# POLICY G002: CHILD PROTECTION POLICY AND PROCEDURE

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| Responsible person: | CEO | Version: | 2.9 |
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## PREAMBLE

This policy was written by So They Can (Australian Entity) for use across all So They Can offices. So They Can operates six offices registered in each of Australia, Kenya, Tanzania, New Zealand, England & Wales and the USA, which are part of the So They Can Global Alliance. In this policy, 'CEO' means CEO of So They Can (Australian Entity). Unless specified otherwise the 'Board' refers to the board of So They Can (Australian Entity). This policy is intended for all So They Can staff, Board members and volunteers, in all 6 So They Can offices. So They Can procedures are consistent with So They Can policies.

## INTRODUCTION

So They Can has a zero-tolerance approach to child abuse and exploitation in all its forms and promotes children's rights as set out in the United Nations Convention on the Rights of the Child (1989).

Children have a right to survival, development, protection and participation. So They Can takes its duties seriously and will aim at all times to provide the safest possible environment for the children in its care. It will take all reasonable steps to safeguard the interests, rights and well-being of those children with whom the organisation is in contact and will advocate to strengthen the protection and promote the rights of all children in developing communities. So They Can is responsible for implementing principles and procedures as set out in this document to protect children from abuse and exploitation by all Representatives who are working with or have contact with children. Adherence to this policy is a mandatory requirement for all Representatives.

So They Can recognizes that it is essential for all representatives of So They can in its project countries to be aware of their local child protection legislation and consequences for breaching it. Currently, with So They Can project countries being Kenya and Tanzania such legislation includes:

- The African Charter on the Rights and Welfare of the Child
- The Children Act 2022 in Kenya
- The Law of the Child Act in Tanzania

## DEFINITIONS

- In keeping with the United Nations Convention on the Rights of the Child, a **child** in these policies and procedures is a person under the age of 18 years.
- **So They Can Representatives** – are all individuals and institutions who act on behalf of So They Can regardless of whether or not there is a formal legal agreement between them and So They Can. This includes, but is not limited to, all trustees, members, directors, employees, contractors, consultants, advisors, volunteers, casual laborers and regular suppliers of good and services, and implementing partners irrespective of which country their role is situated.
- **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 being 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.
- **Criminal record check:** A check of an individual's criminal history record conducted by police or other authority responsible for conducting such checks. Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate, showing the results of a criminal record check, will be used.
- **Child abuse includes:**
    - **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
    - **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.
    - **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.
    - **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 wellbeing.
    - **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 behavior towards a child.
- **Child exploitation:** one or more of the following:
    - Committing or coercing another person to commit an act or acts of abuse against a child
    - Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material
    - Committing or coercing another person to commit an act or acts of grooming or online grooming
    - Using a minor for profit, labour, sexual gratification or some other personal or financial advantage
- **Harm:** Any detrimental effect on a child's physical, psychological or emotional wellbeing. Harm may be caused by financial, physical or emotional abuse, neglect, and/or sexual abuse or exploitation whether intended or unintended.
- **Child exploitation material:** Material irrespective of its form which is classified as child abuse material or child pornography material.
- **Child abuse material:** Material that depicts (expressly or implicitly) a child as a victim of torture, cruelty or physical abuse.
- **Child pornography material:** Material that depicts a person, or is a representation 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.

- **Grooming:** 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 (for example by encouraging romantic feelings, or exposing the child to sexual concepts through pornography).
- **Online grooming:** The act of sending an electronic message to a child, with the intention of procuring the recipient 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 to be a child.
- **Victim-survivor:** Child victim-survivor is a term used to describe a person under the age of 18 who is, or has been, abused, exploited or harmed. 'Victim-survivor' acknowledges both the harm suffered (victim) and the resilience or agency of the child in coping with the aftermath (survivor). This term emphasises a supportive, rights-based approach to addressing their needs and upholding their dignity throughout the reporting and response process.

# POLICY PRINCIPLES

## Principle 1: Zero tolerance of child exploitation and abuse

So They Can has a zero-tolerance approach to child exploitation and abuse. Child exploitation and abuse will attract criminal, civil and disciplinary sanctions. So They Can will not knowingly engage—directly or indirectly—anyone who poses a risk to children. So They Can works to minimise the risks of child exploitation and abuse associated with its functions and programs, and trains its staff and partners on their obligations under this policy.

## Principle 2: Prioritise the best interests of the child

All countries where So They Can as an organisation is registered - Australia, New Zealand, England & Wales and the US, as well as Kenya and the United Republic of Tanzania where So They Can's development activities take place - are signatories to the United Nations Convention on the Rights of the Child. So They Can is committed to upholding the rights of the child and Australia's obligations under this convention. In all actions concerning children, the best interests of the child shall be a primary consideration. So They Can and its partners must ensure that all actions and decisions prioritise children's rights, safety and wellbeing and are underpinned by a 'do no harm' approach. Responses to incidents must be trauma-informed, child-centred and enable access to support services.

## Principle 3: Promote inclusion and equity and recognise diversity

So They Can and So They Can partners must be welcoming and inclusive of all children regardless of their circumstances, abilities, sex, gender, sexual orientation, ethnicity, age, displacement, and social, economic and cultural backgrounds. Efforts must address barriers to participation, protection, reporting and support such as language, safety, discrimination and accessibility.

## Principle 4: Prioritise prevention

So They Can and So They Can partners must be proactive in promoting the safety of children and minimising risks to children. Actions to protect children must be embedded in policies, programs, recruitment, staff training and daily operations to minimise risks and protect children, both in physical and online spaces.

## Principle 5: Adopt an empowering and participatory approach

So They Can and So They Can partners must empower children to understand their rights, express concerns, and participate in decisions affecting them in ways that are age-appropriate, voluntary and safe. Families and communities must be engaged as partners in promoting child safety and wellbeing, fostering trust and enhancing collaboration.

## Principle 6: Reporting incidents is mandatory

Immediate reporting of child protection incidents and concerns within So They Can Programs and Projects, is mandatory. Reporting and response mechanisms must be clear, accessible (including to children) and confidential. Reporting mechanisms must ensure that those who raise concerns are protected and that concerns are addressed effectively and in a timely and appropriate manner.

## Principle 7: Embed safeguarding into organisational culture and leadership

So They Can and So They Can partners must embed child protection in governance, leadership and institutional culture. A strong safeguarding culture requires clear accountability, leadership commitment, investment of resources and continuous review and improvement of policies and practices.

## Risk-Based approach

So They Can applies a risk-based and intersectional approach to child protection, recognising that factors such as context, gender, race, ethnicity, disability, sexual orientation, socio-economic status and systemic marginalisation can increase vulnerabilities and shape safeguarding needs.
So They Can and its partners will conduct an initial child protection risk assessment in all locations where projects are to be implemented in order to identify key risk factors and put in place plans to mitigate these as far as possible. Identification of new risks, and review of ongoing risks, their rating and their mitigating strategies is conducted on a regular basis for So They Can as an organisation and for So They Can projects.

Since a majority of So They Can's Program and Project activities involve direct, sustained or significant contact with children, So They Can and its Program Implementing Partners must adopt and comply with Comprehensive Child Protection Standards as per *Child Protection Standards for DFAT Partners (Annexure E).*

So They Can is committed to supporting its downstream partners do develop policies, procedures and practices that align with the Essential or Comprehensive Child Protection Standards depending on their level of contact with children.

## RESPONSIBILITY UNDER THIS POLICY

**So They Can Management**

So They Can's executive staff and managers are responsible for promoting children's rights and f o r

championing the protection of children. Management is responsible for implementation of these policies and procedures and will comply with the Code of Conduct in relation to child protection (set out below). Particular responsibilities include building child protection awareness, advocacy, rigorous recruitment and screening practices, education and training including refresher course twice a year for all Representatives in an ongoing relationship with So They Can, sponsorship controls, responding to complaints and allegations, systems and administration. Executive staff and managers are responsible for promoting child safe messages in their work including appropriate child-safe communications on websites, brochures, recruitment materials and publications including fundraising materials, and for ensuring that So They Can Representatives clearly understand the procedure and timeframe for reporting child protection incidents. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment. Management is responsible for ensuring that all Representatives entering into relationships with So They Can have read, understood and consented to compliance with this Child Protection Policy by signing a consent form (Annexure A). So They Can is responsible for providing a version of this Child Protection Policy translated into a local language in each country of operation and for ensuring that the policy is read to all illiterate Representatives in a language understood by them.

**All Representatives**

All Representatives are obliged to create and maintain an environment which prevents exploitation and all forms of abuse and exploitation of children and promotes positive staff conduct. All Representatives are responsible for having a thorough knowledge of these policies and procedures, acting in accordance with them and complying with the staff Code of Conduct.

## PROCEDURES

**1. Development programs**

Children in developing countries are extremely vulnerable to various forms of abuse and exploitation - particularly neglect, physical and emotional abuse. So They Can's program work in developing countries therefore aims to promote child protection and protection of children's rights as a component of all program activity. Programs will aim to work directly and indirectly to reduce the risks children face, both from outside and within the family, and these activities will be assessed in the monitoring and evaluation process. Representatives are to receive ongoing training and to be regularly updated on issues relating to child protection.

When working with any partners, So They Can will ensure that child protection is a fundamental core principle of the partner's work. So They Can will ensure that all partners have child policies in accordance with the United Nations declaration of human rights and that these are adhered to and monitored. So They Can will ensure any partnership agreement will include Child Protection clauses.

**2. Child protection Code of Conduct**

2.1 Introduction

All Representatives will conduct themselves in a manner that promotes children's rights and protects children from abuse and exploitation. So They Can's Child Protection Code of Conduct (Annexure A) describes the basic expectations of Representatives regarding their contact and dealings with children.

Children are at risk from abuse and exploitation from a variety of sources. It is the responsibility of all Representatives to minimise this risk by setting a positive example, identifying and managing potential risks and responding to allegations of abuse and exploitation.

A breach of the Code of Conduct or of So They Can's child protection policy are grounds for disciplinary action, may lead to dismissal from employment or service, and may result in legal proceedings. A breach of any of the principles in this policy is regarded as gross misconduct and will result in dismissal or termination of service.

3.2. Legal obligations

So They Can requires that all Representatives comply with all relevant legislation (including child protection legislation).

## 3. Recruitment

3.1 Interview, selection process and appointment

- So They Can's commitment to the protection of children is evidenced through the strict guidelines relating to the child-safe recruitment and screening of Representatives, particularly those who will be in direct contact or working with children. By promoting child-safe recruitment and screening procedures So They Can mitigates the risk of employing or engaging a person who exploits or abuses children and attract the best people to work with children.
- So They Can has clear job descriptions for all jobs. These include a child-safe message and expectations under the organisation's child protection policy and code of conduct. The selection criteria within the job description outline the relevant experience needed if the job involves working with children and the job description informs candidates of the child-safe recruitment screening practices that will apply to positions that require contact with children and working with children.
- All advertisements for job vacancies include messaging about So They Can being a child-safe organisation and inform applicants that:
    - criminal record checks will be undertaken for successful applicants
    - the criminal record checks cover all countries of citizenship and for each country in which the individual has lived for 12 months or longer over the past five years (or more)
    - the requirement for criminal record checks allows people to self-select out of the process.
- The interviewing process for jobs within So They Can will:
    - Include child-safe interview questions for all jobs working with children (including existing staff within the organisation who are applying internally, as well as staff and consultants recommended by other organisations).
    - Be conducted by an interview panel consisting of 3-4 members rather than an individual.

- Consider including a young person on the interview panel for roles working directly with children.
- Discuss any concerns raised during the interview with others on the panel and follow up with referees.
- If possible, avoid phone and online interviews for roles involving direct and ongoing work with children. A face-to-face interview provides a better opportunity to:
    - get to know someone's nature.
    - pick up on any red flags or concerns.
    - observe their body language, eye contact, interaction with the interviewers, and any hesitations or signs of being uncomfortable with the questions asked.
- Send your child protection policy and code of conduct to candidates before the interview.
- Ask questions that provide you with an insight into a person's attitudes towards children, their values, beliefs and motivations (behaviour-based questions).
- Ask scenario-based questions to look at past behaviours and responses to certain situations (see below for more details).

- All staff recruited both in country or from overseas who will be working on projects in country must also provide at least two references or referees to be checked by the organisation.
- Referees must be contacted directly and their identity and relationship with the candidate clarified. Questions specifically relating to child protection and safeguarding must be included in the reference-seeking dialog.
- All Representatives are to be informed of So They Can Child Protection Policy and procedures during the induction process. They must sign an acknowledgement that they have read the document and will comply with its requirements.
- Continual monitoring of the preferred candidate(s) should continue throughout the orientation and probationary period.

3.2 Criminal Record Check

- A Criminal Record Check conducted by the Australian Federal Police will be undertaken for all Representatives of Australian citizenship and for other nationals who are to be employed in Australia where their employment position will require them to be in contact with or working with children.
- A Criminal Record Check conducted by the New Zealand Police will be undertaken for all Representatives of New Zealand citizenship and for other nationals who are to be employed in New Zealand where their employment position will require them to be in contact or working with children.
- A Criminal Record Check conducted by the Criminal Justice Information Services Division of the FBI for all Representatives of the United States citizenship and for other nationals who are to be employed in the USA where their employment position will require them to be in contact or working with children.
- In So They Can program countries a criminal record check or other statutory screening

mechanism – if available – will be conducted for all Representatives being employed or contracted regardless of their role. If the individual has been living overseas and their So They Can role means they will be working with children in program countries, a criminal record check must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship.

- These checks will be conducted before the Representative's engagement by So They Can or commencement of the relationship, with renewals conducted every 2 years for all staff. So They Can will never knowingly employ or contract anyone convicted of a child related offence or permit a person to work with children if they pose an unacceptable risk to children.
- The Country Manager/HR Manager is responsible for ensuring that all Representatives have a current criminal record check that is renewed every 2 years and for maintaining the Criminal Background Checks Register.
- A summary of So They Can's Child Protection screening requirements can be found in the matrix attached to this document (refer Annexure D).

## 4. Training and Development

As part of the induction process all Representatives will be given a copy of So They Can's Child Protection Policy and Code of Conduct and be asked to read it and sign the declaration (Annexure B) that they understand and agree to be bound by it. Refresher training on So They Can's Chile Protection Policy is provided to all staff in program implementing countries twice a year and in other So They Can entities.

In program implementing countries, the Program Managers Project Supervisors are responsible for ensuring that Representatives under their jurisdiction understand the content of the Child Protection Policy and Procedures document and are aware of local child protection legislation and consequences for breaching it. This may involve translation and one on one explanation as required. Country Managers are responsible for ensuring their Program are conducting training on the Child Protection Policy and Code of Conduct.
So They Can's COO is responsible for ensuring CPP training is regularly held in other So They Can entities.

Additional and job-specific ongoing child protection training will be arranged by the Program Managers for So They Can Representatives in contact, or working with, children. The Project Supervisor is to ensure that this training occurs and is ongoing. The Program Managers, or the COO, will record the training provided to each Representative in the Policy Training Register.

## 5. Marketing and communications

So They Can will undertake all reasonable precautions to protect paper and electronic information about children in its care. Children's records are kept in a secure location and child information is restricted to So They Can individuals who require access to the information as part of their responsibilities.

No photographic, electronic or printed material containing images or information relating to

children that could put the child at risk of identification are made available through any form of communication media without strict guidelines concerning their use.

All images of children that are used in promotional or awareness materials are never accompanied by explicit information regarding the child's place of residence. Any text accompanying an image that in any way identifies the child will be pixelated or removed unless consented to by the CEO.

Any independent photographer visiting So They Can's project, where it works with or involves contact with children will be in the first instance required to read So They Can Child Protection Policy and Code of Conduct and commit to compliance by signing such declaration.

All communications involving children use pictures and text that are decent and respectful. In all communications children are adequately clothed in accordance with local customs and any poses that are potentially sexually suggestive are avoided.

So They Can has developed a set of Guidelines on Ethical Photography (Annexure D) to ensure that we use all images, videos and printed messages in communications in a way that portrays people in a manner that respects their rights, safety, dignity, values, history, religion, language and culture.

## 6. Allegation reporting and management

The development, implementation and continual monitoring of an effective allegation and incident management system is essential to So They Can's efforts to protect children from all forms of abuse and exploitation and to ensure due process for any Representatives involved in an allegation.

The potential for Representatives to seek access to children for abusive purposes is acknowledged by So They Can. This threat is treated with the utmost importance and seriousness and So They Can is committed to doing all it possibly can to prevent the abuse and exploitation of children and to hold accountable those who harm children.

### 6.1 Obligation to report immediately suspected incidents of abuse and exploitation

Any incident or concern regarding the safety or welfare of a child or children attending a So They Can program must be reported the same day, or following day if the reported incident or concern occurs after business hours. Not responding to a child protection concern may mean that children are unprotected and are exposed to further abuse and exploitation. It may also result in further child victims. It is also important that the proper reporting and responding procedures are followed – further harm to the child may be caused by an inappropriate response.

Representatives may raise their concerns verbally, in writing or through an anonymous online platform Whispli available to all Representatives. If a person knowingly chooses not to report an incident, then they will be subject to disciplinary action including possible termination of employment, contract or service.

Any suspected or alleged case of child exploitation, abuse or policy non-compliance by anyone within scope of this policy in connection with official duties or business must be reported to DFAT's Conduct and Ethics Unit. All reports should be made to childprotection@dfat.gov.au using the Child Protection Incident Notification form (Annexure D). All information provided will be treated in accordance with relevant Commonwealth legislation, including the Privacy Act 1988.

If possible, incidents should be reported using the Child Protection Incident Notification form and include, but are not limited to:

- Specific indication (any sign, illness, injury or change of behaviour which is consistent with possible abuse or exploitation) from a child that s/he is being abused or gives reason to suspect that they or another child is being abused.
- A statement from a person who witnessed or is concerned about abuse of a child.
- Any sign, illness, injury or behaviour which indicates possible abuse or which gives rise to concern or suspicion.
- A symptom, injury or behaviour which does not indicate abuse but which combined with other information or evidence gives cause for concern.
- Child-to-child abuse: A child living in a So They Can family or attending any other So They Can program (e.g. family strengthening program) abuses another child or is abused by another child.
- Seeing or hearing about abuse in another organisation or in a community in which So They Can is working.
- Anything that indicates a staff member or associate has abused a child or placed a child at risk of abuse or exploitation.
- An allegation, concern or rumour that indicates a staff member or associate has breached the child protection policy of So They Can and its behaviour protocols as described in the Code of Conduct section.
- An adult reports that s/he was abused as a child or young person while in contact with So They Can.

### 6.2 Disciplinary actions

Immediate action is required once an allegation or concern has been reported to ensure that the child's or children's health and safety needs are met.

Max. 24 hours after the allegation or concern was reported, the team participating in the case management process has to establish the exact nature of the concern. The Country Manager and/or a designated manager decides on next steps. Initial steps of an appropriate response must be taken max. 48 hours after the allegation or concern was reported based on the status of the case as determined in the referral meeting.

Various options are at the disposal of So They Can in dealing with the outcome of child abuse which include but not limited to:

- Employees – disciplinary action / dismissal
- Partners – termination of partnership

- Contractors – termination of contract
- Referring case to national authorities

6.3 Reporting procedure

All incidents or suspicions of child abuse and exploitation, including the inappropriate use of printed materials (past or present) by a Representative must be reported on the same day, or following day if the reported event occurs after business hours to the person making the allegations' immediate manager using the Child Protection Incident Notification form (Annexure d). If this is not appropriate then the matter must be reported within further 12 hours to their senior manager with the option to directly report to the CEO. The person making the allegation is required as soon as possible (usually within 24 hours) to document the allegation, including the time, place and any witnesses.

Any suspected or alleged case of child exploitation, abuse or policy non-compliance by anyone within scope of this policy in connection with official duties or business must be reported to DFAT's Conduct and Ethics Unit. All reports should be made to childprotection@dfat.gov.au using the Child Protection Incident Notification form (Annexure D). All information provided will be treated in accordance with relevant Commonwealth legislation, including the Privacy Act 1988.
The Incident Notification form together with any documentation relevant to the case, investigation and conclusion will be recorded in country specific Incident Registers.

If it is a child making the allegations they will be directed to and supported by the relevant Child Support Officer and all documentation completed in accordance with the complaints policy and requirements contained within this policy. In Tanzania the role of the Child Support Officer sits with the position of So They Can Education Manager and, in case the complaint raised is about the Education Manager, with the role of Country Manager. In Kenya, one of the Social Workers is assigned the role of the Child Support Officer.

The Child Support Officer shall complete all documentation and present the allegation to the local Project Supervisor on the same day, or following day if the reported event occurs after business hours and to the CEO within further 12 hours. The Child Support Officer will seek professional assistance for the child as required. All children need to be made aware through their Child Support Officers of the availability of this avenue for complaints and allegations against staff and Representatives of So They Can, their peers and members of the wider community.

If the allegation is in relation to the person making the allegation's manager then the matter must immediately be reported to the CEO. If the allegation is in relation to the CEO then the matter must immediately be reported to the Chair of the So They Can Board. If the allegation is in respect of the Chair of the So They Can Board then it must be reported to two other Directors of So They Can.

At all times So They Can will act in the best interests of the child. This may involve immediate suspension or transfer to another role of the alleged perpetrator while an investigation takes

place. Any Representative who has been stood down will be entitled to a fair and just process including appropriate information about the investigation process. No assumptions are to be made regarding guilt or innocence, with the investigation process remaining confidential until a decision has been reached by management. Regardless of the decision made, the process must be documented and filed, with all printed and electronic matter being kept in a secure and confidential place at all times.

The manager or if necessary the CEO is responsible for instituting appropriate action including:

- taking immediate steps to secure the safety and well-being of the child or children concerned;
- making a report to local statutory authorities where appropriate;
- complying with relevant statutes and protocols and cooperating with local authorities;
- determining whether referral of information to the Australian Federal Police, New Zealand Police, the Criminal Justice Information Services Division of the FBI or other international authorities is appropriate and possible; and
- conducting or arranging an internal investigation to determine if the So They Can Child Protection Policy has been breached.

Following the investigation process the CEO will conclude one of the following:

- There are possible grounds for criminal or statutory proceedings and the So They Can Child Protection Policy and procedures have been breached. In this case the matter will be referred to appropriate authorities and disciplinary action including consideration of termination of employment or contract will ensue;
- There is no basis for referral to criminal or statutory proceedings however the staff person has breached the So They Can Child Protection Policy. Disciplinary action will be conducted including possible termination of employment or contract; or
- There is no basis found for the allegation in which case the person will resume normal duties. If it is found that the allegation was vexatious, appropriate action in relation to the person making the allegation will be taken.

If the matter becomes part of a criminal investigation, So They Can will cooperate fully with the relevant authorities.

6.4 Confidentiality

All incidents and alleged incidents of child abuse, harm and exploitation are handled with extreme sensitivity and confidentiality. So They Can understands, however, that in some cases reporting of incidents and allegations may occur even if the child or party concerned is reluctant to give their consent – at all times So They Can will work in the best interest of the child. Concerns that arise are always directed through the above formal procedure.

All documentation of any allegations made, either electronic or paper, are to be kept in a secure place at all times.

## RELATED DOCUMENTS

- So They Can Policy and Manual Register
- The United Nations Convention on the Rights of the Child
- Optional Protocol to The United Nations Convention on the Rights of the Child
- Commonwealth Criminal code act 1995
- DFAT Child Protection Policy (September 2025)
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| Date | Version | Comment |
|---|---|---|
| June 2014 | 1.0 | |
| 5 April 2018 | 2.0 | Review of the policy in line with DFAT requirements |
| 17 December 2018 | 2.1 | Redesign of compliance declaration, review of recruitment and screening, standalone Code of Conduct |
| February 2019 | 2.2 | Sign off authority changed to the Board from CEO, amended Guidelines on Ethical Photography |
| November 2019 | 2.3 | Added definition of Child Protection Officer in Australia and in project countries |
| December 2019 | 2.4 | Added more detail on timeliness of reporting CP incidents, or suspicion of such. |
| October 2020 | 2.5 | Addition to CP Code of Conduct, change of reporting procedure |
| February 2021 | 2.5 | Reviewed by So They Can International, no changes made, feedback sought from in country offices, |
| June 2023 | 2.6 | Reviewed by So They Can with input from So They Can Program Implementing Partners, minor changes made |
| January 2024 | 2.7 | Annexure F Amended – screening requirements - Removed Working with Children certificate requirements and added age bracket specified for short term visitors |
| November 2024 | 2.8 | Align CP Code of Conduct with DFAT's CP Professional Behaviour/Code of Conduct, biennial policy review. |
| October 2025 | 2.8 | Addition of So They Can England & Wales entity into pre-amble |
| February 2026 | 2.9 | Policy reviews to align with DFAT CPP policy September 2025. Minor changes to procedure to eliminate duplications and update job titles |

## Annexure A

# SO THEY CAN CHILD PROTECTION - CODE OF CONDUCT

So They Can representatives will act at all times to ensure children's safety and protection. Specifically Representatives will:

- treat all children with respect
- 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[1] in any form of sexual intercourse[2] or sexual activity[3], including paying for sexual services
- wherever possible, ensure that another adult is present when working near children
- not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger
- not sleep close to unsupervised children unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensuring that another adult is present if possible (noting that this does not apply to an individual's own children)
- never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium
- not use physical punishment on children
- not 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 recreational activities; or which places them at significant risk of injury
- comply with all relevant Australian and local 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 that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during association with DFAT

[1] Where the child is 16 years or older and the other party is not more than 2 years older; and it can be established that the child consented to the relationship, an exception can be recorded promptly on personnel files.

[2] As defined under the Criminal Code Act 1995.

[3] As defined under the Criminal Code Act 1995

- be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse

- These behaviours are not intended to interfere with normal family interactions

When photographing or filming a child at So They Can's project or using children's images for work-related purposes all Representatives or So They Can approved independent photographers must fully comply with the So They Can Ethical Photography Guidelines as per Annexure D and must:

- take care to ensure local traditions or restrictions for reproducing personal images are adhered to 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. An explanation of how the photograph or film will be used must be provided

- 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, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form

## Annexure B

## So They Can Child Protection Policy – Compliance Declaration

I _____, acknowledge that I have read and understand So They Can's

- Child Protection Policy, and
- Child Protection Code of Conduct

and I agree in the course of my association with So They Can to comply with the policy and Code of Conduct.

Signature: _____

Date: _____

Email/phone number: _____

## So They Can Child Protection Code of Conduct – Compliance Declaration

(for short term visitors, suppliers, casual workers)

I _____, acknowledge that I have read and understand So They Can's

Child Protection Code of Conduct

and I agree in the course of my association with So They Can to comply with the Code of Conduct.

Signature: _____

Date: _____

Email/phone number: _____

# Annexure C

**GUIDELINES ON ETHICAL PHOTOGRAPHY**

Photographs and videos taken by So They Can staff or a photographer appointed by So They can should respect human dignity and ensure the rights, safety and well-being of the person or people being portrayed. This means:

- complying with local traditions or restrictions in taking or reproducing images of people, objects or places
- understanding national laws related to photography, filming and privacy rights
- gaining appropriate written or verbal informed consent before taking photographs or videos (Oral consent is accepted, but must be clearly documented). Informed consent means an individual must understand and acknowledge what they are giving consent for.
- Explaining that a consent can be withdrawn at any time, and how to do this and advising that, because of the permanency of the internet, withdrawal of consent may not always lead to the removal of an image online.
- respecting a person's right to refuse to be photographed or video. If you sense any reluctance or confusion, refrain from taking the photo or video
- not causing harm. Individuals or groups may be put at risk of reprisal, violence or rejection in their communities as a result of exposing their identity or personal story through the publication of their photograph or broadcast of any video
- not misrepresenting the individual, situation, context and location of the photograph or video
- absolutely no payments or any other form of compensation being provided to subjects in exchange for their photograph or video to be taken or for their consent or signed release for publication or broadcast

Photographs and videos of issues that are culturally sensitive, politically sensitive or socially stigmatised must protect the identity and privacy of individuals.

- Do not identify individuals. Position the camera in such a way that faces and other unique characteristics cannot be discerned.
- Obtain informed written consent to use real names and locations in situations where disclosure could result in harm. Otherwise, remove detailed personal information such as names and locations in captions or any other associated documentation.
- Identifiable images of individuals should not be used to illustrate sensitive subject matter in such a way as to indicate that the individual is connected with the issue.
- Survivors of sexual exploitation, gender-based violence or abuse are not be identified as such.

Photographs or videos of people with special needs are to be taken with particular care, compassion and protection of privacy.

- Photograph or videos all people with respect and dignity. Special care and compassion must be exercised with vulnerable subjects.
- An individual's status as a person living with HIV, TB or any other serious health conditions must not be revealed without informed written consent.
- An individual's engagement in sex work or other socially marginalised or criminalised (or criminal) activities must not be identified.
- Care must be taken in photographing or filming people in times of crisis. Do not exploit an individual's vulnerability at times of trauma or grief.

Photographs or videos of children taken for work related purposes must adhere to standards arising from So They Can's Child Protection Policy. Before photographing or filming a child, staff or contractors must obtain written informed consent from the child and a parent or guardian and explain how the image or video will be used. In group situations such as a classroom, confirmation of previous parental consent is to be obtained from a school principal or senior teacher. In addition:

- before photographing or filming a child, assess and comply with local laws, traditions or restrictions for reproducing personal images

- ensure photographs and videos 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
- never use images of a child who has died or is in severe distress without any visible signs of help nearby.
- consider watermarking images online to deter images being misused.
- images must be honest representations of the context and the facts
- file labels must not reveal identifying information about a child when sending images or videos electronically.

## Annexure D

# CHILD PROTECTION INCIDENT NOTIFICATION FORM

**Where did incident occur?**

Time: _____Date: _____Place: _____

**Referrer's details:**

Name:_____

Address:

_____ Contact

telephone (and email if possible): _____

Occupation: _____ Relationship to child: _____

**Child's details:**

Name:

_____

Address:

_____

Age: _____ Date of birth: _____ Gender: _____

Household structure:

_____

Ethnicity: _____ Religion: _____

Any disability:

_____

School: _____ Class: _____

Teacher:

_____

**Details of the incident:**

_____

_____

_____

**Details of concern (including child's words if possible):**

_____

_____

_____

**Any changes in child's behaviour**:

_____

_____

_____

**Alleged Perpetrator's details:**

Name:

_____

Address:

_____

Contact telephone:

_____

**Current safety of child:**

_____

**Was a medical examination undertaken? Yes/No** If yes:

Name of medical practitioner:

_____

Contact details of medical practitioner:

_____

Date of examination (please attach report):

_____

Who else knows?

_____

Actions taken to date:

_____

Actions to follow:

_____

_____

_____

Report completed by: _____ Date: _____

Signed off by: _____ Date: _____

**All Child Protection Incident notification forms must be emailed to DFAT on childprotection@dfat.gov.au.**

## Annexure D

## So They Can child protection screening requirement

| So They Can Representative | Screening requirement at appointment | Responsibility |
|---|---|---|
| So They Can Board and Australia/New Zealand/US-based Representatives who do not have direct contact with children | Australian Federal Police, New Zealand Police Criminal Record Check or Criminal Justice Information Services Division of the FBI in the US (as applicable) country issued 12 months or less prior to appointment<br><br>If the individual has been living outside the relevant program country, a Criminal Record check must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship. | CEO, CFO |
| So They Can Board and Australia/New Zealand- based Representatives in direct contact with children | Australian Federal Police, New Zealand Police Criminal Record Check or Criminal Justice Information Services Division of the FBI in the US (as applicable country ( issued 12 months or less prior to appointment<br><br>If the individual has been living outside the relevant program country, a Criminal Record check must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship. | CEO, CFO, So They Can Volunteer Manager |
| So They Can Representatives 16 years of age and older in program countries who have direct contact with children | Criminal Record Check by local police authority in the relevant program country issued 12 months or less prior to appointment<br>If the individual has been living outside the relevant program country, a Criminal Record check must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship.<br>Signed Declaration to comply with the So They Can Child Protection Policy. | CEO, So They Can Volunteer Manager, So They Can Country Directors |

| | | |
|---|---|---|
| So They Can Representatives 16 years of age and older from the age of 16 in program countries who are working with children | Criminal Record Check by local police authority in the relevant program country - if available. issued 12 months or less prior to appointment<br><br>If the individual has been living outside the relevant program country, a Criminal R ecord check must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship.<br>Signed Declaration to comply with the So They Can Child Protection Policy.<br>Additional and job-specific ongoing child protection training.<br>Interview plans incorporating behavioural-based interview questions that are specific to positions that involve working with children.<br>Review checks when Representatives have a change in circumstances. | CEO, So They Can Volunteer Manager, So They Can Country Directors and Project Supervisors |
| So They Can Representatives 16 years of age and older in program countries who do not have direct contact with children | Criminal Record Check by local police authority in the relevant program country - if available.<br>. issued 12 months or less prior to appointment<br><br>If the individual has been living outside the relevant program country, a Criminal R ecord check must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship.<br><br>Signed Declaration to comply with the So They Can Child Protection Code of Conduct | CEO, So They Can Volunteer Manager, Country Directors, Project Supervisors |
| Casual short-term visitors, laborers who are not working with children | Signed Declaration to comply with the So They Can Child Protection Code of Conduct from the age of 16 | Project Supervisors |

In addition to the screening required specifically for child protection purposes, thorough assessment and selection processes should be used, including (but not limited to):

- Detailed job descriptions and selection criteria.
- Thorough selection interview(s), including questions related to working with children.
- Reference checks, including questions relating to suitability to work with children.
- Document verification.
- Induction period with monitoring, supervision & formal review

## Annexure E

# Child Protection Standards for DFAT Partners

| Standards | Essential | Comprehensive |
|---|---|---|
| **1. Child protection policy and procedures, including a code of conduct** | The organisation has a child protection policy/statement or other documented policies and procedures which meet the expectations of DFAT's Child Protection Policy.<br>The organisation has a Code of Conduct that is consistent with the DFAT Child Protection Code of Conduct. All personnel are required to acknowledge they have read and agreed to the organisation's Code of Conduct.<br>Downstream partners are encouraged to develop their own policies, procedures and codes specific to child protection, but may adopt the policies of their upstream partner if appropriate. | The organisation has a detailed child protection policy and procedures in place which meet the expectations of DFAT's Child Protection Policy and are subject to regular review. The policy should demonstrate the organisation's commitment to zero tolerance for child exploitation, abuse and harm and establish procedures in line with these standards.<br>The organisation has its own Code of Conduct that is consistent with the DFAT Child Protection Code of Conduct. All personnel are required to acknowledge they have read and agreed to the organisation's Code of Conduct.<br>Downstream partners are encouraged to develop their own policies, procedures and codes specific to child protection, but may adopt the policies of their upstream partner if appropriate. |
| **2. Reporting mechanism and investigation procedures** | The organisation can receive and manage incident reports safely and confidentially in accordance with Australian and/or local law.<br>Reporting mechanisms are accessible to all stakeholders including children.<br>The organisation must report incidents and investigation outcomes to DFAT. | The organisation has a well-publicised, accessible (including to children), confidential and safe mechanism for reporting child protection concerns or incidents which includes protections from retaliation.<br>The organisation has documented procedures for managing child protection incidents that include trauma-informed responses, procedural fairness, transparent and timely investigation processes, privacy protections and support for child victim-survivors, and appropriate disciplinary actions if the incident involves their personnel.<br>The organisation ensures children, families and communities are informed about expected behaviours, reporting mechanisms and investigation processes in accessible and culturally appropriate ways.<br>The organisation must report incidents and investigation outcomes to DFAT. |
| **3. Risk management processes** | The organisation undertakes a child protection risk assessment, including mitigation actions tailored to the activities and the context, that is reviewed at least annually and revised as needed. | The organisation undertakes a child protection risk assessment, including mitigation actions tailored to the activities and the context, that is reviewed at least annually and revised as needed. |

| Standards | Essential | Comprehensive |
|---|---|---|
| | | The organisation must provide documented evidence that senior management and executive boards have visibility of child protection risk management.<br>The organisation has documented evidence of its expectations for downstream partners and how those partners will manage child protection risk. |
| **4. Child protection training** | The organisation provides basic child protection training to all relevant personnel. Personnel are required to complete the training annually. | The organisation provides comprehensive child protection training – regularly reviewed for all personnel. Personnel are required to complete the training annually. |
| **5. Child safe recruitment and screening processes** | The organisation conducts child safe recruitment and integrity screening for all personnel. Screening should include reference checks, recent police checks, working with children or vulnerable people checks, or locally appropriate alternatives, or where these are not feasible, a self-declaration. | The organisation conducts child safe recruitment and integrity screening for all personnel. Screening should include reference checks, recent police checks, working with children or working with vulnerable people checks, or locally appropriate alternatives. Additional integrity measures required include targeted messaging and questioning about child safeguarding at all stages of recruitment and onboarding, and ongoing monitoring of staff behaviour and adherence to child protection policies and processes. |