



# BIRTH Fiji

## Child Safeguarding Policy

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### REVISION HISTORY

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## 1. Acronyms

BIRTH Fiji	Building Innate Resilience Through Hearts Fiji
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
DFAT	Australia's Department of Foreign Affairs and Trade
NGO	Non-Governmental Organisation

## 2. Policy Statement

Building Innate Resilience Through Hearts Fiji (BIRTH Fiji) is a charitable organisation that has been operating in Fiji since January 2019. BIRTH Fiji provides critical care to women and children who have experienced abuse and discrimination in any form. Its services include counselling, awareness, referrals, information dissemination and provision of critical care such as food, clothing and shelter. BIRTH Fiji also provides psychosocial support and intervention for children who need special attention such as those that are suicidal, dropped out of school and those facing mental health issues. As such, BIRTH Fiji is considered a child-centred organisation.

BIRTH Fiji is committed to the safeguarding of children and aims to ensure that the best interest of children is upheld throughout the organisation and its programs. By adopting this policy, BIRTH Fiji has created zero tolerance to child exploitation and abuse and believes all children have the right to be safe at all times. This policy ensures that in all its programs, BIRTH Fiji will take all measures necessary to ensure the rights of children to protection, safety and well-being. This Child Safeguarding Policy is aimed at children in which BIRTH Fiji works with or comes into contact with safe.

BIRTH Fiji realises the complexities in working with vulnerable children, and therefore, it is imperative that the organisation follows the relevant international guidelines, national legislation and policies on Child Protection and Child Safeguarding. With the aim of keeping children safe, this internal organisational Child Safeguarding Policy ensures that BIRTH Fiji holds itself accountable and is committed to the protection of children.

Furthermore, the policy is stipulated on values and principles that are important to the organisation. This policy is informed by the United Nations Convention on the Rights of the Child (CRC), the Department of Foreign Affairs and Trade (DFAT) principles and minimum standards for child protection and Fiji's laws.

All staff, board members, volunteers and partners of BIRTH Fiji are bound by this policy and the Child Protection Code of Conduct. To ensure the highest standard of behaviour is maintained, BIRTH Fiji requires that all staff, board members, volunteers and partners sign up to the Code of Conduct which gives effect to the Child Protection – Professional Behaviours (Annex 2) as part of their agreement. When abuse, exploitation, or policy non-compliance is suspected or disclosed, internal reporting procedures will be followed.

## 3. Introduction

BIRTH Fiji realises the social complexities involved when working in communities and especially with children. As part of its larger outcomes, the mission and vision statements indicate the strong stand of the organisation in relation to child Safeguarding matters.

### **The Mission:**

To enhance strengths within individuals to optimise living with dignity and respect.

### **The Vision:**

Every member of our community deserves to be aware of their human rights and live free from any form of fear. Endeavour to create a culture where women, children and the vulnerable are happy and free from any form of abuse and discrimination.

This strong stand is also indicative of the policies and regulations that are in place internationally and nationally. BIRTH Fiji acknowledges and recognises these key documents:

#### International

- Universal Declaration of Human Rights 1948
- Convention on the Rights of the Child 1989 (ratified by Fiji in 1993).
- International Labour Organisation Conventions on Child Labour (Convention No.138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour)

#### National

- Hazardous Occupations Prohibited to Children Under 18 Years of Age Order 2013
- Child Welfare Act 2010 plus the Amendment Act 2013 which includes teachers as part of the definition of 'professionals'
- Crimes Act 2009
- Domestic Violence Act 2009
- Juveniles Act 1974 plus the Amendment Act 1997 which includes prohibition of the production, distribution, or use of pornography that features juveniles or persons who look like juveniles and sets punishment of up to 14 years imprisonment for those found guilty.
- Child Welfare Act 2010
- Online Safety Act 2018

## 4. Principles and Values

The policy is informed by principles and values that form the foundation of BIRTH Fiji and binds all board members, staff, volunteers and partners to uphold these principles in all BIRTH Fiji activities. The five basic guiding principles of Child Protection that must be adhered to at all times by any individual working for or working in collaboration with BIRTH Fiji in any work or activity to be performed are:

1. Having zero-tolerance for any form of child abuse that can adversely affect a child's mental or physical health, development or dignity.
2. Protecting children's rights and their best interests.
3. Placing the child as the first priority when dealing with all identified or suspected cases of child abuse.
4. Empowering and educating children on their rights, personal safety and steps they can take, if there is a problem.
5. Integrating child protection into all aspects of our organisational strategy, structures, programs and activities and work practices.

## 5. Purpose

BIRTH Fiji's Child Safeguarding Policy offers all BIRTH Fiji board members, staff, volunteers and partners (who are bound by a contract) an understanding of the position of BIRTH Fiji as an

organisation in the protection and the wellbeing of all children. It also helps partners understand and use appropriate processes when working with children in all BIRTH Fiji activities.

## 6. Policy Scope

This Child Safeguarding Policy applies to:

1. All staff employed by BIRTH Fiji and volunteers on a full time and/or part-time basis and whether national or international;
2. BIRTH Fiji Board Members;
3. Clients of BIRTH Fiji;
4. Contractors;
5. Consultants and contracted individuals;
6. Non-Government Organisation (NGO), Civil society Organisation (CSO) and contractor organisations and their personnel (unless it is formally agreed that a partner organisation may enforce its own safeguarding or protection policy); and
7. All those who participate in BIRTH Fiji events and programs that involve children, including journalists, photographers, sponsors, donors, policy makers.

All individuals and parties mentioned under this scope will have to adhere to the conditions and requirements of this policy. All BIRTH Fiji staff, board members, volunteers and partners must act in accordance with this Policy in both their professional and their personal lives. By signing the Child Safeguarding Policy Declaration, all of the above agree to act in accordance with this Policy in both their professional and their personal lives.

Breaches in the policy can lead to disciplinary action including possible dismissal. For partners/contractors, breaches can lead up to and include termination of relation including contractual and partnership agreement. Where relevant, the appropriate legal or other frameworks as per the national laws will be referred to.

## 7. Definitions

Following are some key definitions that one must be correctly aware of in relation to this policy.

Term	Meaning
Child	As defined under the CRC, is any person under the age of 18 years unless a nation's laws recognises adulthood later.
Child Abuse	It includes <ul style="list-style-type: none"> <li>▪ <b>Physical abuse</b>—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</li> <li>▪ <b>Neglect</b>—the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being</li> </ul>

	<ul style="list-style-type: none"> <li>▪ <b>Emotional abuse</b>—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</li> <li>▪ <b>Sexual abuse</b>—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. In order to consent, a person must have the capacity to consent, which means they are not mentally disabled, under the influence of drugs or alcohol and are of legal age to be able to consent. In Fiji, the legal age of consent is 16 years. (As per Fiji Crimes Act #44 of 2009).</li> <li>▪ <b>Ill treatment</b> – 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.</li> </ul> <p>Note: the above includes a child or children being present (hearing or seeing) while a parent or sibling is subjected to any of the above.</p> <p>Both men and women abuse children. Health workers, teachers other professionals and adults can all be responsible for child abuse.</p>
Child abuse material	Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse
Child exploitation	<p>One of more of the following:</p> <ul style="list-style-type: none"> <li>▪ Committing or coercing another person to commit an act or acts of abuse against a child</li> <li>▪ Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material</li> <li>▪ Committing or coercing another person to commit an act or acts of grooming or online grooming</li> <li>▪ Using a minor for profit, labour, sexual gratification, or some other personal or financial advantage</li> </ul>
Child exploitation material	Material, irrespective of its form, which is classified as child abuse material or child pornography material
Child labour	<p>Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It is work that:</p> <ul style="list-style-type: none"> <li>• is mentally, physically, socially or morally dangerous and harmful to children; and</li> </ul>

	<ul style="list-style-type: none"> <li>• interferes with their schooling by: <ul style="list-style-type: none"> <li>○ depriving them of the opportunity to attend school.</li> <li>○ obliging them to leave school prematurely; or</li> <li>○ requiring them to attempt to combine school attendance with excessively long and heavy work.</li> </ul> </li> </ul>
Child pornography	In accordance with the Optional Protocol to the CRC, 'child pornography' means 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.'
Child pornography material	Material that depicts a person, or is 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
Child protection	An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.
Child protection policy	A statement of intent that demonstrates a commitment to safeguard children from harm and makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children and to show that the organisation is taking its duty and responsibility of care seriously
Child safeguarding	The broad obligation on staff and partners to ensure that the design and delivery of its programs, and organisational operations do not expose children to adverse, impacts, including the risk of abuse and exploitation, and that any concerns about children's safety with the communities where they work are appropriately reported.
Child-sex tourism	The sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and then engaging in sexual acts with children.
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.
Grooming	Generally, refers to 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 the relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
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
Informed consent	Ensures the child and the parent or guardian understand the implications, purpose and potential uses of photographs or videos.
Online grooming	The act of sending an electronic message to a recipient who the sender believes to be under 16 years of age (age of consent), 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 under 16 years of age. Refer to Fiji Crimes Act 2009.
Working with children	Working with children means being engaged in an activity with a child where the contact would reasonably be expected as normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid work.

## 8. Risk Based Approach

All activities within BIRTH Fiji will be assessed to make sure that any child safeguarding risks are identified, and adequate controls developed and implemented. BIRTH Fiji will establish the child protection risk context of all its projects and activities. If a project or activity is identified as ‘working with children’, a full risk assessment will be conducted, including of the partner organisation. The DFAT Child Protection Guidance Note on Establishing Child Protection Risk Context (2018) can be used. Risk management strategies will be identified and included in project designs and documented in the project plan. This will then be monitored during regular reporting, monitoring visits and communication with staff, volunteers and partners.

Contact with children and their parents/carers for the purposes of BIRTH Fiji activities, marketing, media/ communications, consultation, participation and advocacy will be with informed consent, and will not exploit the child or carer, nor increase their vulnerability, or place them at risk. Adequate controls will be developed for such activities and practice guidelines identified and followed.

## 9. Child-Safe Recruitment

BIRTH Fiji aims to recruit and select people who are committed to child safety. BIRTH Fiji will ensure robust screening processes for all staff and volunteers. This includes ensuring a Police Clearance check is provided prior to engagement and verbal/written referee checks performed. In ensuring that a highly credible and safe environment is always maintained at BRITH Fiji, the organisation will employ a number of requirements as part of its recruitment process. These include:

- All advertisements on any medium will always have a disclaimer that informs potential staff and third parties that – **“BIRTH Fiji is a child safe organisation that denounces any form of child abuse and requires anyone that it works with to undergo a police clearance check”**.

- In the first interview, the interviewee will be informed about BIRTH Fiji’s Child Safeguarding Policy and will be asked to declare any convictions, matters still pending or any conflict of interest in relation to abuse of children to the interview panel or interviewer. Refer to Annex 1 for the Recruitment Interview Disclosure form.
- Specifically with regards to counsellor recruitments where it is expected that the person will be working with children, there will be a set of questions in line with standard guiding interview questions that pertain to child protection and working with children.
- Once candidates are finalised, reference checks will be conducted.
- A police clearance will be required of all potential staff.
- Once recruited, the staff be provided and briefed of the Child Safeguarding Policy, to which they have to sign.
- All new staff will undertake an in-house Child Safeguarding policy training within the first month of employment to complete their orientation.
- Where tenders and other third parties are concerned, specific clauses will be added in the Terms of Reference and contracts or agreements in relation to adherence to BIRTH Fiji’s Child Safeguarding policy.
- All contracted individuals will be briefed on the Child Safeguarding Policy and must sign the Code of Conduct. A copy will be retained by BIRTH Fiji.

## 10. Child Safeguarding Code of Conduct

The Code of Conduct (Annex 3) outlines key professional behaviour(s) that is expected of all BIRTH Fiji staff including board members, staff, volunteers, and partners that BIRTH Fiji collaborates with at any time. Failure to adhere to the Code of Conduct will result in disciplinary procedures. The Code of Conduct is a commitment to child protection professional behaviours (Annex 2) as part of their duties. The Code of Conduct also applies BIRTH Fiji board members, volunteers, downstream partners, and contractors.

## 11. Use of Images of Children

BIRTH Fiji will ensure that all its material or communication must:

- Never use manipulated or sensationalized text and/or images, and ensuring that images are honest representations of the context and the facts
- Never employ discriminatory or degrading language
- Ensure that images, videos and messages used in marketing and communication products of BIRTH Fiji portray children in a dignified, respectful, honest and culturally appropriate way.
- Ensure that images will only be taken and used with informed consent of an adult, parent, guardian and child (based on understanding and ability to consent). Images will be stored securely, and access is limited on a needs basis to relevant staff only
- Not publicly disclosing a child’s last name, personal address or other information that could be used to locate a child within a country.
- Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photography or filming.
- Ensure photographs, films 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

seen as sexually suggestive. Ensure files labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

## 12. Working With Partners and Contractors

BIRTH Fiji extends the Code of Conduct requirements for advancing child safeguarding with partners, staff, community leaders, sponsors and volunteers. An individual contractor is required to sign the Child Safeguarding Code of Conduct as part of their contract of engagement.

## 13. Reporting Process

It is mandatory for all BIRTH Fiji staff, board members, volunteers and partners to report immediately any suspected or alleged case of child abuse, exploitation or neglect or policy non-compliance by anyone within scope of the policy in connection with official duties or business. Members of the community in which BIRTH Fiji works, can also report. All reports should be made to the BIRTH Fiji Child Safeguarding Focal Points and/or to the Coordinator.

For all reported child-abuse incidents, BIRTH Fiji requires that the child's best interest be the first priority. In addition, all incidents must be dealt with promptly, and must be handled in a confidential manner that does not harm the victim or the person reporting the suspected or alleged abuse.

### 14.1 What to Report

Board members, staff, volunteers, and partners must report any behaviour that is suspected of being child abuse, exploitation or neglect (including possession of child exploitation material) or policy non-compliance by personnel referred to in the scope of the policy. Where an individual or organisation has already reported, but becomes aware of additional information, the individual or organisation must also report that information.

### 14.2 Reporting Procedures

In all BIRTH Fiji activities involving children, in the case of possible, likely or actual harm of a child or children, the witnessing BIRTH Fiji staff shall bring this case immediately to the attention of a BIRTH Fiji Executive staff and/or the Child Safeguarding Officers. The two designated staff will immediately ensure safety of the child, followed by a detailed incident report (within 24 hours) which will be filed in a Child Abuse Incident Report Folder. Refer to Annex 1 for Disclosure Form.

Where a third party or individual from another organisation is involved, the relevant authorities or point of contact is immediately informed in writing about the incident followed by a written report. Based on the incident report and discussions with the first point of contact, the Coordinator and/or Counsellor Manager will use their good judgement in determining the next steps, keeping in mind the safety of the child.

Where visible injuries are apparent, the child will be provided with immediate medical care at a hospital. Once the child is taken to a doctor, the doctor under the Child Welfare Act (CWA) 2010 is obliged to inform the Permanent Secretary (PS) of Ministry of Women, Children and Poverty Alleviation (MWCPA). Where necessary and required, parents and legal guardians will be kept informed, and permissions will be sought.

In an instance where a crime has been committed against a child, the BIRTH Fiji team will report the matter to the police. The police under the CWA 2010 are also obligated to report the matter to the PS of MWCPA.

In an event where the perpetrator is working with BIRTH Fiji, BIRTH Fiji will suspend and/ or terminate all work and collaboration with the individual or organisation; suspend and/or terminate the responsible staff and volunteer following an investigation process and BIRTH Fiji will carry out the required procedure on having the Board member suspended and/or removed. The decision to terminate will be dependent on the outcome of the internal disciplinary process and/or the police investigation and court rulings.

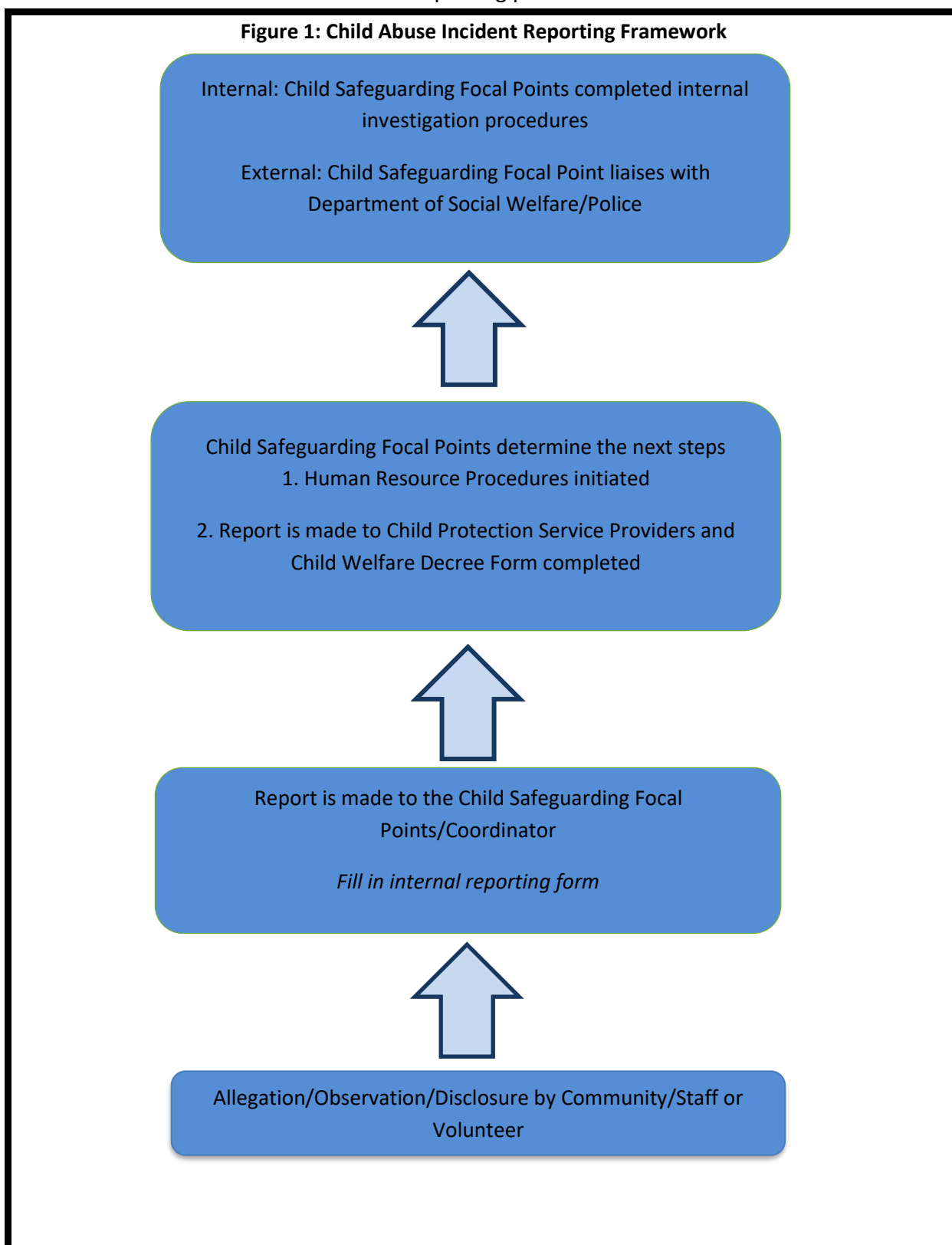
Refer to Annex 4 for BIRTH Fiji internal reporting form. Information to be provided by the BIRTH Fiji witnessing staff in the case of possible, likely or actual harm of a child or children shall include

- a. Name(s) and age of child or children affected
- b. Name(s) and contact details of affected child or children's parents and guardians
- c. Details of the harm or likely harm of which the BIRTH Fiji lead-person involved is aware or suspicious of
- d. Name of the BIRTH Fiji lead-person presenting the report; name of activity; date; time; contact details including phone and email address of lead person and team members involved in the activity
- e. In the case of a written report, these details must include the signature of witnessing BIRTH Fiji staff and a member of the facilitating team reporting the case and signature of the receiver (BIRTH Fiji Executive staff), date and time received.

It is the responsibility of all BIRTH Fiji board members, staff, volunteers and partners to report any abuse, neglect or exploitation or policy breaches to the Coordinator and/or the Child Safeguarding Focal Points.

If the child becomes a client of BIRTH Fiji, and undergoes counselling, the responsible counsellor will open a Child Abuse Form and furnish with the required details. The counsellor will then be responsible for providing counselling to the child, doing case management and provide regular updates on the progress of the case to the BIRTH Fiji Coordinator and/or Counsellor Manager. The Counsellor Manager and Manager Human Resources will ensure that the File for Child Abuse Incidents is updated as and when required and end outcomes are always attached to each report to indicate the end of the particular case. The Counsellor Manager and Manager Human Resources will ensure that the Coordinator is well informed and regularly updated on these incident reports.

Below is a framework that outlines the reporting process.



## 14. Preventing Child Abuse

BIRTH Fiji believes that it must do everything in its power to reduce cases of abuse and/or exploitation as much as possible to help ensure children's safety. The key to this strategy is education:

- Training children, communities, staff and volunteers on how to identify and prevent child abuse.
- Giving children the opportunity to participate in programs that educate them on their rights, personal-safety techniques and steps they can take in case of a problem.
- Encouraging and supporting children, staff, volunteers and community members to report cases of abuse.

BIRTH Fiji will create awareness on the importance of protecting children by incorporating child protection information into other BIRTH Fiji programs.

Including all children and teens the opportunity to participate in BIRTH Fiji programs regardless of gender, sexual orientation, disability, ethnicity or religion.

## 15. Child Safeguarding Training

All BIRTH Fiji staff and volunteers will attend mandatory annual training/refresher training on Child Safeguarding, and BIRTH Fiji's Child Safeguarding Policy and its implementation. All new employees and volunteers will also be trained and required to follow the policy and procedures.

## 16. Child Safeguarding Policy Review

BIRTH Fiji will ensure that all staff involved in the management and implementation of its programmes and operations are provided with appropriate orientation and training to the policy prior to involvement in any programme activities. Refresher training on Child Protection and Child Safeguarding will be done annually. Induction Program for all staff and volunteers will include orientation on BIRTH Fiji's Child Safeguarding Policy. Any partners that have a formal agreement with BIRTH Fiji will be briefed on its Child Safeguarding Policy. This policy will be reviewed every three years.

## 17. Roles And Responsibilities for Implementation of the Policy

Staff and Volunteers - In activities that involve staff and volunteers.

- 17.1 All BIRTH Fiji staff and volunteers shall understand this Child Safeguarding Policy and its requirements, understand mandatory reporting procedures, risks involved in all activities that involve children, assessment processes and management of risks prior to any involvement with children and reporting procedures if a report should be presented.
- 17.2 For new staff intakes, that a full investigation of eligible applicants shall be made through contact of referees, a police clearance is to be obtained and presented during face-to-face interviews.

- 17.3 BIRTH Fiji will identify all processes of child Safeguarding, risk management and assessment of risks in all of its activities that involves children below the age of 18 years. All staff and volunteers are expected to implement child protection risk management and assessment in all preparation phase of its activities that involve children.
- 17.4 To ensure greater accountability in the responsibilities of staff and volunteers, prior to the implementation, parents, guardians and all who will be involved should be informed of risk management processes of activities. This shall be a procedural process as part of the planning and implementation of all activities that involved children.

#### BIRTH Fiji Partners

- 17.5 All partners engaged in BIRTH Fiji activities that enter into a Memorandum of Understanding (MOU) shall be informed of this Child Safeguarding Policy and will adhere to its requirements along with their own organisation policies and other legal frameworks on the protection and safety of children. Beneficiaries and participants in any BIRTH Fiji activity involving children will be informed and familiarised with this Child Safeguarding Policy
- 17.6 In programs and activities that have direct contact with children, BIRTH Fiji will ensure that the management and risk assessment of such activities are undertaken to identify possible risks and mitigation processes
- 17.7 Review the activity's goal, objectives and outcomes that enhance the development of all children
- 17.8 Assess the roles and responsibilities of those involved in the implementation phase of the programs, activities – A report of this should be presented during the preparation phase of the said activity
- 17.9 Have clear monitoring, evaluation and reporting processes relevant to the organisation's objectives – a monitoring and evaluation plant to be presented during the preparation phase of the said activity
- 17.10 To be able to make prompt decisions and necessary changes where needed

#### **During BIRTH Fiji Programs**

- 17.11 Any suspicion or disclosure of child abuse and exploitation must be reported immediately through the organisation's internal processes.
- 17.12 When responding to allegations within the organisation, BIRTH Fiji shall be responsible to ensure fair treatment and the rights of individual staff or volunteer involved is respected during investigations and appropriate disciplinary processes.
- 17.13 As an organisation that may not have constant direct contact with children, a child-safe approach is expected or all staff and volunteers of BIRTH Fiji– this is in line with the No tolerance approach of the organisation – staff breach of this policy will undergo appropriate disciplinary processes.

#### **Safeguarding Officers**

Child Safeguarding focal points for BIRTH Fiji is the Coordinator and the Counsellor Manager. The designated Child Safeguarding Officer receives child safeguarding concerns/complaints and manages

internal and external reporting. All board members, staff, volunteers, associates and staff of partner agencies must be aware of the contact details of the Child Safeguarding Officer and the Coordinator for receiving child safeguarding concerns/complaints. There is also a nominated Child Safeguarding Focal Point on the Board. The BIRTH Fiji Board will receive progress reports at least twice a year on the organisation's child safeguarding compliance. The Child Safeguarding Focal Points is responsible for managing reports and completing the Disclosure Form (Annex 1).

## 18. Legal Procedural Fairness Guideline

In the case of allegation made against a BIRTH Fiji staff or volunteer:

- 18.1 A full disclosure of the event shall be presented by the accused staff to Coordinator who will have to inform professional authorities of the event. The Coordinator and the Counsellor Manager will attend to the matter and decisions will be made in accordance with the seriousness of the allegation and in line with other organisation's policies and constitution. The organisation will be further guided by the rule of law in dealing with criminal related issues, and any further discussions beyond this, the decisions made will prioritize the right of and what is best and will benefit the child.
- 18.2 The Coordinator will be responsible at all times in documenting and communicating all related issues of the incident to other staff, board members, and all other relevant bodies including media during and after proceeding. This is to ensure that what is communicated will be factual and in accordance with the organisations proceeding taking into consideration the rights and dignity of the accused person(s)
- 18.3 The accused staff shall be asked to only attend meetings the Coordinator where the said staff will be informed on the organisation's decision and what has transpired from that.
- 18.4 BIRTH Fiji Coordinator will continue to meet with the said staff up to a time when legal proceeding begins.
- 18.5 As an organization, BIRTH Fiji will not in any way interfere or be obstacle to the proceedings and will fully cooperate with legal requirements and proceedings.

## 19. References

- DFAT Child Protection Policy 2017, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- Establishing Child Protection Risk Context, Department of Foreign Affairs and Trade
- website – [www.dfat.gov.au](http://www.dfat.gov.au)
- ACFID Code of Conduct Guidelines for the development of a child protection policy 2016
- DFAT Guidance Note: Use of Images and social media, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- DFAT Child Protection Guidance Note: Education Programs 2017, Department of Foreign Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- DFAT Child Protection Guidance Note: Health Activities 2018, Department of Foreign
- Affairs and Trade website – [www.dfat.gov.au](http://www.dfat.gov.au)
- DFAT Child Protection Guidance Note: Monitoring and evaluation 2017, Department of Foreign Affairs and Trade website
- Australian Council for International Development (ACFID) Code of Conduct 2017



- United Nations Convention on the Rights of the Child
- Save the Children Fiji Child Protection Policy 2013
- Laws of Fiji – Crimes Act 2009, Child Welfare Act 2010, Online Safety Act 2018

## 20. Annexes

### Annex 1: Recruitment Interview Disclosure Form

Name of Interviewee: .....

Position: .....

Date of Interview: .....

Name of Interviewer(s): .....

.....

.....

The interviewee is asked to disclose any incidents or offences of child abuse that they have been associated with?

Yes -

No -

If the response is Yes, please provide all the relevant details.

.....  
.....

If Yes, what is the current progress or update?

.....  
.....

.....  
Signature of Interviewee

.....  
Date

## Annex 1: Professional Behaviours

All BIRTH Fiji board members, staff, volunteers and partners involved in the management and implementation of BIRTH Fiji Programs that involves working or contact with children are expected to adhere to the following behaviours while they are performing those duties:

- 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 in any form of sexual intercourse or sexual activity, 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)
- not supply alcohol and/or illicit drugs to children under the age of 18 years
- discriminate against, show differential treatment to, or favour particular children or young people to the exclusion of others (this includes not giving gifts to individuals or groups of children unless it is a planned and assessed part of a program)
- not hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- 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 Fiji and local legislation, including labour laws in relation to child labour
- immediately report concerns or allegations of child exploitation and abuse and policy noncompliance 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 BIRTH Fiji
- 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 or using children's images for work-related purposes:**

- 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 to the child and parent or guardian.
- ensure photographs, films 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

This is not an exhaustive or exclusive list. Board members, staff, volunteers, partners and all other associates should at all times avoid actions or conduct which may allow behaviour to be misrepresented, constitute poor practice or potentially abusive behaviour.

## Annex 3: Child Safeguarding Code of Conduct

Everyone associated with BIRTH Fiji must be fully aware of the problem and risks of child abuse and sexual exploitation.

All Board Members, Staff, Volunteers and Partners of BIRTH Fiji must demonstrate the highest standards of behaviour towards children, both in their private and professional lives. They must not abuse the position of trust that comes with working in communities and an organisation like BIRTH Fiji. They must do all that they can to prevent, report and respond appropriately to such issues.

The Child Safeguarding Policy includes mandatory requirements that apply to everyone in all aspects of BIRTH Fiji's work.

I, \_\_\_\_\_ agree that in the course of my association with BIRTH Fiji,

### **I will:**

- Treat all children and young people with respect regardless of race, colour, sex, gender, language, disability, religion, political or other opinion, national, ethnic or social origin, birth or other status
- Provide a welcoming, inclusive and safe environment for all children, young people, parents, employees and volunteers
- Encourage children, young people, parents, employees and volunteers to speak up about issues that affect them, responding with understanding and without judgement
- Refrain from using corporal punishment on children
- Immediately report concerns or allegations of child abuse in accordance with BIRTH Fiji's reporting process
- Comply with local, national and international child protection laws
- Ensure that, whenever possible, another adult is present when I am working with children, or in the proximity of children
- Advise my Manager of my involvement in any situation where my actions could be misinterpreted
- Advise my Manager if I am involved in any situation which would be likely to bring the organisation into disrepute, and
- Advise my Manager if I am investigated for any crime or charged with any criminal offence.
- Ensure that any information shared virtually is specific to needs of the child, according to treatment goals and for the best interest of the child.

### **And I will not:**

- Use inappropriate language – whether of an offensive, discriminatory, demeaning, abusive or sexual nature – when speaking with or whilst in the presence of a child or young person
- Engage in behaviour to shame, humiliate, belittle or degrade a child or young person, or otherwise emotionally abuse a child or young person
- Hit or otherwise physically assault or physically abuse a child or young person
- Marry a person under the age of 18
- Engage in sexual activity or have a sexual relationship with anyone under the age of 18 years regardless of the age of majority/consent or custom locally. Mistaken belief in the age of a child is not a defence

- Act in a sexually provocative manner or engage children in any form of sexual activity, including paying for sexual services
- Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way
- Condone or participate in, behaviour with children which is illegal, unsafe or abusive or may place a child at risk of abuse
- Discriminate against, show unfair differential treatment or favour to particular children to the exclusion of others
- Spend time outside work requirements with any child or young person connected with BIRTH Fiji's programs
- Hire children for domestic or any other labour which is inappropriate for their age or development, interferes with their education or play, or places them at risk of injury
- Do things for children of a personal nature that they can do for themselves such as toileting or changing their clothes
- For work related purposes, sleep in close proximity to any children unless it is absolutely necessary, in which case I will keep my Manager informed and ensure another adult is present, where possible (noting that this does not apply to my own children)
- Access, distribute or create sexually abusive images of children, and
- Use computers, mobile phones, video or digital cameras or any other technology for the purpose of exploiting or harassing children.
- Use social media for the purpose of exploiting for harassing children

### **Use of children's images**

Before photographing or filming a child for work related purposes, **I will:**

Assess and comply with local traditions or restrictions on reproducing personal images

- At a minimum, obtain and document verbal consent from children and/or their parent or guardian and explain how the photograph or film will be used. Written consent should be obtained, where possible
- Ensure photographs, films and videos present children in a dignified and respectful manner and not in a vulnerable or submissive manner
- Ensure that children are adequately clothed and not in poses that could be perceived as sexually suggestive
- Ensure images are honest representations of the situations and the facts
- Ensure the identities of children and young people in photographic and electronic images are not disclosed
- Ensure these files are stored securely and access is limited on a needs basis to relevant staff only.
- Ensure that only photos of children that have consent are used in any BIRTH Fiji publication and materials including on social media

This is not an exhaustive or exclusive list. Staff, volunteers and partners should at all times avoid actions or conduct which may allow behaviour to be misrepresented, constitute poor practice or potentially abusive behaviour.

**Signed Declaration**

I confirm that I have read and understood and agree to comply with BIRTH Fiji’s Child Safeguarding Policy.

I understand that a breach of these Policy may provide grounds for my employment or volunteer contract with BIRTH Fiji to be terminated. I also understand that a breach of this policy could result in criminal prosecution.

I understand that it is my responsibility, as a person engaged by or associated with BIRTH Fiji, to use common sense and avoid actions or behaviours that are abusive or exploitative of children or young people, or could be construed as such.

I authorise BIRTH Fiji to undertake any necessary inquiries, including criminal record checks and reference checks, as part of my appointment or recruitment process.

I confirm my willingness to participate in BIRTH Fiji training sessions on Child Protection and Child Safeguarding.

..... Job title .....

Signature

..... Date .....

Name in block letters

## Annex 4: Child Abuse Incident Reporting Template

Date of Incident: .....  
Place of Incident: .....

Perpetrator Name: ..... Age: ..... Gender: .....  
Occupation: .....  
Employer: .....  
Address: .....  
Mobile number: .....

Child Name: .....  
Age: ..... Gender: .....  
Parent/ Legal Guardian Name: .....  
Address: .....  
Mobile number: .....

1. Details of the abuse that occurred:

2. Summary Narrative of the whole incident:

3. Immediate action undertaken by the staff responsible:

4. Further Plan of Action

.....  
Signature

.....  
Date

Name of Staff: .....  
Position: .....  
Email: .....

Note: Relevant updates to be attached accordingly.



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