



## Policy on Child Protection

### Introduction

Bamboo Micro Credit, described as “BMC” in this document, has been operating as a voluntary micro credit organisation since 2007. One of the initial incentives to set this up was an observation by the founder of how poverty exacerbated the disadvantage for children in Indonesia particularly when parents do not feel able to send their children to school.

It is an incorporated body and has a Board of Directors. Several of its members have extensive child protection services experience. Some of the Directors are also fluent in Bahasa Indonesian. BMC also has strong links with community development and academic agencies in Indonesia which enables translation of key documents.

Micro credit is provided to poorer families in Indonesia in the form of repayable loans. These loans have assisted hundreds of families, and there is ongoing support by a largely Australian supporter base that continues to donate funds to grow the microloan portfolio.

The BMC Board has become very familiar with the Department of Foreign Affairs and Trade (DFAT) Child Protection Policy (June 2014) <http://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx> and associated standards. These documents inform the BMC Child Protection Policy together with knowledge of Australian State child protection policies and procedures.

BMC support the DFAT Child Protection Policy Goal: “To protect children from exploitation and abuse of all kinds in the delivery of Australia’s overseas aid program”. BMC further support the associated DFAT objective: “To create and maintain protective environments for children in the delivery of Australia’s overseas aid program”.

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### **Statement of Commitment**

BMC is committed to the welfare and rights of children. All children will be treated with respect regardless of race, colour, sex, language, religion or belief, political or other opinion, ethnic or social origin, disability, birth or other status. This includes all children under 18 years of age.

BMC is also committed to comply with all relevant local legislation on child rights and welfare in order to provide what is in the “best interest of the child” including labour laws which apply to children.

BMC supports the UN Convention of the Rights of the Child (1989) covered by 54 articles <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> . BMC, due to the nature of its work, has a particular intended influence on Article 3 (working towards what is best for the child), Article 6 (helping children live a full life), Article 19 (protection from violence, abuse, neglect), Article 22 (extra support for refugees), Article 24 (promotion of health care, food, clean water and a clean environment), Article 26 (extra money for children of families in need), and Article 28 (right to an education).

Every person who is involved in the work of BMC (including staff, volunteers, contractors, and supporters) also shares in the responsibility to take every precaution to protect children from neglect, abuse and exploitation.

There are children who are particularly vulnerable – children with disabilities, children in families where there has been a natural disaster or human conflict and children in families where a parent is unable to provide adequate material support.

Organisations such as ours must be particularly careful about who is given service responsibility through effective screening, monitoring processes and procedures to deal with situations where children are subject to harm or the risk of harm.

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## The Policy

Child Abuse is defined as 'all forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse'.

The BMC Child Protection Policy follows the five guiding principles outlined in the DFAT Child Protection Policy viz:

### *1. Zero tolerance of child abuse*

BMC does not tolerate child exploitation and abuse. Risks are reduced through adequate monitoring of services, effective screening of staff, anticipation of risks with particular projects, training of service deliverers and clear reporting protocols. BMC will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children. BMC will ensure service partners in Indonesia follow the BMC Child

Protection Policy (including compliance standards) and service deliverers acknowledge the Policy in writing and commit to its implementation.

### *2. Recognition of children's interests:*

Australia is a signatory to the United Nations Convention on the Rights of the Child, and BMC is committed to upholding the rights and obligations under this convention. BMC recognises that some children, such as those with disability, and those living in areas impacted by disasters, are particularly vulnerable.

### *3. Sharing responsibility for child protection:*

To effectively manage risks to children, BMC requires the commitment, support and cooperation of Indonesian Development Organisations (IDOs). They must meet the terms of the BMC Child Protection Policy and will be held accountable, (through contracts, audits and spot checks) for complying with it.

### *4. Risk management approach:*

While it is not possible to eliminate all risks to child exploitation and abuse, careful management can reduce the risks to children that may be associated with aid activities. These are identified during initial risk assessments and are managed for the duration of the aid activity. This policy introduces risk assessments and treatments for

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a range of recognised risks to children. Clear procedures are in place for raising concerns about child abuse, and the training of staff on child protection matters.

### *5. Procedural fairness:*

BMC understands the principles of honesty, fairness, conflict of interest, natural justice and the appropriate use of power and position. These principles will be applied when responding to concerns or allegations of child exploitation and abuse.

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### **How the Policy will be implemented by BMC**

1. Provision of a Child Protection Policy:- Indonesian Development Organisations (IDOs) supported by BMC which are working with children will abide by the BMC Child Protection policy as a prerequisite for receiving funds.
2. BMC will provide training to Australian supporters and those working for IDOs to increase awareness of child protection issues and how to manage them.
3. BMC, and its Indonesian partners, will refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for educational and recreational activities, or which places them at significant risk of injury.
4. Criminal record and Working with Children (WA) checks will be carried out for BMC volunteers, supporters, Board members and consultants who will be associating with children during the course of their BMC activity. Current criminal record checks are to be less than 3 years old.
5. The equivalent checks will be carried out in Indonesia. This is typically the SKCK (Surat Keterangan Catatan Kepolisian). There are two types of SKCK. One is normally for visas (Polri), and the second is more aligned with Child Protection and is the regional (Daerah) SKCK. Both are acceptable checks.
6. All Board members and personnel working with children or likely to be doing such work in Australia or Indonesia will be provided with the BMC Child Protection Policy. This includes those intending to visit Indonesian projects. They will be expected to provide acceptance of the policy in writing, confirming they have not had any previous convictions for abuse against children. References will be checked with previous employers.
7. Where staff, supporters or others connected with BMC are to attend a project in Indonesia, a pre-trip induction is to take place to inform and educate regarding appropriate behaviours when interacting with children. Further guidance will be provided on the appropriate procedure to follow should a situation occur where there is abuse or suspected abuse.

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8. Child protection strategies are to be part of risk management procedures. The organisation implementing an activity holds primary responsibility for ensuring this is done and the BMC Child Protection policy is followed.
9. Enhance codes of conduct – while working for BMC, either in Australia or Indonesia, BMC volunteers, Board members and IDOs must behave honestly and with integrity and in a manner which upholds the integrity and good reputation of BMC treating everyone with respect, courtesy, and without harassment; and comply with all of BMC policies and applicable Australian laws – including compliance with BMC’s policy on child protection.
10. Abide by local laws – when working overseas, BMC staff and the personnel of IDOs implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.
11. Review the Child Protection Policy regularly. The policy shall be formally reviewed every three years, or earlier if warranted.

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## **BMC's expectations of Indonesian Development Organisations (IDOs) implementing BMC activities:**

1. IDOs partnering with BMC and managing BMC activities in Indonesia are required to agree to and adopt, in its entirety, BMC's Policy on Child Protection and Code of Conduct, which will be provided to them and translated into Indonesian language.
2. Partners will be required to sign acceptance of the Policy prior to any release of funds for activities.
3. To ensure that IDOs understand and act on their obligations for managing risks to children, BMC has introduced mandatory child protection compliance standards (see Appendix 1). The standards apply to partners, agents, subcontractors, volunteers, associates or consultants who are subcontracted by an IDO to perform any part of a BMC activity.
4. BMC's child protection compliance standards require IDOs who work with children to adopt the BMC Child Protection Code of Conduct and to ensure all personnel implementing BMC activities sign it and agree to abide by it (see Appendix 2).
5. An organisation which is implementing a BMC project is required to remove personnel from working on an activity when it considers that the relevant personnel member poses an unacceptable risk to children's safety or wellbeing. It is noted that there will almost always be an unacceptable risk if the person has been convicted of a criminal offence relating to child abuse.
6. BMC requires IDOs to inform BMC of changes in the circumstances of any person on a BMC project that may affect the agency's assessment of that person. This includes being arrested for, or convicted of, criminal offences relating to child abuse, or for accessing or possessing child pornography. BMC may require the person under formal investigation to be suspended from duty or transferred to other duties during the investigation.



## Appendix 1:

### Compliance Standards

*Indonesian Delivery Organisations (IDOs) which partner with BMC must accept and implement the BMC Child Protection Policy and the elements below form its basis:*

1. BMC has a Child Protection Policy that applies to all personnel, partners and subcontractors performing a BMC-funded activity.
2. BMC has robust recruitment screening processes for all personnel in contact with children. These recruitment processes include:
  - Criminal record checks before engagement
  - Verbal referee checks
  - Interview plans that incorporate behavioural-based interview questions.

These are to be used when personnel will be involved working with children.

3. BMC provides ongoing child protection awareness and risk management training for personnel.
4. A child protection **Code of Conduct** (see Appendix 2) must be signed by all personnel (including volunteers) implementing BMC activities in Indonesia together with the **Personal Commitment** document (see Appendix 5).
5. The BMC **Child Protection Policy** commits to preventing a person from working with children if they pose an unacceptable risk to children's safety or wellbeing.
6. BMC employment agreements contain provisions for dismissal, suspension or transfer to other duties for any employee who breaches the Child Protection Code of Conduct.
7. The BMC Child Protection Policy is subject to regular review, at a maximum of every three years or earlier if warranted.

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8. BMC undertakes a risk assessment that covers all activities that have contact with children. The assessment will identify risks, identify any high risk activities, and document steps being taken to reduce these risks.
9. BMC will comply with local legislation pertaining to illegal child abuse as well as labour laws pertaining to child labour. Where the IDO is responsible for risk assessment for a BMC activity that involves working with children, the risk assessment must cover risks to children.

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## Appendix 2:

### Child Protection Code of Conduct

I, [*insert name*], engaged by [*IDO/BMC*], agree that while implementing BMC activities I will:

- Treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status.
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not engage children in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child (including Part IIIA of the Australian Crimes Act 1914 (Commonwealth) as amended), the child is below the age of consent or the act(s) are an offence under relevant laws.
- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium.
- Refrain from physical punishment or discipline of children.
- Refrain from hiring 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.

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- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour.
- Immediately report concerns or allegations of child abuse in accordance with appropriate procedures.

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## Appendix 3:

### Child Protection Laws

#### Australian Legislation relevant to Child Protection

Relevant Australian legislation includes:

*Crimes Act 1914 Part IIIA (Child Sex Tourism).*

Under this Act, it is a crime for Australians to engage in, encourage, or benefit from sexual activity with persons under 16 years of age while overseas. The law provides for penalties of up to 17 years imprisonment and up to \$561,000 in fines for companies.

[www.comlaw.gov.au/ComLaw/Legislation/actcompilation1.nsf/frame lodgmentattach ments/FA2A0DCCEB8A4446CA2573010028412](http://www.comlaw.gov.au/ComLaw/Legislation/actcompilation1.nsf/frame lodgmentattach ments/FA2A0DCCEB8A4446CA2573010028412)

*Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C)*

This Act provides for a penalty of 10 years imprisonment for possession of child pornography depicting a person under 18 years of age, and provides for a penalty of up to 15 years imprisonment for online grooming of a person under 16 years of age.

[www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/current/bytitle/42E5273 A7FEE9613CA25730C0000DC6C?OpenDocument&mostrecent](http://www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/current/bytitle/42E5273 A7FEE9613CA25730C0000DC6C?OpenDocument&mostrecent)

All Australian States have separate Child Protection legislation and BMC will refer for advice to the WA Department for Child Protection and Family Services when required.

#### Local and National Indonesian legislation on Child Protection

When working in Indonesia, BMC staff and the personnel of IDOs implementing program activities are required to abide by local legislation including labour laws with regard to child labour. The national Indonesian legislation (in particular The Child Protection Law No. 23/2002 and Law No. 35/2014 – *Undang-Undang Tentang Perlindungan Anak*) provides for a penalty of up to 15 years of imprisonment.

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## Appendix 4:

### **BMC Procedures: Raising and reporting concerns of child abuse**

The possibility of staff, donors or partners abusing children is one that BMC takes seriously and is committed to working to prevent.

Note: IDO coordinators are not paid/employed by BMC, but by partner agencies.

#### *Reporting the Incident*

Any incident, belief or suspicion of any form of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse (past or present) by a BMC employee, agent, partner, sponsor, donor, board-member, or other related person must be reported immediately to the **BMC Compliance Officer**.

If a child reports an incident to a BMC employee or agent, the child/young person must be taken seriously and listened to carefully. At no time should the child be returned to the environment where the abuse occurred.

*Separate the alleged perpetrator from the alleged victim to avoid any further possible intimidation or abuse*

The best interests of the child/young person may warrant the standing down of a staff member or volunteer while an investigation commences. Staff members stood down receive full pay and are entitled to a just process that does not presuppose guilt or innocence. The allegations should not be discussed or communicated to other people until such allegations have been considered and a decision made by management. The decision made should be documented and filed.

#### *Document the incident*

As soon as possible (within a period of 24 hours of disclosure), the staff member receiving the disclosure needs to have fully documented the allegation, including the time, place and witnesses.

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### *Confidentiality*

All cases of child abuse, whether alleged or proven, will be handled with the utmost confidentiality. When concerns arise, all participants will be directed through a formal complaints process involving the **BMC Compliance Officer**.

### *Allegations made in Australia*

If the incident has occurred in Australia, the **BMC Compliance Officer** may contact the police (depending on the nature of the incident) to investigate the allegation.

### *Reporting allegations of physical/sexual abuse to police*

All allegations of physical or sexual assault in Australia must be reported to the police, whether or not the victim has consented to the matter being reported. The reporting of allegations in Indonesia needs to be considered based on the knowledge of local police practices in providing natural justice and the child not being victimised by police.

### *Family*

The family of the child should be informed of the allegation and action proposed. They should be consulted where possible on the process to be followed.

### *Allegations made in Indonesia*

Any allegation or incident which involves an Australian staff member, volunteer, donor, or other agent representing BMC, must be reported to the IDO coordinator of that locality, and to the **BMC Compliance Officer** in Australia. Any matter so advised must be confirmed in writing. The IDO Coordinator in Indonesia is made responsible for liaison with BMC and will follow its own legislative or internal procedures, as well as the BMC Child Protection policy in investigating and addressing the allegations.



## Appendix 5:

### Personal Commitment Agreement

### Bamboo Micro Credit Child Protection Policy and Procedures

I, \_\_\_\_\_ (Print Full Name)

Date: \_\_\_\_\_

Place of Agreement: \_\_\_\_\_

Confirm that I have read the attached Bamboo Micro Credit Child Protection Policy and Procedures and that I fully understand the policy and all of its implications and requirements.

I agree to abide by this policy.

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_ (print full name)

Signature: \_\_\_\_\_

Witness connection with Bamboo Micro Credit: \_\_\_\_\_