

## Catalpa Child Safeguarding Policy – Revised

Previous version:	December 2016
Reviewed on:	Reviewed on March 2020 and December 2023
Next review:	December 2026

### 1. Preamble

#### 1.1 Statement of Commitment

Every child has the right to be safe from harm, and yet Catalpa recognises that children face abuse and exploitation in every country and culture around the world, and that in some cases child sex offenders have sought employment with non-governmental organisations (NGOs) for this specific purpose.

Catalpa is committed to the safety and wellbeing of all children. Catalpa supports the rights of children and will act to ensure a child safe environment is maintained. Therefore, this Policy outlines the policy commitments that Catalpa makes to provide a safe environment for any children with whom it comes in contact, through implementing child-safe practices within its culture, programs and activities, policies and procedures. These practices are to be understood and implemented at all levels.

Catalpa recognises the international legal framework for child protection enshrined in the United Nations Convention on the Rights of the Child, and is guided by its four principles: 1) survival and development, 2) best interest of the child, 3) non-discrimination, and 4) children’s participation.

Catalpa commits to adherence with child protection and safeguarding legislation in all countries where Catalpa personnel work or travel, including but not limited to those pertaining to child sex tourism, child sex trafficking, child labour and child pornography.

This policy has been reviewed to ensure compliance with the Australian Department of Foreign Affairs and Trade (DFAT) Child Protection Policy 2017, New Zealand Ministry of Foreign Affairs and Trade due diligence requirements for partners, and the World Bank Environmental and Social Framework.

Catalpa makes the following distinction between child protection and child safeguarding:

- Child Safeguarding - the actions taken by organisations to ensure their personnel, programs and operations keep children safe and do no harm to children (internally facing).
- Child Protection - The action taken by individuals, countries, governments, communities, families and civil society to protect children from all forms of abuse, neglect, exploitation and violence against children including in the wider community.

Therefore child safeguarding should be seen as a subset of child protection. This Policy focuses on child safeguarding and Catalpa's responsibilities in this area.

Other key definitions can be found at Annex 1.

## **1.2 Policy review and ratification**

This Policy has been reviewed and formally ratified by Catalpa's Senior Leadership team. It is subject to review every three years or more often as necessary.

## **1.3 Policy linkages**

This Policy is to be enacted alongside obligations confirmed in additional Catalpa policies including:

- Code of Conduct
- Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy
- Whistle-blower Policy
- External Complaints and Feedback Policy
- Internal Complaints and Feedback Policy (sometimes referred to as "Staff Grievance Policy")
- Gender Equality Policy

This policy reflects our commitments to the communities we work in, the stakeholders we work alongside, the funders that support our work and the Australian Charities and Not-for-profits Commission (ACNC) External Conduct Standards we are bound by. This Policy is in compliance with the extraterritorial laws that exist in Australia as they apply to Catalpa personnel, which state that under Commonwealth law an Australian citizen or resident can be prosecuted for an offense committed against a child in another country including offenses involving child pornography material (Australian Criminal Code Act 1995).

## **2. Purpose**

The purpose of this Child Safeguarding Policy is to provide guidance on how to prevent harm to children and to respond to concerns and allegations of child abuse. This policy can support stakeholders both internally (staff and consultants) and externally (partners, community members) to know their rights and make a

report / complaint if an issue related to child safeguarding arises as a result of or in connection to Catalpa's operations or Catalpa stakeholders (as defined below in 'scope').

### **3. Scope**

This Policy addresses any violations of child safeguarding including physical, sexual or verbal abuse; exploitation, and/or neglect.

This Policy applies to all personnel, associates and the staff of downstream partners working on Catalpa-led initiatives-

- All staff, consultants and/or contractors, directly contracted Service Providers and volunteers of Catalpa associated with or working under contract with Catalpa in any capacity (herein referred to as "personnel")
- Board of Directors, visitors to Catalpa programs including media, donors or other supporters of Catalpa's programs and staff in partner agencies (therein referred to as "associates")
- The personnel of downstream partners who are working on Catalpa-led programming (herein referred to as "downstream partners"). As part of Catalpa's recognition and commitment to ensuring downstream partner due diligence and management of related risk, downstream partners who do not have their own Child Safeguarding Policy that is compliant with all relevant minimum standards will be contractually required to abide by this Policy.

Collectively with the communities including children in the localities where Catalpa works, the above groups are referred to as "Stakeholders" in this Policy.

This Policy applies to Stakeholders both inside and outside of work hours.

*Note on limitation of Policy scope: Cases of child abuse or exploitation in the community by someone outside Catalpa do not fall under this Policy. In the event that a staff or associate of Catalpa, partners or contractors becomes aware of, witnesses or suspects such a case, he/she should report it immediately to relevant authorities<sup>1</sup>. If for any reason, the staff or associate does not feel comfortable or safe to do so, he/she can immediately report the case to Catalpa's Safeguarding Focal Point for further action and follow up.*

### **4. Policy principles**

Catalpa will be guided by the following principles:

- Acknowledgement of risks: The recognition that child abuse happens in all countries around the world is the first step in order to action and prevent it. This means that Catalpa recognises that it is possible that child abuse or harm may happen in our operations or programs even despite of steps are taken to address that risk, and that we must have measures in place to address any issues that arise.
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<sup>1</sup> Failure to report to legal authorities can constitute an offense under certain circumstances

- Non-discrimination: Catalpa believes that all children should be equally protected regardless of their gender, nationality, religious or political beliefs, age, sexual orientation, family and social background and culture, economic status, physical or mental health and criminal background.
- Zero tolerance: Adherence to this CSP is a mandatory requirement for all personnel, personnel of downstream partners working on Catalpa-led programming, and visitors of Catalpa. All stakeholders will be made aware that they can and must raise any suspicions or concerns about a child's safety or well being and/or unacceptable behaviour by Catalpa personnel<sup>2</sup>.
- Shared responsibility: Catalpa will ensure that all relevant stakeholders are made aware of the CSP and their responsibilities.
- Due process and accountability: Any matters raised within this Policy will be kept as confidential as possible (information shared only on a need-to-know basis)<sup>3</sup>, prioritising the safety of all involved, considering at all times the best interests of any child involved, and documenting and reporting on the policy implementation to ensure it is meaningful and successful.

## **5. Implementation and addressing risks**

One of Catalpa's guiding principles in Child Safeguarding is acknowledgement of the risk that child abuse and harm may happen within its operations and programs due to its own personnel or activities, or those of downstream partners with personnel working alongside Catalpa on joint programming. Therefore all possible steps must be taken to identify, and to then mitigate or manage those risks, to prevent harm to children. In line with this principle, Catalpa adopts a two-prong approach to risk management and mitigation:

- I. Standing risk mitigation and management measures in all areas of Catalpa's operations from hiring to program implementation - these will be adapted to local context when a different approach to standard risk controls is identified. These measures are outlined under section 5.1 below, and
- II. Additional measures identified on a program-by-program basis as needed as per section 5.3.

Both prongs apply to downstream partners involved in Catalpa operations and/or programming as well as Catalpa personnel.

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<sup>2</sup> Zero-tolerance does not indicate instant dismissal or that dismissal is the only applicable disciplinary step. Each allegation will be treated with due process and responded to in accordance to Catalpa's disciplinary procedures.

<sup>3</sup> Any child safeguarding complaint that is a 'disclosable matter' under the Catalpa Whistleblowing Policy will be treated in accordance with the Whistleblowing Policy including absolute confidentiality regarding the identity of the Whistleblower.

## **5.1 Standing risk management and mitigation**

Catalpa has a number of standing strategies to address risk regarding child safeguarding which are outlined below:

### **5.1.1 Risk identification and monitoring**

One of the standing risk management and mitigation measures that Catalpa employs is risk identification and monitoring throughout the program cycle, and at an organisational level. Catalpa recognises that there are a number of potential risks where Catalpa's work comes into contact with vulnerable children.

Accordingly, Catalpa requires that any programmatic activity utilises the Catalpa Child Protection Risk Assessment Tool (based on DFAT's "Establishing Child Protection Risk Context" tool) at the commencement of a new activity or on a minimum annual basis for an ongoing activity, to identify:

- Risks of harm to children from Catalpa personnel and/or personnel of downstream partners.
  - The tool identifies the level of contact with, and risk to, children from any given activity and/or downstream partner.
  - Further, any downstream partner that will have a contractual and/or formal working relationship with Catalpa will be assessed for their compliance with the DFAT Minimum Child Protection Standards; and any non-compliance will be addressed as a priority to safeguard children.
  - Catalpa will not permit any person to work or have contact with children if they pose an unacceptable risk to children's safety or wellbeing.
- Avoiding exploitation in Catalpa's communication materials and fundraising
- Risks in programmatic activities due to the design or implementation of activities.

Catalpa's risk assessments will identify risks; classify any high risk activities; and document steps to be taken to reduce or remove risks.

Where risks apply to downstream partners, Catalpa will support these partners to mitigate and/or manage these risks. Given the nature of Catalpa's work, Catalpa should always consider risks regarding online privacy of children and protection of data.

Risk assessments are to be reviewed and updated over the life of the assessed activities.

### **5.1.2 Child safe recruitment and screening**

Catalpa is committed to preventing people who pose an unacceptable risk to children from being recruited as Catalpa Board members, volunteers, staff, contractors or any other related persons associated with Catalpa.

As such, Catalpa follows child safe recruitment and screening for any Board members or other personnel. Child safe recruitment and screening includes:

- Job ads will include a statement of Catalpa's commitment to child safeguarding to deter any applications from candidates who do not share this commitment
- A requirement for an applicant to disclose at the time of applying for a role whether they have been charged with child exploitation offenses, and their response
- Personnel contracts will explicitly reference child safeguarding and disciplinary measures including containing clauses authorising dismissal, suspension or transfer to other duties for violation of Code of Conduct including regarding child safeguarding. Criminal behaviour will be immediately reported to the proper authorities. Contracts will specifically state the personnel who pose an unacceptable risk to children are able to be removed (suspended, transferred or terminated) without a criminal conviction
- Documented Criminal history checks undertaken prior to engagement, including checks for any country in which an applicant has lived for 12 months or more in the last 5 years<sup>4</sup> and their country of citizenship, which are updated regularly. In limited circumstances it may prove impossible to obtain a reliable criminal record check. A statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted instead. For Australia-based personnel who are assessed as being in 'working with' children roles, Catalpa will require, Working with Children checks or the equivalent in the relevant State or Territory. Criminal history checks should be updated every 24 months or more recently if circumstances change.
- Every new job description will be assessed for contact with children, and additional safeguards will be put in place for roles that are assessed as 'contact with children' and 'working with children' such as:
  - behavioural-based interview questions (see Hiring Guidelines in employee Handbook for examples)
  - A minimum of two documented verbal referee checks for each applicant including a recent former line manager, asking about any safeguarding concerns regarding children or vulnerable adults

In the event of a 'change in circumstance' (i.e. a change in country where the personnel is working, in the event of involvement in criminal activity or if

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<sup>4</sup> In the case of World Bank-funded projects, this requirement should be extended to seven years

disciplinary procedures and/or criminal or civil court proceedings are underway) then checks may also be re-done or additional checks required.

### **5.1.3 Awareness and training**

Catalpa will ensure that all relevant stakeholders are made aware of the CSP and their responsibilities in the following ways:

- Onboarding training will be provided for all personnel regarding child safeguarding including clarity on Catalpa's zero tolerance approach and mandatory reporting of any suspicions of or disclosures of child safeguarding violations. Onboarding training must be completed within 60 days of commencing a role with Catalpa or disciplinary action could be forthcoming (see list of disciplinary action at Annex One).
- Refresher training will be provided for all personnel regarding child safeguarding annually.

*Records of training will be kept as well as training agendas and materials used in training.*

- Code of conduct: The Child Safe Code of Conduct (Annex Two) outlines acceptable and unacceptable behaviour in relation to children. Catalpa requires all personnel to comply with the Child Safeguarding Policy and Child Safe Code of Conduct throughout their work with Catalpa. Board members, staff, and volunteers of Catalpa, contractors providing services to or working with the Catalpa and visitors to Catalpa who have contact with or work with children must be provided with a copy of the Child Safeguarding Code of Conduct which they must sign and comply with. Catalpa will retain a copy of the Code of Conduct as signed by each person or maintain a register of those persons who have been provided with and signed a copy of the code and trained in its obligations. A failure to comply with the Child Safeguarding Code of Conduct may lead to disciplinary action including termination; allegations of criminal conduct will be referred to relevant legal authorities.

### **5.1.4 Ethical use and storage of children's images and information**

Catalpa's marketing and communications materials will at all times portray children in a respectful, appropriate and dignified manner. Catalpa will only use children's images where consent has been obtained from children's parent or guardian, where a consent form in the approved template (or file note of verbal consent in historical cases) is kept on file.

Catalpa will ensure file images, file labels, meta data or text descriptions, do not reveal identifying information about a child when sending images electronically. Further Catalpa will ensure that no identifying information of the child is used in the publication of images with their location and that all recorded identifying details are stored confidentially. More information is provided in the Code of Conduct at Annex Two of this Policy.

The same guidelines for the use of children's images outlined in the Code of Conduct at Annex Two also apply to images and / or videos posted on work-related social media. Catalpa personnel will at all times uphold the values of Catalpa when using work-related social media. Further, under no circumstances can Catalpa personnel or downstream partners use photos or videos of children taken during a work trip on their personal social media or for purposes other than those intended and agreed when consent was obtained from the children's parent or guardian.

Catalpa personnel and downstream partner personnel must never communicate through their own personal email, Facebook or other social media accounts with any community members involved in the project under the age of 18 years old.

### **5.1.5 Ensuring compliance of downstream partners**

Due diligence of downstream partners will be undertaken when developing any partnership or downstream partner sub-contracting arrangement to establish the degree to which the agency complies with minimum standards regarding child safeguarding.

In the event the potential downstream partner is not yet compliant with Catalpa's policy and/or relevant back donor minimum standards:

- the downstream partner would be required to agree to abide by Catalpa's Child Safeguarding Policy and Code of Conduct until their own is developed, including all clauses regarding recruitment and training for the downstream partner personnel as well as reporting mechanisms
- Catalpa will ensure that downstream partners have provided Child Safeguarding training to all relevant personnel and in the event that a downstream partner needs support in this regard Catalpa will provide training to downstream partners in order to support the downstream partner to become compliant.

Downstream partners are required to work with Catalpa to:

- Design and implement programmatic activities in a way that protects children from risk of harm and that proposals for work include appropriate resource allocation to manage safeguarding risks
- undertake risk identification and management planning specific to a given program or activity as per section 5.2 below.

### **5.2 Additional measures identified on a program-by-program basis as needed.**

In addition to the standing risk mitigation and management measures described under section 5.1, there may be occasions where the risk identification process outlined in section 5.1.1 identifies additional child safeguarding risks specific to a particular activity and/or downstream partner(s) involved in a program of work.



In these cases, the risk assessment will include these risks and document the steps to be taken to reduce or remove risks including, where necessary, support to downstream partners to ensure they are compliant with minimum standards. Examples are provided at Annex Four of this Policy.

## **6. Reporting to Catalpa**

### **6.1 What needs to be reported**

It is mandatory as part of this Policy to report any non-compliance or breach of the Child Safeguarding Policy and the related Child Safeguarding Code of Conduct.

If any personnel or associate of Catalpa has a suspicion or concern regarding child safeguarding violations, this must be reported immediately (within 24 hours).

Failure to report a concern; or a disclosure or allegation made by any person including but not limited to a child survivor / victim, of child abuse is a breach of the Child Protection Code of Conduct.

Community members or external stakeholders are also encouraged to report any suspicions or concerns.

### **6.2 How to report to Catalpa**

Concerns or reports can be provided via email to [safeguarding@catalpa.io](mailto:safeguarding@catalpa.io) or by phoning Catalpa's Safeguarding Focal Point Brian Francisco on WhatsApp +17547027426

Reports can be made to Catalpa via Stopleveline, an independent third party platform which allows anonymous reporting and provides support to people trying to report including translation / interpretation services if needed. You can reach Stopleveline on:

Telephone: 1300 30 45 50 (Australia Only)

Email: [makeareport@stopline.com.au](mailto:makeareport@stopline.com.au)

On-line: <https://catalpa.stoplevelinereport.com>

Mail: Catalpa International, c/o Stopleveline, PO Box 403, Diamond Creek, VIC 3089

Anyone can also report a concern or child safeguarding incident under Catalpa's Whistleblowing Policy, also available on our website.

### **6.3 Confidentiality of reports and investigations**

Information regarding a child safeguarding disclosure and a subsequent investigation will be treated confidentially to safeguard the child(ren) involved and any complainant who raised the allegation, and also to provide due process \

for the alleged perpetrator. Catalpa will do this by providing information about the issue only on a 'needs to know' basis within the investigation team, redacting identifying details where possible, using qualified investigators who are aware of their obligations to keep confidentiality and storing information correctly so that it can not be seen or accessed by a wider group of staff or stakeholders.

If the disclosure was made under the Catalpa Whistleblowing Policy, all requirements of that Policy will be followed including ensuring no disclosure of the identity of the Whistleblower.

## **7. Complaints Handling including Investigations**

### **7.1 Recording the incident in the Complaints Log and notifying the Confidential Reporting and Investigations Committee**

If the report is made to the Safeguarding Focal Point, they will immediately fill in an incident reporting form in the Stoplevel database<sup>5</sup> "complaints log" (if an Incident Reporting Form has not already been filled by the reporter). An email should be sent the same day the complaint was received to notify<sup>6</sup> the core members of the Confidential Reporting and Investigation Committee<sup>7</sup> that a complaint was received and the broad nature of the complaint; although any members of this Committee involved in alleged child safeguarding incident should not be notified.

If the report is made to someone other than the COO/ Safeguarding Focal Point, that person will notify the Safeguarding Focal Point and then maintain confidentiality by not sharing the report further.

### **7.2 Preliminary steps to assess whether or not an investigation is needed and if so, what type**

At this stage an investigation is not launched, as preliminary steps are to be taken first by the Safeguarding Focal Point (or their qualified delegate<sup>8</sup>) as outlined below.

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<sup>5</sup> Stoplevel has enabled Catalpa to store / record internal complaints in the confidential database system Catalpa has access to via Stoplevel, so that it can act as a complaints register of all complaints received and not only those received by Stoplevel. When Catalpa records an internally-received report in the Stoplevel system, we need to indicate 'yes' in the dropdown box "Raised internally (was this complaint raised by stoplevel or your company?)"

<sup>6</sup> At this stage in the process, all complaints should be treated as possible Whistleblowing events, i.e. the catalpa Whistleblower policy should be followed to ensure NO identifying information of the complainant is shared. For example "A Catalpa staff member has reported sexual harassment in the office where they work in the last month" not "a female Catalpa staff member (name) working in PNG has reported that (name) has inappropriately touched them yesterday".

<sup>7</sup> See the 'ToR - Confidential Reporting and Investigation Committee' (at Annex 1 of the Safeguarding Group Terms of Reference" for Committee composition.

<sup>8</sup> A qualified delegate would be a Whistleblowing Protection Officer as listed in the Safeguarding Group Terms of Reference.

For all complaints, as preliminary steps the Chief Operating Officer / Safeguarding Focal Point or their qualified delegate will gather more information about the incident so as to be in an informed position to:

- establish whether the incident and/or misconduct is within the scope of this Child Safeguarding policy and if not refer to the alternative relevant policy
- identify immediate and potential risks to the child or young person
- develop and implement an action plan focused on:
  - ensuring the child's safety and identifying referrals or support for the child. Any actions necessary to meet the protection needs or the mental and physical health needs of the child **MUST** be taken at the same time that any reporting and/or follow-up investigation is taking place.
  - establish which further reporting obligations need to be fulfilled, such as:
    - reporting the matter to local police and/or the child protection authority whether or not required by law<sup>9</sup>, and/or
    - report the matter to a back-donor in accordance with contractual obligations if applicable (i.e. see Annex Three for obligations to report to Australian DFAT or New Zealand MFAT within the same working day for DFAT and within two working days for MFAT).  
Having provided initial, immediate notification to DFAT and/or MFAT, Catalpa's Safeguarding Focal Point must seek to ensure that any missing details are obtained and then provided to DFAT within 14 days.
      - If Catalpa is requested not to take any further action by the person making the allegation, for instance out of fear for the security of the child, the Catalpa Safeguarding Focal Point or other person receiving the report must advise the requesting person that they are still obliged to notify the Catalpa Safeguarding Focal Point and will pass on the protection concern. If the allegation is reportable to DFAT or MFAT under their policies, Catalpa's Safeguarding Focal Point must still notify DFAT and/or MFAT but should acknowledge the security concern in the report.

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<sup>9</sup> If the incident occurred in Australia and constitutes illegal activity or if a child is in danger, immediately notify the Police and other relevant authorities such as the Department of Community Services. Contact details will vary based on the location of the incident. Further guidance is to be sought from the Police on other agencies to contact. If the incident occurred outside Australia and constitutes criminal behaviour, contact Australian Federal Police if it concerns an Australian citizen.

## **7.3 Investigations**

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### **7.3.1 Determining whether or not an investigation is warranted**

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The Chief Operating Officer / Safeguarding Focal Point (or their qualified delegate) should use the information collected above (see section 7.2) in regard to the nature and scale of the complaint, risks to persons involved and any alleged criminality to make a recommendation as to whether an investigation is required or not.

In the event that the CoO / Safeguarding Focal Point or their qualified delegate determines that an investigation is required, the Committee should convene / meet to decide on the same day whether an internal or external investigation is needed - see section 7.3.2 - and who on the Committee should be responsible for the investigation process - see section 7.3.3.

### ***7.3.2 Determining whether a complaint warrants an Internal and external investigations***

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In the event that the CoO / Safeguarding Focal Point or their qualified delegate determines that an investigation is required, the Committee should convene / meet to decide the same day whether an internal or external investigation is needed - see section 7.3.2

A threshold criteria for determining how to proceed is below:

(i) Type of complaints that should be referred to external investigation by qualified investigators with experience in sensitive investigations:

- Any allegation of gross misconduct regarding child safeguarding. Examples of this would include any incident where a child has been exploited or abused. It should also include any complaint which alleges wrong doing by a member of the Confidential Reporting and Complaints Committee, as the Committee should not investigate internally allegations related to another member of the Committee.

(ii) Type of complaints that can initially be investigated internally by Catalpa's Confidential Reporting and Investigations Committee who have received training in sensitive investigations, and later referred for external investigation if gross misconduct is unearthed during the course of the initial internal investigation:

- Allegations of violations of Catalpa's policies that are likely to be accidental, non-malicious and do not comprise gross misconduct. Examples of this could include a staff member who sought to follow Catalpa's Child Safeguarding Policy but is alleged to have used the wrong process and/or wrong template to obtain informed consent for photographs.

(iii) Type of complaints that do not need to be investigated but should nevertheless be logged in the Complaints log to enable tracking of trends and follow up at a later date if necessary:

- Nuisance complaints or ineligible complaints i.e. where the allegation relates to a project or piece of work that was conducted by another organisation Catalpa has no dealings with i.e. the complainant has mixed up Catalpa with an entirely separate organisation.

### **7.3.3 Conducting Internal and external investigations**

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In the same meeting to determine whether or not an internal or external investigation is needed (as above, section 7.3.2) the Committee should determine (i) who on the Committee will be part of that investigation (if internal); or (ii) who on the Committee will oversee / contract an investigator and supervise the investigation (if external) and to view the guidance below regarding investigations. In all cases there should be one 'Investigation Officer' to act as the focal point for each investigation nominated from the Committee<sup>10</sup> who will be responsible for ensuring communication with the rest of the Committee, organising Committee meetings to progress the investigation, liaison with an external investigator (if needed), liaison with the complainant and the victim / survivor if different to the complainant, keeping the Complaints Log (in the Stopleveline database) up to date, and ensuring that all delegated members of the Committee (i.e. those who will be involved in this investigation) have access to the information about this investigation in the Stopleveline complaints log / database.

The Confidential Reporting and Investigations Committee will be guided by the following:

- If required, Catalpa can suspend or transfer the alleged perpetrator (if known and if serious misconduct alleged i.e. safeguarding issues) during the investigation, and identify what disciplinary steps would be relevant in the event that the investigation indicates misconduct (this step may also be taken at the pre-investigation stage if appropriate)
- Where an investigation is warranted, Catalpa will follow the guiding principles below:
  - Catalpa is committed to ensuring that the safety and wellbeing of the child and their dignity and rights remain the overriding concern at all times.
  - Always prioritise the best interest of the child and make every effort to protect the rights and safety of the child throughout the investigation of any report of child abuse
  - Treat a report of child abuse seriously and ensure that all parties are treated fairly

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<sup>10</sup> The Investigation Officer focal point for each investigation would likely change for each investigation depending on a) the type of complaint being responded to and other details i.e. for Timor based investigations it may be most sensible to have one of the Confidential Reporting and Complaints Committee members in Timor as the designated 'investigation officer' focal point. If the complaint relates to financial issues it may be most sensible for a member of the Committee in the Operations team to take on this role and be the focal point etc. b) workloads of the Committee members. In all cases, the Investigation Officer must be a member of the Confidential Reporting and Investigations Committee, and as such be either a 'Whistleblower Protection Officer' or a 'Whistleblower Investigation Officer' according to the Catalpa Whistleblowing Policy.

- Investigations should be undertaken only by experienced and qualified professionals who are trained in sensitive investigations with child victims / survivors. All core members of the Confidential Reporting and Investigations Committee need to have received training from Stopleveline in investigations. Depending on the nature of the complaint (see section 8.3.2 above), it may be necessary to outsource the investigation to an external service provider such as Safeguarding Services experienced in child safeguarding investigations.
- Deal with a child abuse report in a timely manner. While noting that any investigation needs to be conducted thoroughly, in such a way as to best address risk, all efforts should be made to complete investigations within 60 days (it may be a requirement to submit a final report to DFAT within 60 days).
- ensure that the interests of anyone reporting in good faith are protected. [All reports made in good faith will be viewed as being made in the best interests of the child regardless of the outcomes of any investigation.]
  - A member of staff, volunteer or member who intentionally makes a false or malicious report may be subject to disciplinary action. A contractor who intentionally makes a false or malicious report may be subject to termination of contract.
- During an investigation, the Stopleveline Complaints Log should be kept up to date by this investigation's focal point for the investigation including the eventual outcome of the investigation (see section 7.3.4 below) and the focal point should ensure that . All sensitive data / information should be stored in the Stopleveline system.

#### **7.3.4 Outcome of investigations**

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Once the internal or external investigation is complete, the outcome of the investigation should be detailed in a written report (by the Catalpa investigation officer for internal investigations, or by the external service provider/investigation officer for external investigations) that is shared with the members of the Confidential Reporting and Investigation Committee who were part of this investigation.

The relevant members of the Confidential Reporting and Investigation Committee (i.e. those who were part of this investigation) should convene and decide together the outcome of the investigation. When the Committee cannot decide by consensus, the decision making ultimately lies with the Director(s) on the Committee.

Where the complaint relates to serious misconduct, Catalpa will offer assistance to the complainant/victim/survivor with their consent. This may include counselling, medical, social, or legal assistance, or referral to such services.

Catalpa will take appropriate disciplinary action against any employees, interns, volunteers, board members, individual contractors, and grantees/partners who have breached this policy. Disciplinary action is defined in full at Annex One and there is more information in the “classification of disciplinary action” guide in the employee Handbook for more information.

Even in cases of anonymous complaints or where an investigation has not proceeded, Catalpa commitments to ensuring steps are taken to promote learning and improvement which could include:

- Undertaking a general campaign about appropriate workplace behaviours, e.g. increased training regarding child safeguarding at Catalpa
- Providing a reminder to all staff of Catalpa’s Child Safeguarding Policy, reporting and resolution procedure and supports as well as encouraging workers to raise a concern
- Where the complaint has highlighted a previously unidentified potential harm to children or highlighted a similar gap, implementing new procedures or systems of work that reduce the possibility or opportunity for further misconduct to occur
- Further, if there was insufficient information for an investigation to proceed but a perpetrator(s) or department misconduct was identified in the allegation, Catalpa will consider:
  - Initiation of a 360 review, health check or similar in an area where anonymous reports suggest there may be issues however no formal complaints have been received
  - Where there are several similar complaints from the same department or area, extra targeted training may be utilised
  - In the case of receiving numerous anonymous reports against the same person, Catalpa could instigate an independent investigation observing all necessary standards and procedural fairness
  - To obtain further information, speaking with other members of the alleged respondent's team to identify whether there is a cultural issue or pattern of conduct, or the roll out of broader pulse surveys could be used to further test concerns. A pulse survey is usually a simple short survey to gauge worker insights on a particular issue
  - Monitoring the alleged respondent’s behaviour and intervening if new issues arise, including possible victimisation.

## **8. Communicating the policy**

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This Policy will be published on Catalpa's website.

All Catalpa personnel, associates and subcontracting agencies / downstream partners will receive orientation on this Policy, and training will be provided for new staff and on a refresher basis.

Where possible, communications material regarding complaints handling and processes will be developed and translated into the local languages of the communities in which we work.

## **9. Policy Monitoring and Review**

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Monitoring application of the policy is the responsibility of all staff, particularly the Chief Operating Officer / Safeguarding Focal Point. In order to ensure compliance with this Policy, Catalpa will undertake spot checks annually of policy compliance within its operations.



## Annex One - Definitions

### Abuse:

- 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
- 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.
- 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.
- Sexual abuse—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography
- 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

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

**Adult:** a person aged 18 years or more

**Child or children:** a person under the age of 18 years, in accordance with the United National Convention on the Rights of a Child.

**Child abuse material:** material that depicts (expressly or implicitly) a child as a victim of torture, cruelty or physical abuse.

**Child exploitation and abuse:** one or more of the following: committing or coercing another person to commit an act or acts of abuse against a child; possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material committing or coercing another person to commit an act or acts of grooming or online grooming.

**Child exploitation material** material, irrespective of its form, which is child abuse material or child pornography material.

**Child pornography:** 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. This includes online child sexual exploitation 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 a sexual pose or activity, and does that in a way that a reasonable person would regard as being, in all the circumstances, offensive. This includes online child sexual exploitation material.

**Child protection:** an activity or initiative for the purpose of preventing or responding to a specific incident of child abuse (note: Child 'safeguarding' is a subset of the wider category of child 'protection').

**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 Working with children definition).

Note: In determining whether a staff or volunteer position will involve 'contact with children', Catalpa also takes into account 'potential' or 'accidental' contact, i.e. cases where the nature of the position may unexpectedly or unintentionally lead to or involve some form of contact with children (for example while working in the broader community, visiting clients at their home, etc).

These roles could include:

- direct contact with children: This may occur for personnel in both child-centred and non-child centred projects if work is conducted in or with communities as a whole, and although children may not be a primary target group, they are impacted because they are part of the community. It could include people doing house-hold level data collection or people working on a livelihood project that means that parents are working outside the home and therefore impacting on the children of the family.
- indirect contact with children: Some personnel in both child-centred and non-child-centred organisations may not visit the field directly, but may have access to personal information and details of families and children (name, age, photos, location, etc.) which they obtain directly from field staff or via other communication channels (such email, databases, unsecure files, etc.). These personnel are in a position to expose children to vulnerabilities and risks, by giving out confidential information to media, authorities or others.

**Consultant and/or contractor:** any person or organisation working jointly with or providing services to Catalpa including consultants and partner organisations under the terms of a contract.

**Criminal record check:** A check of an individual's criminal history record.

- In Australia, national criminal record checks are available through state and territory police departments. They take around 20 working days. The type of employment should be specified as 'overseas employment'.
- Overseas, different checking procedures apply in each country and may take six weeks or longer. Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used.

**Disciplinary action:**

Catalpa's action against personnel and associates may include:

- Performance management;
- Further training on this policy;
- Formal warning and monitoring;
- Transfer to other duties;
- Report to law enforcement;
- Suspension or dismissal.

Action against individual contractors may include termination of the contract.

Action against grantees/partners may include:

- Requirement to strengthen prevention of sexual exploitation, abuse and harassment in their organisation, including training, audits and spot checks
- Report to law enforcement
- Suspension, amendment or termination in whole or in part of the grant agreement.

*There is more information in the "classification of disciplinary action" guide in the employee Handbook for more information.*

**Grooming:** behaviour that makes it easier for an offender to procure a child for sexual activity (including online grooming - see definition for 'online grooming' below)

**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

**Impact:** The overall long-term effect produced by an investment. This includes positive and negative changes produced by an investment (directly or indirectly, intended or unintended)

**Personnel:** All staff, consultants and/or contractors and volunteers of Catalpa associated with or working under contract with Catalpa in any capacity

**Online grooming:** the act of sending an electronic message with indecent content to a recipient who the sender believes to be under 18 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person including but not necessarily the sender.

**Visitor:** any person who may come into contact with children through the programs or activities of Catalpa

**Working with children:** Working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works.

## **Annex Two: Child Safeguarding Code of Conduct**

The Child Safeguarding Code of Conduct applies to personnel, associates and visitors associated with Catalpa. It defines standards of behaviour expected by Catalpa in order to protect children.

I agree that while working with or engaged in activities funded or organised by Catalpa 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 a child (under the age of 18 years) in any form of sexual activity or acts, including paying for sexual services or acts nor request any service or favor from a child in return for protection or assistance; and never engage in any sexual relationship nor any other exploitative relationship (emotional, financial or employment related) with a child under 18 years old. This is regardless of the local age of consent in the country in which I work. Ignorance or mistaken belief of a child's age is no excuse and does not change my responsibilities.
- 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
- not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible (noting that this does not apply to an individual's own children)
- never use social media to contact, befriend, access or solicit a child nor to misuse children's images on personal social media
- never use any computers, mobile phones, video or digital cameras, or social media to exploit or harass children or to access child exploitation material through any medium (see also 'Use of children's images for work related purposes', below)
- not use physical punishment on children
- not engage in behaviour to shame, humiliate, belittle or degrade a child or young person or otherwise emotionally or psychologically abuse a child or young person including exposing them to family violence
- 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 local legislation, including labour laws in relation to child labour

- immediately report concerns or allegations of child abuse and exploitation in accordance with Catalpa Child Safeguarding Policy
- immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and/or abuse including those under traditional law, which occurred before or occurs during my association with Catalpa
- 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.

#### Use of children's images for work related purposes

When photographing or filming a child or using children's images for work related purposes, I must:

- take care to ensure local traditions or restrictions for reproducing personal are adhered to before photographing or filming a child
- obtain informed consent from the child and a parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used
- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive
- ensure images are honest representations of the context and the facts, and
- ensure the 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.

I understand that the onus is on me, as a person associated with Catalpa, to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

I acknowledge that I have been provided with and read the Child Safeguarding Policy.

I acknowledge that a failure to comply may lead to disciplinary action, legal action, or criminal investigation and prosecution.

Signed:

Name:

Date:

**ANNEX THREE: INCIDENT REPORTING FORM**

Please complete this form if you believe that child abuse or exploitation, or a breach of the Child Safeguarding Code of Conduct, may have occurred or that a child’s safety is in danger. All child safeguarding concerns should be reported immediately to the Safeguarding Focal Point and in the event they are unavailable, the President of the Board. The report must be treated in strict confidence.

Today’s date:

Today’s Time:

Today’s Venue/Address: Name of Child:

Age of child:

Name of parents or guardian:

Details of Concern / Suspicion / Incident:

Please fill out as many sections as possible with as much detail as you can.

1. Describe what happened: time / dates / names of persons) involved/ behaviour or signs observed / any other details.

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2. Details of any conversation with the child:

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Have you contacted anyone about this concern? Yes No ( Please circle one)

If so, who have you contacted?

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Please sign this report and print your name and your position in the organisation

Signed..... Date .....

Name:\_\_\_\_\_ Position:\_\_\_\_\_

.....  
*Catalpa Office Use only*

Name of Catalpa personnel who received Incident Report

\_\_\_\_\_

Date incident report was received\_\_\_\_\_

Please attach any documentation you have.

Reminder - if the incident report wasn't received by the Safeguarding Focal Point, please notify them asap (within 3 hours of receiving the report).



**Annex Four. Examples of additional child safeguarding risks that may be identified through the course of risk assessments for specific program activities and/or downstream partners, and examples of risk mitigation or management strategies to address these**

The examples below are illustrative only. In a full risk assessment, the likelihood and consequence of different risks should also be considered.

Example risk		Example mitigation or management strategy	
Risk description	Consequence	Current control	Future treatment plan
Insufficiently secured digital data regarding child beneficiaries is hacked / stolen	Harm to children through invasion of privacy Reputational risk to Catalpa Breach of contract with back-donors leads to suspension of programming	Rules regarding storing digital data are included in the Catalpa Child Safeguarding Policy  All Catalpa and downstream partners receive training regarding storing of digital data and are required to sign the Catalpa Code of Conduct which includes guidance in this regard	Update the Handbook guidance about safe storage of digital data  Store all images in one place along with the consent documents and/or file notes so that it is easier for Catalpa to spot check that digital data protocols are being followed
Filing protocols regarding child's images are not followed, so that identifying information like locations / names / ages of children can be viewed alongside the children's images	Harm to children through invasion of privacy (and potentially through predators being able to locate a child) Reputational risk to Catalpa Breach of contract with back-donors leads to suspension of programming	Rules regarding storing digital data are included in the Catalpa Child Safeguarding Policy  All Catalpa and downstream partners receive training regarding storing of digital data and are required to sign the Catalpa Code	Update the Handbook guidance about safe storage of digital data  Store all images in one place along with the consent documents and/or file notes so that it is easier for Catalpa to spot check that digital data protocols are being followed

		of Conduct which includes guidance in this regard	
Catalpa personnel who are unaware of Catalpa’s Child Safeguarding Policy could engage in sexual offenses with children under 18 years	Harm to child (through statutory rape depending on age of consent and/or through unbalanced power relations that could be exploitative) Reputational risk to Catalpa Breach of contract with back-donors leads to suspension of programming	Sexual relationships with children (Anyone under 18 years) is proscribed by Catalpa CS Policy and Code of Conduct, and misconduct leads to dismissal within the terms of Catalpa employment contracts	All Catalpa and downstream partners receive training regarding this proscription