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# VIETNAM FOUNDATION

*Helping Hands from Australia*

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## CHILD PROTECTION POLICY

This policy applies to members, volunteers, sole trader contractors, subcontractors and partners associated with VIETNAM FOUNDATION.

### 1. POLICY OVERVIEW

VIETNAM FOUNDATION understands that it has a fundamental duty of care towards protecting children engaged within its programs and activities and is committed to the safety and protection of children from all forms of abuse and exploitation. This Child Protection Policy recognises that children can be extremely vulnerable, especially in situations of poverty and/or humanitarian crisis or conflict and need to be protected. VIETNAM FOUNDATION uses a risk management approach to minimise the likelihood of child abuse and provide clear and practical guidelines for staff and representatives to responding to child abuse and managing complaints.

This Policy has been developed to adhere to international standards such as the United Nations Convention on the Rights of the Child. This Policy should be seen as a component of the broader ethical framework and Code of Conduct of VIETNAM FOUNDATION. Disciplinary processes are a means to establish and maintain an ethical, efficient and effective organisation and should not be seen in isolation from the overall goals of the foundation.

### 2. PURPOSE

This Policy aims to clearly outline:

- definitions of child abuse and other relevant terms;
- outline child protection legislation, conventions and guidelines;
- VIETNAM FOUNDATION's set of commitments to child protection;
- VIETNAM FOUNDATION's risk management approach to minimising the likelihood of child abuse and exploitation;
- VIETNAM FOUNDATION's Code of Conduct governing interaction with children both in Vietnam and overseas;

and

- VIETNAM FOUNDATION's practical reporting procedures and response mechanisms.

This Policy has been developed in order to:

- Support the protection of children engaged in VIETNAM FOUNDATION's programs to deal with all forms of abuse and exploitation;
- Demonstrate that VIETNAM FOUNDATION is taking “reasonable steps” to minimise or protect children from abuse.

### 3. SCOPE

This Policy applies to:

‘VIETNAM FOUNDATION personnel’ which includes any VIETNAM FOUNDATION member, contractors, sub-contractors, partners, volunteers working on VIETNAM FOUNDATION projects.

### 4. DEFINITIONS

**Child** means every person below the age of 18.

**Child abuse** is the physical, sexual, emotional mistreatment or neglect of a child resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

**Child protection** is an activity or initiative designed to protect children from any form of harm, particularly harm arising from abuse, neglect or exploitation.

**Physical abuse of a child** is when a person purposefully injures or attempts to injure a child from an interaction or lack of interaction which is reasonably within the control of a person in a position of responsibility, power or trust over the child. This may take the form of slapping, punching, shaking, kicking, burning, shoving, grabbing or choosing not to assist a child when a situation is causing them physical pain. There may be a single incident or repeated incidents.

**Emotional abuse of a child** is any action that is not physical but that has a negative effect on the social, intellectual or emotional development of a child. Emotional abuse is categorised loosely as the chronic behavioural pattern directed at a child whereby a child’s self esteem and social competence is undermined or eroded over time. It can take the form of name-calling,

threatening, belittling, ridiculing, intimidating, isolating, ignoring or other non-physical forms of hostile or rejecting treatment towards the child.

**Neglect of a child** is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, education, supervision emotional development and/or protection from foreseeable harm in the context of resources reasonably available to the family or caretakers of the child and to the extent that the child's health and/or development are at risk.

**Sexual abuse of a child** is when a person who is position of responsibility, trust or power over a child involves the child in sexual activity which is intended to gratify or satisfy the needs of the other person and which the child does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared and cannot give consent. This can include contact acts (such as rape or sexualized touching) or non-contact acts (such as exposure to pornography or taking sexualized photographs of the child).

**Domestic violence** is a pattern of assaultive and/or coercive behaviours conducted within the family environment or domestic (home) environment which can include physical abuse, sexual abuse, emotional abuse and/or economic coercion.

**Child Exploitation** is when a child is used in work or other activities for the benefit of others. This includes, but is not limited to, the commercial sexual exploitation of children whereby a child is sexually abused in return for cash or for kind and child labour whereby a child is forced to work or perform other acts to an extent detrimental to the child's physical, social or mental development.

## 5. GUIDING PRINCIPLES OF THIS POLICY

This Policy is based upon the following guiding principles:

- Zero tolerance of child abuse;
- Recognition and promotion of children's best interests;
- Sharing responsibility for child protection;
- Use of a risk management approach to prevent child abuse; and
- Report and respond to all incidents of child abuse.

## 6. VIETNAM FOUNDATION 'S COMMITMENTS

VIETNAM FOUNDATION is committed to implementing and maintaining child protection measures to the highest standard. These include that:

- In all contracts involving VIETNAM FOUNDATION, all parties agree to abide by the requirements of this Policy;
- Child protection risks are included in all project and activity risk assessments;
- Preventative child protection measures are implemented to the highest standard;
- Comprehensive child-safe recruitment and screening processes are employed;
- A child protection Code of Conduct exists and is understood and signed, wherever applicable, by all VIETNAM FOUNDATION members and sub contractors that are bound by it;
- National laws and processes and local resources are taken into account within reporting and response mechanisms;
- No person is permitted to work with children if they pose an unacceptable risk to children's safety or wellbeing.

## **7. THE CHILD PROTECTION CODE OF CONDUCT**

### **Acceptable Behaviours**

VIETNAM FOUNDATION personnel shall:

- Treat children with dignity and respect regardless of ethnicity, race, gender, age, language, religion, political or other opinion, disability, or other status;
- Conduct themselves in a manner appropriate with their position as a representative of VIETNAM FOUNDATION in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with VIETNAM FOUNDATION's Reporting Procedures and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them;
- Comply with all relevant legislation, including the UN Convention on the Rights of the Child;
- Follow organisational policy and guidelines regarding the safety of children.

### **Unacceptable Behaviours**

VIETNAM FOUNDATION personnel shall not:

- Use language or demonstrate behaviour towards children that is inappropriate, harassing, abusive, demeaning, sexually provocative, or culturally insensitive;

- Engage children in any form of activity that is demeaning, offensive, sexually provocative, abusive or culturally inappropriate or insensitive;
- Engage children in any form of sexual activity or acts, including paying for sexual services or acts;
- Invite unaccompanied children into their home, unless they are at immediate risk of injury or in physical danger;
- Access child pornography through any medium;
- Sleep in close proximity to unsupervised children;
- 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 recreation activities, or which places them at significant risk of injury;
- Exclude or favour a particular child;
- Use equipment including but not limited to computers, mobile telephones, video or digital cameras to capture images inappropriately or without the consent of the child and his/her parent or guardian;
- Physically assault, discipline or punish children; and/or
- Touch a child in an inappropriate or culturally insensitive manner.

## **8. THE PHOTOGRAPH POLICY FOR USING CHILDREN'S IMAGES**

When photographing or filming a child for work related purposes, VIETNAM FOUNDATION personnel must:

- Assess and comply with local traditions or restrictions for reproducing personal images;
- Obtain legitimate consent from the child or a parent or guardian of the child. As part of this an explanation as to how the photograph or images will be used must be given;
- 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 do not reveal identifying information about a child when sending images electronically; and/or
- Ensure images of children available for public use do not reveal any identifying information.

## **9. REPORTING AND INCIDENT RESPONSE**

Any suspicion or disclosure of child abuse must be immediately reported to the relevant local government.

- VIETNAM FOUNDATION takes all allegations of child abuse by VIETNAM FOUNDATION personnel seriously;
- All allegations will be thoroughly investigated; and
- Where an incident has been reported the following procedures will be followed:

### **For non-critical incident allegations**

A non-critical allegation of child abuse is one which does not pose immediate risk to a child supposing the allegation was true. These incidents may well be critical in nature but the time frame for responding is not as immediate; an example is accessing child pornography.

- a. the incident will be investigated with full respect for the privacy of the accused and the alleged victim and information will be dispersed on a “need to know” basis with the primary concern being the rights and welfare of the people involved;
- b. the accused person will be given an opportunity to express their views/opinions/version of facts;
- c. the views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse; and
- d. where the incident is reasonably proven to have occurred, appropriate disciplinary measures will be taken, including, but not limited to:
  - Warning; and/or
  - Suspension; and/or
  - Dismissal.

The disciplinary measure will depend on the nature and severity of the offence and will be at the discretion of the VIETNAM FOUNDATION board and will be fully documented and reported.

### **For critical allegations**

A critical allegation is an allegation whereby there may be an immediate risk to the welfare of a child should the allegation be found true – an example is inappropriate sexual activity.

- a. Where the allegation involves a violation of either the laws of the country in which the incident occurs, or the laws of Vietnam, the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation;
- b. All efforts will be taken to ensure the confidentiality and rights of the accused person and information related to the incident will only be shared on a “need to know basis”;

- c. If the incident involves a breach of the Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation;
- d. where a breach of the Code of Conduct is found to have occurred, all circumstances will be considered and the appropriate action will be taken;
- e. where an allegation is found to be false or unfounded, all efforts will be taken to ensure the rights of the accused person is upheld;
- f. where allegations amount to a violation of laws of the host country, privacy will no longer be applicable unless deemed necessary to uphold the rights of the victim.
- g. Where appropriate in investigations, VIETNAM FOUNDATION will consider and take into account legal advice as well as advice from any responsible authorities.

## **10. RECRUITMENT AND REFERENCE CHECKING**

- VIETNAM FOUNDATION will not knowingly permit any person to be employed or engaged as a volunteer if they pose an unacceptable risk to children.
- All VIETNAM FOUNDATION members working directly with children will be required to provide an appropriate current police check (criminal record check).

## **11. CHILD PROTECTION EDUCATION AND TRAINING**

Child Protection training, including topics such as awareness raising and reporting processes will be provided to all VIETNAM FOUNDATION personnel on an annual basis. New volunteers will receive induction training and briefings that will include child protection procedures and policy aspects. VIETNAM FOUNDATION members will also be given access to electronic and hard copies of the VIETNAM FOUNDATION Child Protection Policy and Code of Conduct.

## **12. RISK MANAGEMENT**

VIETNAM FOUNDATION will use a risk management process to manage child protection. A risk assessment will be conducted, covering all activities where there is contact with children. Risks will be identified, assessed and classified. Mitigation processes to reduce or eliminate any identified unacceptable risks will be implemented