentored asked you to babysit and spend time with the family outside structured program time, what would you do?

Behavioural Based Questions

Accountability

- Can you tell us about your experiences of being managed?

Resilience and motivation

- In considering past mistakes you have made, what patterns can you identify in your behaviour or character?

Ethical Dilemma

- What have you done when a colleague/friend has broken a rule, procedure or code of conduct? What was the outcome?
- Describe a time when you breached confidentiality. What were your reasons?
- Tell me about a time when you had to work with a child who really got under your skin
- Could you tell us of a child or young person you were particularly fond of and why?
- Constructive working relationships with co-workers/volunteers and clients make everybody's job easier. Tell us about a relationship that started out rocky and ended up effective.

JOURNAL ARTICLES/RESEARCH PAPERS:

[*Child Maltreatment in Organisations: Risk Factors and Strategies for Prevention*](#) (Ireny, Bromfield, Beyer, & Higgins, 2006)

[*Child-Safe Sports Environments*](#) (Higgins, 2013)

Professional perpetrators: sex offenders who use their employment to target and sexually abuse the children with whom they work (Sullivan, Beech 2002)

Misperceptions about child sex offenders (Richards, 2011)

[*Who abuses children?*](#) (Lamont 2011)