



Australian Government
Department of Foreign Affairs and Trade



DFAT CHILD PROTECTION GUIDANCE NOTE REPORTING AND NOTIFICATIONS

February 2018

CONTENTS

1. Introduction	3
2. What is a child protection notification?	3
3. What should I report?	3
4. Who can make a child protection notification?	3
5. Who must make a child protection notification?	4
6. What happens to the information?	4
7. What is the time frame for making a child protection notification?	4
8. How do I make a child protection notification?	4
9. What if I am unsure if I need to report to DFAT?	5
10. What if I am not sure what I have seen is a child protection issue?	5
11. What happens if I don't report something?	6
12. How do I encourage my staff to report child protection notifications?	6
13. What obligations does DFAT have under the Privacy Act 1988?	6
14. What does DFAT do with the child protection notifications received?	6
15. How does DFAT monitor compliance with the Child Protection Policy reporting requirements?	7
16. Is the information I provide available through a Freedom of Information (FOI) request?	7
17. Notifications/Reporting by DFAT staff	7
18. Allegations concerning DFAT employees who are not Australian Public Servants	7
19. What if the allegations are about child protection matters in Australia?	7
20. What happens next?	8

1. INTRODUCTION

It is mandatory for all DFAT staff and DFAT funded partners to immediately report any suspected or alleged case of child exploitation, abuse or policy non-compliance by anyone within scope of the DFAT Child Protection Policy in connection with official duties or business. All reports should be made to childwelfare@dfat.gov.au.

These guidelines explain DFAT's child protection reporting requirements. This is a general guide and is available publically. Should organisations or individuals require specific advice or guidance, please contact the Child Protection Compliance Section at childprotection@dfat.gov.au.

2. WHAT IS A CHILD PROTECTION NOTIFICATION?

A child protection notification is the mandatory reporting to DFAT of any suspicions, allegations or evidence of:

- A breach of the DFAT Child Protection Policy, including the Professional Behaviours
- A breach of a DFAT funded partner's Child Protection Policy including their Code of Conduct
- A child protection related misconduct issue
- Suspicion of child exploitation or abuse
- A person having committed, or been arrested for, or convicted of, a criminal offence(s) relating to child exploitation or abuse.

3. WHAT SHOULD I REPORT?

- a) Any behaviour (alleged or suspected) listed above by:
- A DFAT staff member, including locally engaged staff
 - Personnel of a DFAT funded contractor or civil society organisation, including subcontractors
 - Personnel of a DFAT funded multilateral organisation
 - A DFAT funded volunteer
 - An employee of another Commonwealth Government Agency
 - Any report made to you by anyone relating to child exploitation and abuse or policy non-compliance by a DFAT staff or DFAT funded partners
 - An Australian Volunteers Program participant or host organisation
 - A DFAT Scholarship or Fellowship awardee including Australia Awards program recipients
 - A DFAT grant recipient, including under the Direct Aid Program (DAP) and Public Diplomacy programs
 - Any Australian citizen, Australian permanent resident or Australian company
- b) Suspicion or allegations of possession or accessing of child pornography or child exploitation material by the same groups of people listed above.
- c) Any report made to you by anyone, including a child or community member, relating to notifiable behaviour by the same groups of people listed above.

4. WHO CAN MAKE A CHILD PROTECTION NOTIFICATION?

Anyone can make a child protection notification to DFAT.

5. WHO MUST MAKE A CHILD PROTECTION NOTIFICATION?

Those covered by DFAT's Child Protection Policy must notify DFAT of **any** allegations or suspicions of child exploitation or abuse, misconduct or code of conduct breaches. This includes all contractors and NGOs funded by DFAT, including:

- AVI core partners, their volunteers and Host Organisations
- Individually contracted advisers/consultants to DFAT
- All DFAT Staff, regardless of employment type
- The personnel (paid and unpaid, including all volunteers) of contractors
- The personnel (paid and unpaid, including all volunteers) of NGOs funded by DFAT
- Partners, subcontractors or associates subcontracted by contractors or NGOs
- Anyone involved in an DFAT funded activity

6. WHAT HAPPENS TO THE INFORMATION?

If the notification involves a DFAT Partner NGO or contractor, DFAT will inform the Head of the organisation as soon as possible, unless the notification involves the Head of the organisation. In that case, DFAT will notify the nominated area as identified in the organisation's Child Protection Policy. All DFAT funded partners working with children need to include clear guidelines on the reporting requirements.

If the notification involves a DFAT employee or Australian Whole of Government employee working on a DFAT funded program (Australian or locally engaged), DFAT will be the central point of contact. For other government programs conducted overseas, the employing agency will be the lead. DFAT will refer any notifications to the appropriate organisation and law enforcement authority where required.

7. WHAT IS THE TIME FRAME FOR MAKING A CHILD PROTECTION NOTIFICATION?

All child protection notifications must be reported immediately to DFAT at childwelfare@dfat.gov.au.

DFAT does not consider doubts around a child's age an acceptable reason for a delay in reporting a child protection incident.

Do not wait until an allegation is substantiated— the fact that an allegation or suspicion has been raised is sufficient to commence the reporting process.

8. WHAT IF I AM UNSURE IF I NEED TO REPORT TO DFAT?

Contact the DFAT Child Protection Compliance Section for confidential advice at childprotection@DFAT.gov.au or on +61 2 6178 5100.

Staff in the Child Protection Compliance Section will be able to discuss any concerns you have and help you determine if what you have seen requires notification.

DFAT Staff and DFAT partners are required to report all allegations or suspicions of misconduct or child exploitation or abuse, misconduct or code of conduct breaches, including concerns regarding child exploitation material, which includes child pornography and breaches of the CPP.

Do not wait until an allegation is substantiated – the fact that an allegation or suspicion has been raised is sufficient to commence the reporting process.

Reporting suspicion allows reports to be made where there is no actual allegation or where an actual assault may not have been witnessed and where staff observe signs that an assault may have occurred. This is particularly important in grooming and child sexual assault cases as the type of abuse often means there will be no witnesses.

9. HOW DO I MAKE A CHILD PROTECTION NOTIFICATION?

Complete the notification form at www.dfat.gov.au/childprotection and send to childwelfare@dfat.gov.au. If you are not sure if you should report you can contact Child Protection Compliance Section for advice on +61 2 6178 5100 or email childprotection@DFAT.gov.au.

Please endeavour to obtain the following information before contacting the Child Protection Compliance Section.

Date(s) of incident(s)
Name of organisation(s) involved <i>Including any partner organisations or host organisations for Australian volunteers.</i>
Alleged perpetrator's details <i>Including full name, nationality, occupation and date of birth (if known)</i>
Details of alleged incident(s)
Have the local law enforcement authorities or AFP been informed?
Is the activity DFAT funded?
Details of what the organisation(s) proposes to do.
Any other relevant information.

After providing the initial notification, DFAT will liaise with the employing organisation. This could be to obtain more information and/or to set up a management plan

10. WHAT IF I AM UNSURE IF I NEED TO REPORT TO DFAT?

The Child Protection Compliance Section will be able to discuss any concerns you have and help you determine if what you have seen requires notification. You can contact the DFAT Child Protection Compliance Section for confidential advice at childprotection@dfat.gov.au or on +61 2 6178 5100.

DFAT Staff and DFAT partners have a mandatory requirement to report all allegations or suspicions of misconduct or child exploitation or abuse, misconduct or code of conduct breaches, including concerns regarding child exploitation material, which includes child pornography and breaches of the CPP.

Do not wait until an allegation is substantiated – the fact that an allegation or suspicion has been raised is sufficient to commence the reporting process.

Reporting suspicion allows reports to be made where there is no actual allegation or where an actual assault may not have been witnessed and where staff observe signs that an assault may have occurred. This is particularly important in grooming and child sexual assault cases as the type of abuse often means there will be no witnesses.

11. WHAT IF I AM NOT SURE WHAT I HAVE SEEN IS A CHILD PROTECTION ISSUE?

Contact the Child Protection Compliance Section on childprotection@dfat.gov.au for more information about what is considered child exploitation, abuse, misconduct, grooming, or code of conduct breaches. The

Child Protection Compliance Section can also answer general questions about child protection matters, including child pornography.

12. WHAT HAPPENS IF I DON'T REPORT SOMETHING?

Reporting is a mandatory requirement of DFAT's Child Protection Policy. Compliance with the Child Protection Policy is a requirement in DFAT funding agreements and an element of due diligence and accreditation processes. Failure to comply can result in:

- Audits
- Loss or review of accreditation
- Cancellation of funding agreements
- Withdrawal of future funding until required systems are in place.

The positives of reporting include:

- If we know, we can provide support and advice
- Collaborative/coordinated responses to media enquiries

13. HOW DO I ENCOURAGE MY STAFF TO REPORT CHILD PROTECTION NOTIFICATIONS?

Encouraging staff to report alleged or suspected child protection incidents is an important step, recognising that in many cases, it is often staff who first suspect or uncover such incidents. It is vital that organisations give staff information about how to report as well as actively require staff to make reports if they see, or suspect something. Child protection training for all staff and an accessible Child Protection Policy are two of the most effective ways of ensuring staff report notifications.

14. WHAT OBLIGATIONS DOES DFAT HAVE UNDER THE PRIVACY ACT 1988?

As per the Australian Public Service (APS) Guidelines on Handling Misconduct¹, information is kept confidential and managed on a 'need to know' basis, consistent with the *Privacy Act 1988*.

15. WHAT DOES DFAT DO WITH THE CHILD PROTECTION NOTIFICATIONS RECEIVED?

- Establish that the organisation is ensuring children are not at further risk from the alleged perpetrator
- Advises the notifier of the way DFAT will handle the information provided
- Establish the details of the alleged or suspected incident, including when it took place (and if it has been reported within 24 hours)
- Establish if the alleged or suspected incident has been reported to the Police (local, national Australian State/Federal). If it has not, DFAT will investigate why and determine, in consultation with the notifier or managing organisation whether a referral to the relevant police service is necessary
- Advise anyone who makes a report of DFAT's requirements under the privacy act such as keeping the information to a minimum. Ensuring those staff with a genuine 'need to know' are the only ones informed
- Establish that the organisation is ensuring children are receiving appropriate support
- Establish that the organisation is ensuring the alleged perpetrator (if an employee) is receiving appropriate support
- Establish that the organisation is ensuring the notifier is receiving appropriate support

¹ <http://www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/handling-misconduct>

- Monitor the outcome of any Partner led management of notifications conducted internally to ensure that the partner has met its responsibilities under the DFAT Child Protection Policy.
- Report to DFAT Executive quarterly through de-identified reports.

16. HOW DOES DFAT MONITOR COMPLIANCE WITH THE CHILD PROTECTION POLICY REPORTING REQUIREMENTS?

The Child Protection Compliance Section is resourced to:

- Respond to reports of child exploitation and abuse, and policy non-compliance
- Conduct child protection policy spot checks of DFAT funded partner systems
- Monitor internal and external compliance with the Policy
- Provide child protection training to organisations and individuals to increase likelihood of compliance
- Provide advice and support on implementing organisational child protection policies

17. IS THE INFORMATION I PROVIDE AVAILABLE THROUGH A FREEDOM OF INFORMATION (FOI) REQUEST?

Yes and no. It is not available to a third party, but is available to the person who the allegation is about (your details will be removed). This is to allow a person to obtain, and if necessary, correct any information held about them on file.

18. NOTIFICATIONS/REPORTING BY DFAT STAFF

Reporting concerns or allegations of child abuse is mandatory for DFAT staff, both in Australia and at Post. All concerns and allegations must be reported immediately to childwelfare@dfat.gov.au

For general enquiries on child protection matters, including prior to lodging a notification, DFAT staff may contact the Child Protection Compliance Section at childprotection@DFAT.gov.au, +61 2 6178 5100.

At Post, DFAT employees must always follow the guidelines on managing child exploitation and abuse allegations in the Consular Handbook if it relates to an Australian child and to childwelfare@dfat.gov.au for other nationalities or if the notification is in relation to a DFAT funded program.

Where a DFAT employee at Post becomes aware of possible child abuse involving a DFAT employee, whole-of-government employee, DFAT-funded volunteer, contractor or NGO personnel, the employee must report the matter immediately to childwelfare@dfat.gov.au.

DFAT's Child Protection Policy provides information on reporting behaviour that may constitute a breach of the Child Protection Policy Professional Behaviours.

19. ALLEGATIONS CONCERNING DFAT EMPLOYEES WHO ARE NOT AUSTRALIAN PUBLIC SERVANTS

All allegations concerning child protection must be made to childwelfare@dfat.gov.au. This ensures a consistent and confidential response can be provided. Where necessary, the Child Protection Compliance Section will inform the Head of Mission/Post and the Senior DFAT Officer at Post, and will jointly determine the most appropriate course of action.

20. WHAT IF THE ALLEGATIONS ARE ABOUT CHILD PROTECTION MATTERS IN AUSTRALIA?

If you become aware of possible child abuse in Australia by a DFAT-funded volunteer, Fellow, scholar, contractor or NGO personnel, you should report the matter directly to the relevant state or federal police service and then to childwelfare@dfat.gov.au. The Child Protection Compliance Section will then refer the matter to a representative of the employing (or volunteer-sending) organisation.

21. WHAT HAPPENS NEXT?

There is no need for you to take further action, the Child Protection Compliance Section will handle the matter and will request further information if required.

The Child Protection Compliance Section will endeavour to provide feedback to the notifier on request regarding the outcome of any investigation (criminal or internal).

