

Child Safeguarding Policy

1. INTRODUCTION

Safeguarding children is at the heart of everything Hagar Australia does. Children make up a significant number of the clients the organisation supports directly through its programs and Hagar Australia works to bring about systemic changes that advance child safeguarding in the countries in which it works. Hagar Australia is committed to demonstrating leadership in protecting the rights of and safeguarding children, and involving them in the decisions and activities that affect them.

Hagar Australia engages with child clients in accordance with the Hagar International Client, Vulnerable Adult & Child Protection Policy. Children who have been abused and had their rights violated are particularly vulnerable and may be impacted by both physical and mental health issues, a fear of adults, and destructive behaviour towards themselves and/or others. This policy has been developed to address the safeguarding needs of children who have experienced trauma. Beyond its clients, Hagar Australia owes all children it engages with a duty of care to protect them from reasonably foreseeable harm.

Child safeguarding is both an individual and an organisational responsibility. Every person engaged in the work of Hagar Australia, including Board members, employees, contractors, volunteers, representatives, visitors and partners, shares a responsibility to take all appropriate measures to protect children.

This policy addresses the exploitation and abuse of children. Where an adult is being, suspected of being or at risk of being abused, Hagar Australia personnel and partners should refer to the Hagar Australia Prevention of Sexual Exploitation, Abuse and Harassment Policy reporting procedure.

2. PURPOSE

This policy has been developed to provide guidance on how Hagar Australia will ensure that children are protected from exploitation and abuse across all operations. It outlines measures that safeguard and reduce the risk of children being harmed during visits to programs overseas and promotes a culture of child safeguarding within the organisation. This policy also provides guidance on how to respond to concerns and allegations of child abuse in connection with official duties or business.

3. SCOPE

Hagar Australia recognises that children are a particularly vulnerable group. As such this policy applies to:

- Hagar Australia personnel (as defined)

- Contractors and representatives (including consultants, researchers and photographers) engaged by Hagar Australia to perform any part of an activity that may involve contact with children
- Visitors to Hagar Australia-funded projects
- Hagar Australia-funded partners (as defined)

Hagar Australia management will take steps to ensure that all Hagar Australia personnel, contractors, representatives, visitors to Hagar Australia-funded projects and partners are made aware of their obligations under this policy.

4. PRINCIPLES

This policy is underpinned by the five principles outlined in the Department of Foreign Affairs and Trade's (DFAT) Child Protection Policy.

- 1) *Zero tolerance of inaction:* Child exploitation and abuse are never acceptable, and will attract criminal, civil and disciplinary sanctions. Hagar Australia will not knowingly engage, directly or indirectly, anyone who poses a risk to children; will work to minimise risks of child exploitation and abuse in its operations and programs, and train its personnel and partners on their obligations under this policy. Hagar Australia defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.
- 2) *Assess and manage child protection risk and impact:* While it is not possible to entirely eliminate risks of child exploitation and abuse, careful management can identify, mitigate, manage or reduce the risks to children that may be associated with Hagar Australia operations and programs.
- 3) *Child safeguarding is a shared responsibility:* Hagar Australia recognises that all organisations, including those in partnership with Hagar Australia, have a collective responsibility to build their child safeguarding capacity. Hagar Australia requires the commitment, support and investment of its partners for this policy to be effective.
- 4) *Procedural fairness:* Hagar Australia will apply procedural fairness when making decisions that affect a person's rights or interests. Hagar Australia's partners are expected to adhere to this principle when responding to concerns or allegations of child exploitation and abuse.
- 5) *Recognition of the best interests of the child:* Hagar Australia is committed to upholding the rights of the child, as stated in the UN Convention of the Rights of the Child. In all actions concerning children, the best interests of the child shall be a primary consideration. Children will be treated with dignity and respect, involved in decision-making and provided with information and support.

5. RISK AND RISK MANAGEMENT CONTROLS

Hagar Australia understands that assessing risk and designing appropriate mitigation strategies is a vital part of child safeguarding. To mitigate the possibility of inflicting unintended harm, Hagar Australia will proactively assess its own organisational risks and manage its projects to understand their impact; as well as supporting its partners and the communities in which it works. Hagar Australia will assess the level of partner and project risk at the start of collaboration, classifying them into very high, high, medium or low risk categories, based on the nature of projects, impact on and level of contact with children. Hagar Australia will then support partners in conducting organisational, project and activity risk assessments before the start of projects, which will include identification, treatment and escalation of child protection risks; as well as regular reporting and review of risk registers (higher risk projects will be reviewed more regularly).

5.1 Internal Operations

Hagar Australia's internal risk management controls are to:

- Clearly state Hagar Australia's commitment to child safeguarding in recruitment materials, human resource policies, and all partnership agreements.
- For recruitment of Hagar Australia personnel positions that may involve '**working with children**' or '**contact with children**' observe the requirements of section 6.
- Undertake Working With Children, police and verbal referee checks, prior to appointment, of all contractors and representatives whose engagement may involve '**working with children**' or '**contact with children**', as well as of visitors prior to Hagar Australia-funded partner and project visits, and review if circumstances change (for example, disciplinary or court proceedings relating to children). This is to identify individuals who may pose an unacceptable risk to children.
- Ensure all Hagar Australia personnel, partner and contractor agreements include a statement of their commitment to child safeguarding; and further that the agreements include provisions: to prevent a person from working with children, if they pose an unacceptable risk; to impose sanctions such as suspension or transfer to other duties of any person who is under investigation, and dismissal if evidence is found after an investigation.
- Provide Hagar Australia's Child Safeguarding Policy, including Code of Conduct, reporting requirements and procedures, to all Hagar Australia personnel, contractors, representatives and visitors to Hagar Australia-funded projects; take steps to ensure they understand the Policy and sign the Code of Conduct, and discuss it with Hagar Australia personnel during annual Performance Reviews (where required).
- Ensure that all Hagar Australia personnel and contractors complete introduction and annual refresher training (evidenced by certificates and other documentation) on child safeguarding, including their obligations and Hagar Australia reporting/ complaints handling procedures.
- Include 'Safeguarding' as a standing Board bi-monthly meeting agenda item to monitor Child Safeguarding Policy compliance.
- Undertake a periodic assessment (every 3 years) of Hagar Australia's child safeguarding practices.

5.2 Hagar Australia Funded Partners and Programs

All Hagar Australia funded partners are expected to act in accordance with the principles outlined in this policy. Non-compliance with the minimum child safeguarding standards where required will lead to suspension or termination of funding arrangements.

Hagar Australia's programmatic risk management controls are to:

- Forge partnerships that promote child safeguarding and inclusion, supported by partnership agreements that reflect the principles and requirements in this policy, and are discussed with partners.
- Take steps to ensure Hagar has a deep understanding of the child safeguarding issues within each operational context.
- Ensure that due diligence assessments are conducted for all partners who receive Hagar Australia funds, including police checks/ statutory declarations and verbal referee checks for all personnel in contact and working with children, including for country(ies) of citizenship and each country an individual has lived in for 12 months or longer over the past 5 years; ensure that all such personnel enter into compliant personnel agreements and sign Codes of Conduct, the latter to be summarised and distributed in local languages to clients, their families and communities with reporting information.
- Ensure that Hagar Australia-funded partners develop and implement their own Hagar Australia-compliant child safeguarding policy with clear investigation and reporting procedures, or formally adopt Hagar Australia's Child Safeguarding Policy. This includes a requirement to report any suspected or alleged instances of child abuse, exploitation, harm or child safeguarding policy non-compliance through the organisation's internal processes and to Hagar Australia, and a requirement to identify a Child Safeguarding Focal Person for reporting and awareness purposes. The reporting procedure should be displayed in local languages in each office and discussed with clients and communities, within 6 months of signing a partnership agreement with Hagar Australia.
- Ensure child safeguarding is included in project planning, monitoring and evaluation. Partner (annual) and project (bi-annual) child safeguarding risk and compliance will be reported to Hagar Australia throughout the project cycle.
- Support partners in their compliance with child safeguarding requirements, including regularly assessing capacity, addressing training needs (including annual refresher training), explaining partnership and personnel obligations, as well as regular monitoring and review by Hagar Australia.
- Undertake a periodic assessment (every 3 years) of the child safeguarding practices of Hagar Australia partners.

6. EMPLOYEE RECRUITMENT PROCESSES AND TRAINING

Hagar Australia's recruitment processes include obtaining declarations by all potential employees of any charges, convictions and other outcomes of an offence relating to child exploitation and abuse.

Personnel recruited for positions that may involve contact with children, either under the position description or due to the nature of the work environment, shall be screened through the following procedures before engagement:

- Working With Children Checks
- Criminal record checks¹
- Verbal referee checks

Personnel recruited for positions that involve working with children shall be screened using additional measures:

- Behavioural-based interview questions that probe the applicant's past behaviour in specific situations relevant to the position to give interviewers additional information about the applicant's suitability to work with children.

All employees are required to sign an employment contract which contains provisions for dismissal, suspension or transfer to other duties for any employee who breaches Hagar Australia's Code of Conduct.²

Hagar Australia provides personnel during induction with training on child safeguarding issues and on their responsibilities to protect children under this policy, including mandatory reporting of concerns or allegations of child exploitation and abuse. Training is also delivered when the policy is reviewed as part of Hagar Australia's regular staff training program.

7. CODE OF CONDUCT

All Hagar Australia personnel, all contractors and representatives whose engagement by Hagar Australia may involve '**working with children**' or '**contact with children**', and all visitors to Hagar Australia-funded projects must read, sign and comply with Hagar Australia's Code of Conduct (Annex 1) which sets out strict standards of behaviour in relation to children. All signatories to the Code of Conduct are required to treat all people with respect and without discrimination.

¹ This includes criminal record checks for country(ies) of citizenship and each country an individual has lived in for 12 months or longer over the past 5 years.

² Any breach of safeguarding obligations in Hagar Australia's Code of Conduct will result in dismissal.

8. PROCESSES FOR REPORTING CONCERNS OR ALLEGATIONS

8.1 How to Report

Hagar Australia has mandatory and immediate reporting procedures for handling alleged or suspected cases of child exploitation and abuse, as well as breaches of this Child Safeguarding Policy and the Code of Conduct. Concerns or allegations of child exploitation and abuse, as well as policy breach or non-compliance must be reported immediately as follows:

- By completing the form at <https://hagar.org.au/reporting> (this can be anonymous and Google Chrome can assist with webpage translation; child safeguarding reports will be received by the Safeguarding & Reporting Focal Person) and
- Contact Hagar Australia's Quality Officer (Safeguarding & Reporting Focal Person) and/ or Executive Director on +61 3 9416 1960, or
- Contact DFAT's Conduct and Ethics Unit at childwelfare@dfat.gov.au.

If in doubt, Hagar Australia personnel and partners should report an alleged incident, in line with the principle of zero tolerance of inaction. Community members can also report through the channels mentioned above. Any person reporting a suspected or alleged incident in good faith will not be penalised. A failure to report or deliberately making a false allegation, regarding Child Safeguarding incidents, will be considered a breach of this policy and will be managed accordingly (see Section 8.3).

Hagar Australia will immediately report any suspected or alleged instances of child abuse, exploitation, harm or child safeguarding policy non-compliance to DFAT in the delivery of Australian Government-funded business.

Reports of abuse or exploitation of individuals over the age of 18 years should follow Hagar Australia's Prevention of Sexual Exploitation, Abuse and Harassment Policy.

8.2 How the Report will be managed

A survivor-centred approach will be taken and all reports handled confidentially on a 'need to know' basis, which may include the Executive Director and/ or Board Chair, where appropriate, with transparency and procedural fairness to all parties. For Hagar Australia's Reporting and Investigation Procedure, see Annex 2. Wherever possible, victim/survivor information will be de-identified.

Where safe to do so and, in accordance with the wishes of the victim/survivor and/or report-maker, all alleged child safeguarding incidents involving a criminal aspect will be reported through the correct local law enforcement channels.

8.3 Sanctions

If it is determined that a person has engaged in child exploitation or abuse, or a person or an organisation has failed to comply with this Child Safeguarding Policy or Code of Conduct, then Hagar Australia will apply an appropriate sanction as follows:

- dismissal for any employee who breaches the Child Safeguarding Policy and/or safeguarding provisions in the Code of Conduct;
- cancellation of a contract or relationship, or the termination of a visit to a Hagar-funded project;
- if the incident is criminal, reporting to the relevant law enforcement agencies, in Australia or the country where the incident occurred.

9. DEFINITIONS

Term	Definition
Hagar Australia personnel	Hagar Australia's Board of Directors, employees (full time, part-time and casual) and volunteers.
Hagar Australia-funded partners	This includes Hagar International, its Program Offices and other entities engaged to perform any part of a Hagar Australia-funded activity where working with or contact with children is involved. These entities have agreed roles and responsibilities monitored by Hagar.
Child	Any person under the age of 18 years.
Child safeguarding	The broad obligation on staff and partners to ensure that the design and delivery of Hagar Australia 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 within the communities where they work are appropriately reported.
Child protection	An activity or initiative designed to protect children from any form of harm, particularly that arising from child exploitation and abuse.
Abuse	<p>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.</p> <p>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.</p> <p>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.</p> <p>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, pornography³</p>

³ Fact Sheet No. 12 What is child abuse and neglect? National Children's Clearinghouse, Australian Institute of Family Studies.

	<p>Ill-treatment: Disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child.</p> <p><i>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</i></p>
Child exploitation	<p>One or more of the following:</p> <ul style="list-style-type: none"> - 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.
Child exploitation material	Material, irrespective of its form, which is classified as child abuse material or child pornography material.
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.
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 (also see <i>Working with children</i> definition).
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 that 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.
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.
Unacceptable risk	The portion of identified risk that cannot be tolerated, and that must be either eliminated or controlled. For people deemed an unacceptable risk, control mechanisms are not considered appropriate.
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 work (also see <i>Contact with children</i> definition).

10. RELEVANT LEGISLATION AND CONVENTIONS

Hagar Australia personnel, contractors, representatives, visitors to Hagar Australia-funded projects and partners must adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include Australian Commonwealth, state and territory laws, and international conventions and local laws in the countries where Hagar Australia works in relation to all forms of child abuse and child exploitation, including child sex tourism, child sex trafficking, child labour and child pornography.

Australian legislation

- a) *Criminal Code Act 1995*
- b) *Crimes Act 1914*

State and territory child protection legislation

- a) Victoria: *Working with Children Act 2005; Children, Youth and Families Act 2005*
- b) New South Wales: *Child Protection (Working with Children) Act 2012*
- c) Queensland: *Commission for Children and Young People and Child Guardian Act 2000*
- d) Western Australia: *Working with Children (Criminal Record Checking) Act 2004; Children and Community Services Act 2004*
- e) South Australia: *Children's Protection Act 1993*
- f) Tasmania: *Education and Care Services National Regulations 2011; Education and Care services National Law (Tas)*
- g) Australian Capital Territory: *Working with Vulnerable People (Background Checking) Act 2011; Children and Young Persons Act 2008*
- h) Northern Territory: *Care and Protection of Children Act 2007*

International child protection instruments that Australia is a signatory to

- a) *The United Nations Convention on the Rights of the Child*
- b) *Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*
- c) *Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict*
- d) *Geneva Declaration of the Rights of the Child*
- e) *International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*

Each Hagar office is legally obliged to comply with relevant country laws relating to child protection.

11. RELATED POLICIES

- Prevention of Sexual Exploitation, Abuse & Harassment Policy
- Feedback & Complaint Handling Policy
- Risk Management Policy
- Human Resources Policy
- Travel, Safety & Security Policy
- Whistleblowing Policy

- Reporting & Investigation Procedure

12. POLICY REVIEW

This policy will be reviewed at least every three years, or as required, incorporating lessons learned.

Contact:

For questions about this policy, contact Hagar Australia's Quality Officer (Safeguarding & Reporting Focal Person) or Executive Director on +61 3 9416 1960.

Annex 1: Hagar Australia Code of Conduct

In keeping with its vision and values, Hagar Australia is committed to maintaining the highest degree of ethical conduct amongst its personnel, representatives and visitors. The Hagar Australia Code of Conduct provides to Board members, staff, consultants/ contractors, volunteers, representatives and visitors to Hagar Australia-funded projects overseas guidance on the mandatory standards of personal and professional conduct required of a representative of Hagar Australia at all times. These standards, in conjunction with all Hagar Australia policies, should inform decision-making that exemplifies Hagar Australia's values of Respect, Integrity, Compassion and Excellence; as well as transparency and accountability. Acknowledging the above, in my role with Hagar Australia,

I WILL-

- Uphold the **integrity** and **reputation** of Hagar Australia by ensuring that my professional and personal conduct is consistent with the organisation's values and standards.
- Contribute to a **safe, fair, inclusive, equitable and collegial work environment** free from harassment and discrimination, where all people are treated with respect and dignity.⁴
- Comply with Australian and local **legislation** (including child⁵ and adult labour laws), and immediately disclose all charges, convictions and other outcomes of any offences that relate to exploitation and abuse (particularly of children), terrorist activity, financial misconduct and/or discrimination, including those under traditional law; which occurred before or during my association with Hagar Australia.
- Comply with all Hagar Australia policies and **immediately report** any concerns or allegations of wrongdoing, exploitation and abuse (particularly of children); policy non-compliance, and/or breaches of this Code of Conduct to <https://hagar.org.au/reporting> and Hagar Australia's Quality Officer (Safeguarding & Reporting Focal Person) or Executive Director on +61 3 9416 1960. Please note: Making an allegation known to be false is considered a breach of this Code of Conduct and will be treated accordingly.
- Maintain an environment in which Hagar Australia personnel, partners, representatives, visitors, the people who are participants in, and are directly affected by, Hagar Australia-funded projects know expected standards of behaviour and how to **raise complaints and concerns without fear** of reprisal, harassment or victimisation.
- Be **accountable** for my behaviour and not place myself in a position where there is a risk of allegations being made, particularly avoiding actions or behaviours that could be perceived by others as exploitation and/or abuse.
- Wherever possible, ensure that **another adult is present** when working near children and adult beneficiaries⁶ (the 'two adult rule').

⁴ Regardless of sex, gender, age, language, ethnicity, ability, sexual orientation, intersex status, religious or political beliefs, educational level, professional skills, work experience, cultural and socio-economic background.

⁵ A 'child' is any person under the age of 18 years.

⁶ 'Beneficiaries' or 'primary stakeholders' are the women and men, boys and girls who Hagar Australia seeks to support and are participants in, and are directly affected by, Hagar Australia-funded development initiatives.

- Exercise due care in all matters of official business and not disclose any **confidential information** received in the course of exercising official duties unless that disclosure has been authorised by Hagar Australia, or is required by law.
- Protect the organisation from **fraud, theft, waste and misuse** of resources.
- Be sensitive to **local values, culture and customs** when engaged in international contexts on behalf of Hagar Australia.
- Respect the **environment** by engaging in environmentally-friendly work practices.

Regarding children & adult beneficiaries:

- Be a **positive role model** and provide a **welcoming, inclusive and safe environment** for all children, young people and adult survivors.
- Encourage **open communication** between children, young people, parents and Hagar personnel, and allow children and young people to participate in the decisions that affect them.

When photographing or filming a child or adult survivor, or using their 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 or adult survivor.
- Obtain documented **informed consent**⁷ from the child and parent(s) or guardian(s) of the child, as well as adult survivors, before photographing or filming a child and/ or adult survivor; and inform them of their rights to have a support person present, to withdraw consent at any point, to access information about them and seek its correction (if desired, unless there are legal or safety reasons to prevent this), and to make a complaint to the Hagar Program Office Executive Director, <https://hagar.org.au/reporting> or the Australian Council For International Development (ACFID) at code@acfid.asn.au (marked 'Confidential').
- Ensure photographs, films, videos and DVDs present child and adult survivors in a **dignified and respectful manner**, and not in a vulnerable or submissive manner. Child and adult survivors should be adequately clothed, and not in poses that could be seen as sexually suggestive.
- Ensure images are **honest representations** of the context and facts.
- Ensure all images of child and adult survivors are obscured with **name changes**, no identifying **background features**, Global Positioning System **tracking** turned off and **stored securely**, in accordance with Hagar International's Communications Policy.
- Ensure file labels, meta data or text descriptions do not reveal **identifying information** about a child or adult survivor when sending images electronically or publishing images in any form.

Regarding Prevention of Sexual Exploitation, Abuse & Harassment (PSEAH):

- Inform the Executive Director or Board Chair if I become engaged in a **personal relationship** which may be perceived as inappropriate or exploitative.

⁷ Taking steps, in local language, to ensure that contributors (the people sharing their stories) understand: 1) Why Hagar wishes to document stories about them; 2) Who the audience is likely to be; 3) How their stories may be used now and in the future; 4) How their stories will be stored, how long for and how they will be destroyed.

Regarding conflicts of interest:

- Avoid (where possible), disclose and manage any actual, potential or perceived **conflicts of interest**.
- Notify of any known or perceived form of **corruption** and not offer, promise or accept bribes.
- Declare any financial, personal or family (or close intimate relationship) **interest** in matters of official business which may impact on the work of Hagar Australia.
- Refuse or return any **gift**, however minor, that appears to be given with an expectation of reward or influence.
- Seek permission before agreeing to being nominated as a **prospective candidate** or other official role for any political party.

Regarding the safety, health & welfare of others:

- Adhere to all **health and safety requirements** at my location of work.
- Comply with any **local security guidelines** overseas and be pro-active in informing management of any necessary changes to such guidelines.
- Behave in a manner which **avoids any unnecessary risk** to the safety, health and welfare of myself and others, including partner organisations and communities with whom we work.

Regarding use of information, assets & resources during my engagement with Hagar Australia:

- Notify Hagar Australia immediately if I become aware of **Hagar Australia property**, resources or funds being used other than for their authorised purposes.
- Ensure that I consider **value for money** (spending funds economically, efficiently, effectively and ethically) when procuring assets and resources on behalf of Hagar Australia.
- Ensure that I use the intellectual and physical **property, assets and resources** entrusted to me by Hagar Australia in a **responsible manner**, including treating and maintaining them with due care, securing them against theft and misuse, and accounting for all money and property.

I WILL NOT-

- Seek to make contact, spend time with and/or **develop relationships** with children, young people or adult beneficiaries outside of Hagar Australia-related work and work hours.
- Act in a way that shows unfair and **differential treatment** of children or adult beneficiaries, including through the provision of gifts, payment or inappropriate attention. This includes providing payment to another person to solicit any form of advantage or sexual favour from a child or adult beneficiary.
- Invite unaccompanied children or adult **beneficiaries into private residences** or other private location, unless they are at immediate risk of injury or in physical danger.
- **Hold, kiss, cuddle or touch** a child or adult beneficiary in inappropriate, unnecessary or culturally insensitive ways.
- Use **language or behaviour** (towards children and/or adults) that is harassing, abusive, sexually provocative, inappropriate, discriminatory/exclusionary or generally intended to shame, humiliate, belittle, degrade or exploit.
- **Misuse Hagar Australia property**, information or my status through my engagement with Hagar Australia for personal gain.

- Work under the influence of **alcohol** or use, or be in possession of, **illegal substances** on Hagar Australia premises or accommodation.
- Use computers, mobile phones, video cameras, photographic cameras or other technology inappropriately to **exploit or harass children**, in particular; or access and/or disseminate exploitative material, including but not limited to pornography or depictions of child abuse, through any medium.

Regarding children:

- Condone or engage in **behaviour that is illegal and/or unsafe**, including giving or allowing children to use illegal drugs, alcohol or restricted substances.
- Do things of a **personal nature** that a child can do for him/herself, such as assistance with toileting or changing clothes.
- Smack, hit, assault or **physically punish** children.
- Engage children in **sexual relationships** or any form of sexual intercourse or activity, including paying for sexual services (transactional sex). Mistaken belief that a child is over 18 years of age is not a defence.
- **Sleep close to unsupervised children**, including in the same area or bed, unless absolutely necessary, in which case the supervisor's permission must be obtained and another adult should be present if possible (noting that this does not apply to an individual's own children).
- **Hire children** for domestic or other labour: which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury.

Regarding Prevention of Sexual Exploitation, Abuse & Harassment (PSEAH):

- Engage in **sexual relationships** with program participants or beneficiaries. These relationships are inherently based on unequal power dynamics and undermine the credibility and integrity of Hagar Australia.
- Engage in any conduct that may be considered, or has the potential to be considered, **sexual exploitation, abuse or harassment**, including fraternisation.⁸
- Exchange money, employment, goods or services for sex (**transactional sex**), including sexual favours. This includes any exchange of assistance that is due to beneficiaries and a prohibition on engaging the services of sex workers even when it is legal to do so. This further prohibits the procurement of sex for others or the use of a third party to do so.
- Use Hagar Australia or partner organisation facilities, vehicles, personnel, or **resources** for the purpose of arranging or facilitating access to sex workers by any person, including visitors to Hagar Australia or partner offices or programs.

⁸ Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

Regarding conflicts of interest:

- Allow personal interests, or the interests of any associated person, to **conflict with the interests** of Hagar Australia.
- Be involved in awarding benefits, contracts for goods or services, employment or promotion within Hagar Australia, to any person with whom I have financial, personal or family (or close intimate relationship) **interests**.
- Accept **significant gifts or any remuneration** from governments, communities with whom we work, donors, suppliers and other persons, which have been offered to me as a result of my engagement with Hagar Australia and which appear to have been offered with an expectation of reward or influence.

Regarding use of information, assets & resources during my engagement with Hagar Australia:

- Use **Hagar Australia property**, resources or funds other than for their authorised purposes.
- Use Hagar Australia IT equipment, software or e-mail and social media platforms to **engage in activity that is illegal** under local or international law, or that encourages conduct that would constitute a criminal offence. This includes any activity that intimidates or harasses any group based on protected characteristics, or that encourages extremism.

Breach of the Code of Conduct

The Code of Conduct forms part of all Hagar Australia personnel contracts and a breach of this Code may be grounds for disciplinary action, including dismissal,⁹ the ending of a relationship or contract with Hagar Australia, or the cancellation or ending of a visit to Hagar Australia, its partners and projects. Any breaches, if criminal in nature, will be reported to relevant law enforcement agencies, both in Australia and overseas, where it is safe to do so and in accordance with the wishes of victims/ survivors.

I declare that I have read and understood the Hagar Australia Code of Conduct, and agree to abide by its standards and behaviour protocols-

Name:

Signature:

Date:

⁹ A person will be dismissed after an investigation if a safeguarding incident is found to have occurred.

Annex 2: Reporting and Investigation Procedure

- 1) *Initial review:* Upon notification of a suspected, alleged or actual incident – see sidebar, the Report Receiver (Safeguarding Focal Person, Executive Director, or Secretary or Chair of the Board) of Hagar Australia will promptly carry out an initial review (see sidebar) and determine potential support needs of the victim/survivor (if relevant) and whether further investigation is needed – see sidebar. If further investigation of a safeguarding incident is required, the person accused will be suspended/transferred to other duties for the duration of the investigation. The needs of victims/survivors will be prioritised, including identifying a support person, accessing medical care, counselling, legal support and/or finding a safe place to stay. If related to financial wrongdoing, relevant records and information may be removed, and placed in a secure location with limited access, and the individual suspected of committing the incident prevented from accessing them.
- 2) *Legal support:* The Report Receiver will seek limited disclosure permission from the victim/survivor/report-maker and coordinate the investigation (see sidebar) with the appropriate Head of Hagar office, local law enforcement officials or external investigator, depending on whether the incident took place in Australia/overseas and the wishes of the victim/survivor, within 3 working days. Internal or external legal representatives may be involved in the process, as deemed appropriate.
- 3) *Incident substantiated:* If a suspicion or allegation is substantiated by the investigation, disciplinary action, up to and including dismissal (or termination of an individual’s right to work as a contractor or volunteer), will be taken by the Executive Director or Board Secretary, and communicated to the offender, victim/survivor/report-maker and the Board, using de-identified information. The Board will discuss further action to be taken. Regarding property, Hagar Australia will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of any losses from the offender.

Where a case has been established, the matter shall be referred to local authorities. If an allegation is made in good faith but not substantiated by the investigation, no action will be taken against the report-maker and, where the investigation relates to an employee, their file will not contain any record of the allegation, investigation or report. Hagar Australia will reflect on learnings to improve its own and partner practices.

Actual or Alleged Incident

This may be related to child protection, sexual exploitation, abuse and harassment; fraud and corruption, health, safety and security; and/or breach of Hagar Australia’s Code of Conduct and/or any of its policies. It may also be in the form of whistleblowing.

Initial Review

Initial review will involve assessing the report (without pre-judgement) and determining the immediate needs of the people involved, and the organisation.

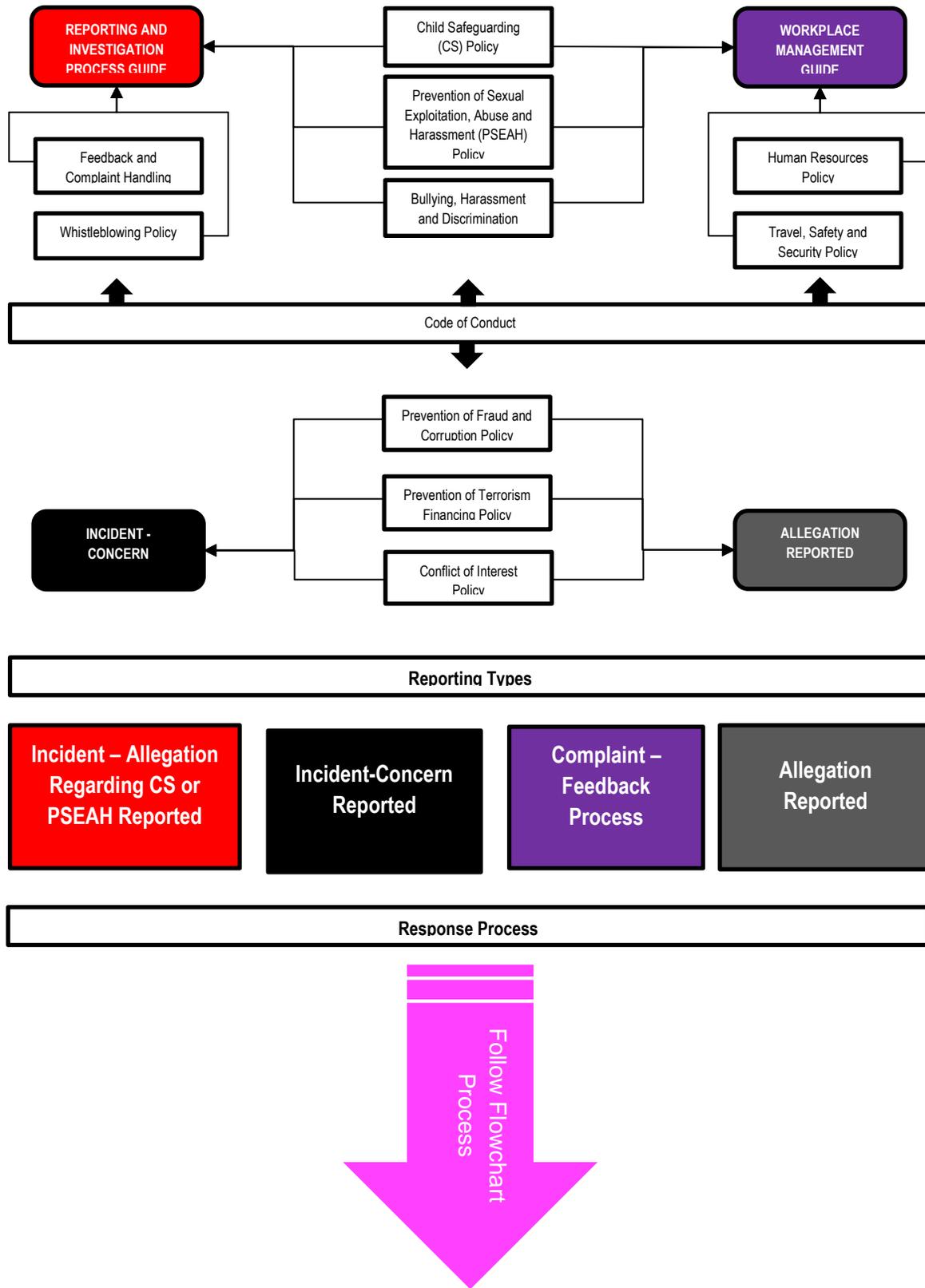
Further Investigation

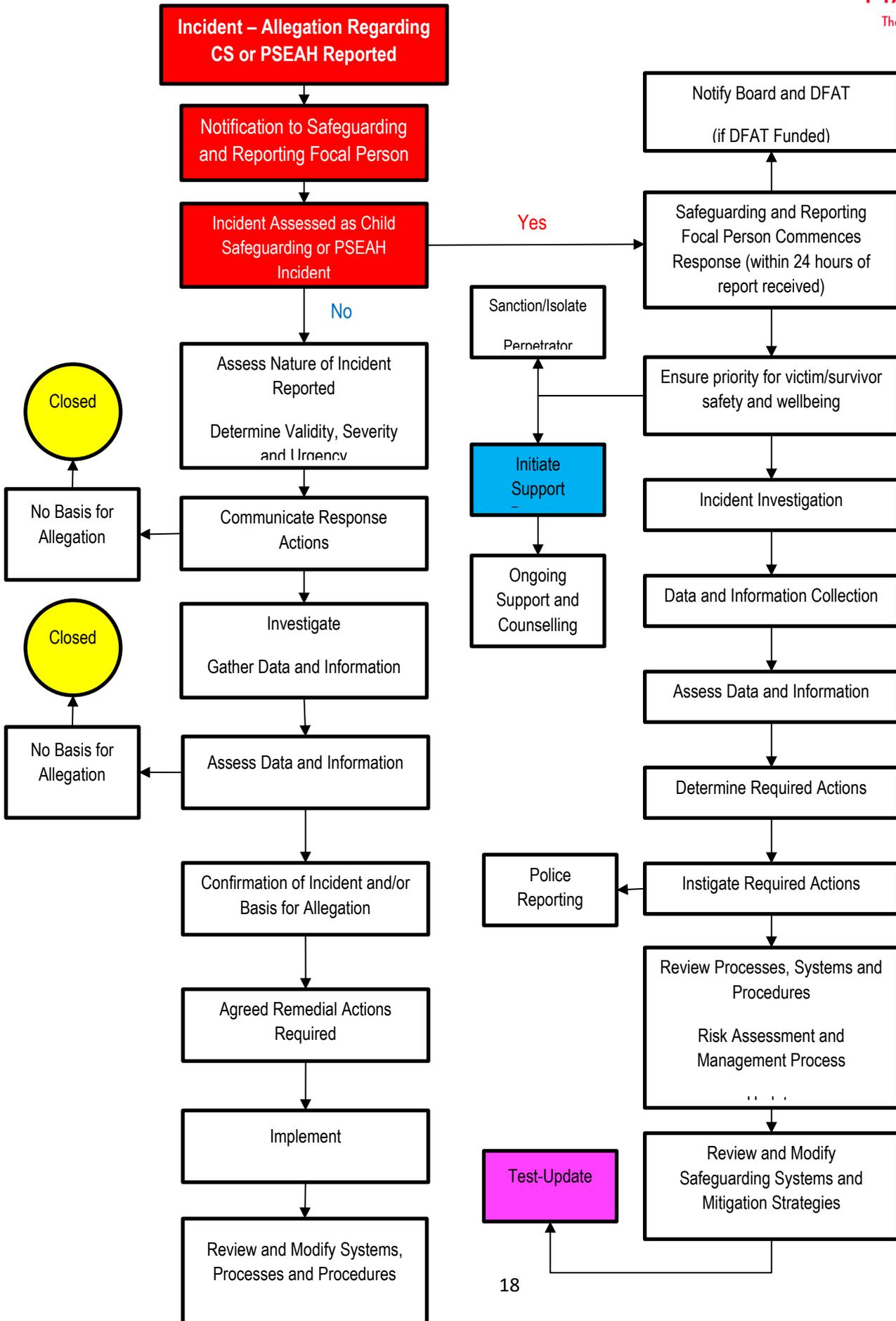
The threshold for ‘further investigation’ is if one or more of these answers is ‘yes’: ‘Does it require support outside of usual management processes?’, ‘Will business operations be affected for more than 24 hours?’, ‘Is it likely to become a critical incident or crisis?’, ‘Does the person responsible require support in making the decisions needed to contain or resolve the situation?’, ‘Is it medium risk or above?’, ‘Does it affect Hagar’s reputation?’

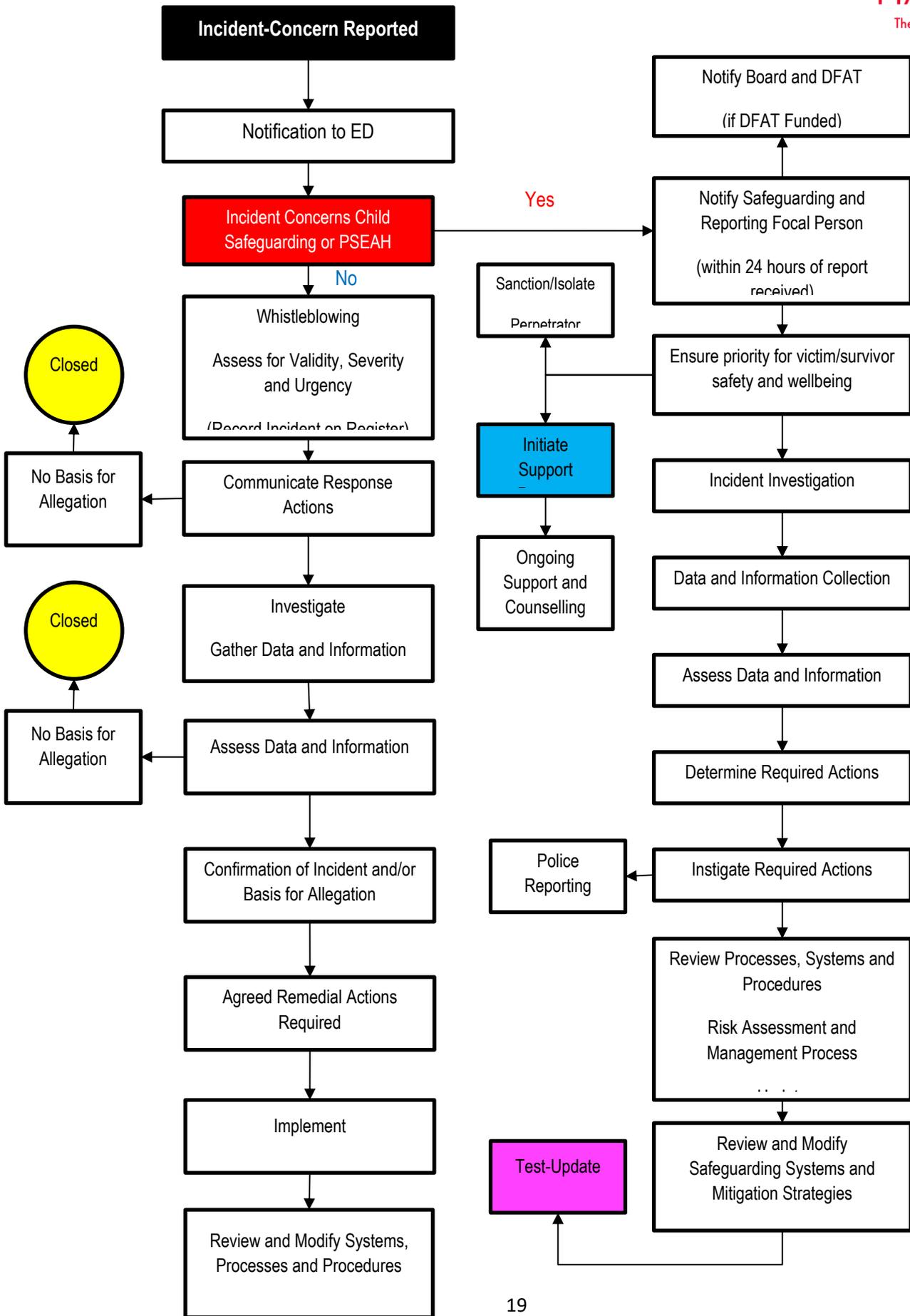
Investigation Process

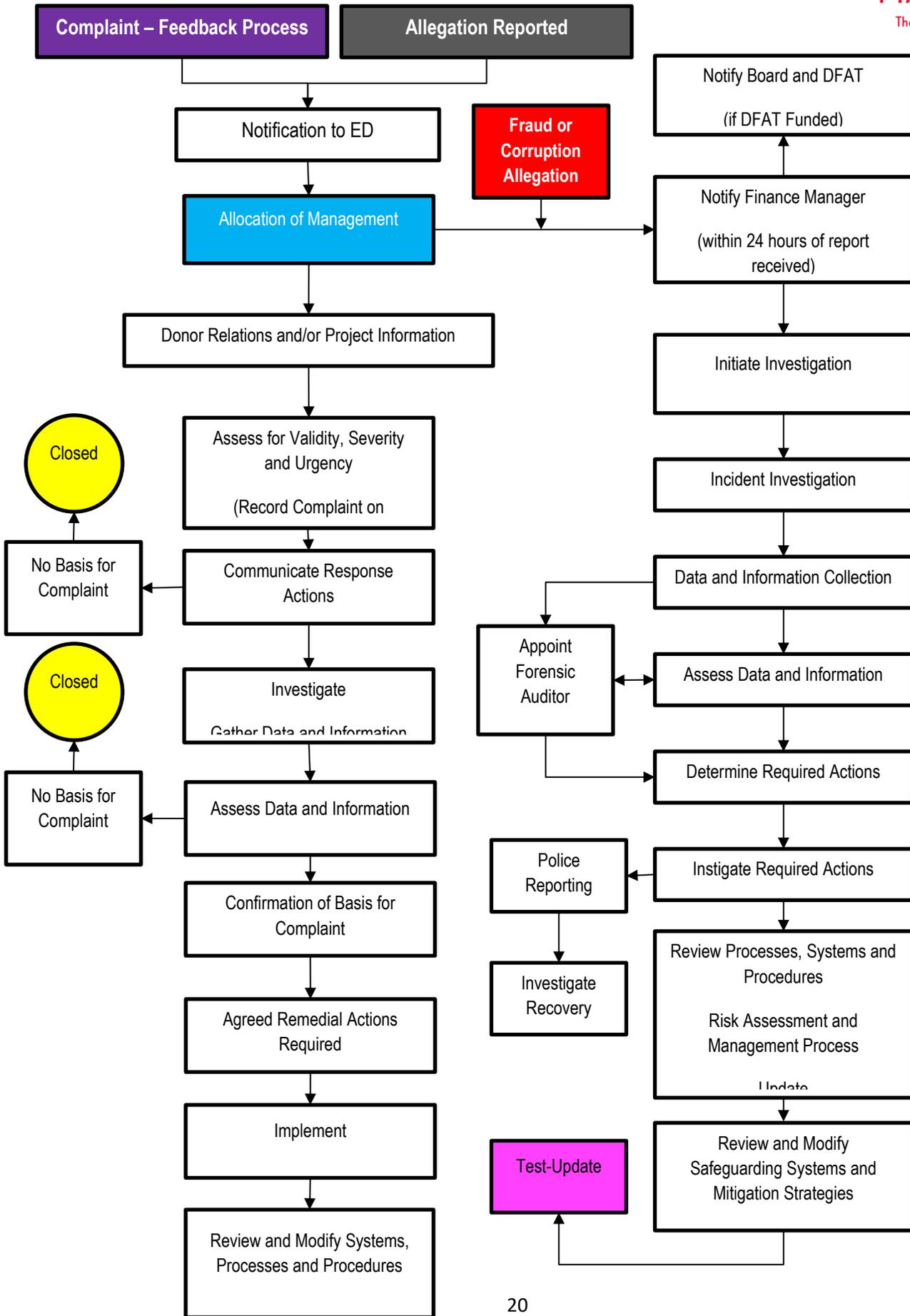
This investigation is to determine exactly what happened, when, where and who was involved/present by interviewing the person(s) who made the allegations and/or other witnesses to

Quick Reference Guide to Reporting & Investigation









Supporting Information

1) Reporting

Who has an obligation/ is able to report different matters?

			Reporting Obligation/ Ability to Report								
Incident/ Concern	Reporting Requirement	Report Timing	Personnel	Contractors	Representatives	Visitors	Funded Partners	Suppliers	Associates	Family of Whistleblower	Public
Child Safeguarding	Mandatory	Immediate	X	X	X	X	X				X
Sexual Exploitation, Abuse & Harassment (SEAH)	Mandatory	Immediate	X	X	X	X	X				X
Fraud & Corruption	"Must"	Prompt	X	X			X				X
Terrorism Financing	"Must"	Immediate	X	X			X				X
Whistleblowing			X	X	X		X	X	X	X	
Bullying, Harassment & Discrimination (BHD)			X	X	X	X					
Conflict of Interest (Col)	"Must"	Prompt	X	X							
Feedback/ Complaint			X	X	X	X	X	X	X		X

Approved by: Hagar Australia Board	Date Policy Took Effect: 18 th February, 2021
Review Date: 18 th February, 2024	Responsible Person: HAUS Board Secretary

Who should receive reports for different matters?

Incident/ Concern	Acknowledgement Response Time (Bus. Days)	Report Receiver							
		Safeguarding Focal Person	Executive Director	Board Secretary	Board Chair	ACFID	DFAT	Auditor	National Security Hotline
Child Safeguarding	1	X	X				X		
SEAH	1	X	X				X		
Fraud & Corruption	1		X	X					
Terrorism Financing	1		X	X					X
Whistleblowing	1		X	X				X	
BHD	1		X	X					
Col	1		X	X	X				
Feedback/ Complaint	5		X	X		X			

Ways to report

- Website: <https://hagar.org.au/reporting>
- Email: secretary@hagar.org.au
- Phone: +61 3 9416 1960
- In person

Process

1. *BHD & Col*: First step is to address the issue with the person concerned.
 - *BHD*: If not comfortable or behaviour continues, report to Executive Director or Board Secretary.
 - *Col*: Also report to Executive Director, Board Secretary or Chair.
2. Report receiver assesses report to determine whether formal, in-depth investigation is required, informs Board Chair of all serious matters and acts-
 - *Child Safeguarding, SEAH & BHD*: Also whether a child or adult is in immediate danger or has any other urgent needs;
 - *Whistleblowing*: Also whether the report qualifies for protection and whether a person is in immediate danger/ has other urgent needs;
 - *Fraud & corruption, terrorism financing & Col*: Also whether immediate request to the HAUS Finance Manager, HAUS bank and/or credit card company, and HI (if necessary) to freeze all resources is required. This may include funds to a partner organisation.

3. If report receiver determines an investigation is required, they will then decide:
- Nature and scope of the investigation
 - Person(s) within and/or outside of HAUS that may need to be consulted
 - Nature of any technical, financial or legal advice that may be required
 - Timeframe (considering any potential delays)

2) **Investigation**

What are the follow-up times of investigators for different matters (depending on their urgency)?

The Board Chair will be informed of all serious matters and, with whistleblower permission, may be involved in whistleblowing investigations:

Incident/ Concern	Follow-up Interview Response Time (Bus. Days)	Investigator							
		Safeguarding Focal Person	Manager/ ED	Board Sec	Board Chair	ACFID	DFAT	Auditor	National Security Hotline
Child Safeguarding	1-3	X	X		X		X		
SEAH	1-3	X	X		X		X		
Fraud & Corruption	1-3		X	X	X				
Terrorism Financing	1-3		X	X	X				X
Whistleblowing	3-5		X	X	X			X	
BHD	1-3		X	X	X				
Col	5		X	X	X				
Feedback/ Complaint	5		X	X	X	X			

What is the timeframe for reporting to institutional donors, particularly DFAT?

Incident/ Concern	DFAT Reporting (Bus. Days)	Contact	More Information (02) 6178 5100
Child Safeguarding	2	childwelfare@dfat.gov.au (use Child Incident Notification Form on website)	www.dfat.gov.au/childprotection
SEAH	2 (alleged incident) or 5 (alleged policy breach)	seah.reports@dfat.gov.au (use SEAH Incident Notification Form on website)	www.dfat.gov.au/pseah
Fraud & Corruption	5	fraud@DFAT.gov.au (use Fraud Referral Form at https://www.dfat.gov.au/about-us/publications/Pages/suspected-or-detected-fraud-referral-form)	https://www.dfat.gov.au/about-us/corporate/fraud-control/Pages/fraud-control
Terrorism Financing	2	counter-terrorism.resourcing@dfat.gov.au	https://www.dfat.gov.au/international-relations/security/counter-terrorism/terrorism-resourcing-risk-management-statement
Environmental & Social Safeguards	2	aidsafeguards@dfat.gov.au (any project that has/ likely to have a significant environmental impact should be identified early and referred for advice under the EPBC Act).	https://www.dfat.gov.au/aid/topics/aid-risk-management/Pages/environmental-and-social-safeguards

1. Report receiver contacts the report-maker and has a confidential discussion regarding (please de-identify notes)-
 - The investigation and resolution process (confidential, impartial, prompt, thorough)
 - Expected timeframe for action
 - The need for referral/ additional support (if necessary) and permitted investigation team (eg. ED/ Board Sec and external third party)
 - The report-maker's likely involvement in the process
 - Possible outcomes (report-maker will not be informed of details of disciplinary action)
 - *Child Safeguarding, SEAH, Whistleblowing, BDH & Feedback/ Complaints Policies:* What the report-maker and/ or the person involved (child/ adult/ associate of HAUS/ member of the public) want to happen (from possible outcomes).
 - Support the report-maker may need in relation to the report (what HAUS can do/ referral support)
 - *Whistleblowing:* Rights (eg. protection) and obligations (eg. non-disclosure); confidentiality (ie. how they wish to communicate- may be anonymous but investigation cannot proceed if HAUS unable to contact); permission to disclose identity to Board Chair/ ED to arrange work protection (if necessary) and/or specific third party for investigation purposes; help in identifying any aspects of their report that could inadvertently identify them.

- Avenues for review/ complaint:

Incident/ Concern	Board	ACNC	ASIC
Child Safeguarding	X	X	
PSEAH	X	X	
Fraud & Corruption		X	X
Terrorism Financing		X	X
Whistleblowing			X
BHD	X	X	
Col		X	
Feedback/ Complaint	X	X	

2. Report receiver:

- Assembles permitted investigation team
 - Arranges support for report-maker (including work modifications for whistleblower, if necessary)
3. Permitted investigation team reviews process and timeframe, and begins confidential, impartial, prompt yet thorough investigation (all notes with report-maker information de-identified).
 4. Report receiver updates report-maker at the start, part-way through, within 5 days of the investigation's completion and if timeframe is unable to be met, explaining any reasons for delay.
 5. Report receiver will advise individual who is subject of report regarding subject matter, as and when required by principles of natural justice and procedural fairness, and prior to action being taken; also offering appropriate support.
 6. The findings of the investigation will be documented, de-identified and reported to the Hagar Australia Board of Directors and relevant staff for learning and improvement of systems and processes.
- *Feedback & Complaints:* Review of Feedback & Complaints Register every Board meeting and annual process review, including number of complaints received, outcome and where resolved (eg. first point of contact), issues arising, systemic issues, and number of requests for review (internal/ external).

3) Sanctions

If it is determined that a person has engaged in wrongdoing, or a person or an organisation has failed to comply with Hagar Australia policies or Code of Conduct, then Hagar Australia will apply an appropriate sanction as follows:

Incident/ Concern	Warning	Counselling	Dismissal	Suspension	Transfer to other duties	Cancellation of contract	End of relationship	Termination of visit	Reporting to law enforcement (Aust &/or overseas)
Child Safeguarding			X			X	X	X	X
PSEAH			X			X	X	X	X
Fraud & Corruption			X	X	X	X	X		X
Terrorism Financing			X	X	X	X	X		X
Whistleblowing			X			X	X		X
BHD	X	X	X	X	X	X	X	X	X
Col			X			X	X		X
Feedback/ Complaint	X	X		X	X				

Sanctions apply for:

- Deliberately making a false allegation;
- Retaliating against anyone who raises a concern or makes a report in good faith, or assists/ participates in an investigation or other proceeding;
- *Child Safeguarding, SEAH, Fraud & Corruption, Terrorism Financing, Col*: Failing to report; or
- *Whistleblowing*: Breach of Whistleblower confidentiality.

Fraud & Corruption, & Terrorism Financing: HAUS will pursue every reasonable effort to recover losses and report any incident to relevant institutional donors, the ACNC and ACFID.

4) **Review**

After any incident, the systems strengthening questions that will be discussed at an operational level and reported on to the Board are:

1. How and why did the incident occur?
2. How can this be prevented in the future?