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## Child Safeguarding Policy

### Purpose and Scope

This Policy sets out the organisational approach to the safeguarding of children.

Orthopaedic Outreach interacts with children in the following ways:

- As outpatients
- As inpatients
- As surgical patients
- When they attend a clinic with family members or guardians

### ACFID Quality Principle and Commitment

Quality Principle:

1 Rights, Protection and Inclusion

Commitments

1.4 We advance the safeguarding of children.

1.4.1 Members demonstrate their organisational commitment to the safeguarding of children.

1.4.2 Members have a code of conduct that advances child safeguarding behaviours and applies to all personnel, partners and project visitors.

1.4.3 Members have a documented child safeguarding incident reporting procedure and complaints handling procedure that aligns with principles of privacy and promotes safety and dignity.

### References

OO-F-02	Child Safeguarding Incident Form
OO-PO-08	Complaints Handling Policy
OO-PO-10	Partner Due Diligence Policy
OO-PO-11	Human Resources Policy



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## POLICY STATEMENT

Orthopaedic Outreach has a strong commitment to child protection and safeguarding, as part of its broader commitment to human rights and anti-discrimination. Orthopaedic Outreach is a child safe organisation and does not tolerate any form of child exploitation or abuse.

Each person who shares in the work of Orthopaedic Outreach shares in the responsibility to take every precaution to protect the children associated with programs from all forms of abuse and exploitation.

Orthopaedic Outreach recognizes a number of key factors relating to its delivery of overseas programs, that are of significance to its work to ensure that children are kept safe:

- Programs involve contact with vulnerable children, that is of a personal (clinical) nature. As such, it is Orthopaedic Outreach's duty of care to ensure that it does no harm and takes steps to ensure that the safeguarding of this contact is taken very seriously.
- Local partners (medical professionals) with whom it works to deliver programs play a specific role in the community to keep children safe and are trusted and accessible professionals.
- Children may come into contact with our programs who are not just patient beneficiaries, but also family members (siblings/children) of patients.

This policy is also applicable to relevant local partners in the countries in which Orthopaedic Outreach works. Orthopaedic Outreach works to ensure that those partners are aware of the policy and understand both their own and Orthopaedic Outreach's obligations relating to it.

## PROGRAM MANAGEMENT

Orthopaedic Outreach will ensure:

- Awareness:
  - Orthopaedic Outreach's commitment to protecting and safeguarding children is embedded in the organisation's culture; responsibility for taking action is understood and accepted at all levels of the organisation, staff, members and local partners are educated and trained about child safety.
- Prevention:
  - Orthopaedic Outreach carefully recruits and manages its staff and volunteers, and ensures that through awareness and personal and professional conduct, that staff and program activity participants minimise the risk to children
- Reporting:
  - All personnel have clear steps to follow where concerns arise regarding the safety of children
- Responding:
  - Action is taken to support and protect children where concerns arise regarding possible abuse.



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The Chair and Board ensure that:

- All personnel are recruited in line with the recruitment and screening guidelines outlined in the OO-PO-11 Human Resources Policy.
- All Orthopaedic Outreach personnel understand and agree to abide by this policy and applicable procedures while working or volunteering for Orthopaedic Outreach
- All personnel who have contact with or impact on children have received appropriate briefing and training. See OO-PO-11 Human Resources Policy.
- The Program Committee have undertaken a child protection risk assessment for all Orthopaedic Outreach activities to identify and minimise potential risks to children
- Any significant issues are escalated to the Board for information or response as appropriate.

The Orthopaedic Outreach Child Protection Officer must ensure that:

- Current information of the child protection context within all program countries is maintained, and related briefing and training materials are updated as appropriate.
- Orthopaedic Outreach endeavours to review this policy annually.
- The Chair and Board are kept briefed on all relevant changes to legislation and compliance requirements related to Child Protection

The Program Committee must ensure that:

- Any issues raised relating to child protection (including during recruitment and screening of volunteers or observers) are reported immediately to the Chair and Child Protection Officer for further action, and ensure appropriate documentation is completed.

Local Partners in Orthopaedic Outreach's Program Countries

- Orthopaedic Outreach is committed to having an agreement in place with all relevant local partners in relation to Child Safeguarding.

See OO-PO-10 Partner Due Diligence Policy

## PROCEDURE

### *Program Planning and Implementation*

The Program Committee undertakes a child protection risk context analysis on an annual basis for each of Orthopaedic Outreach's program countries, as part of the annual country program planning process, to establish the broad risk context. A specific program-based Child Protection Risk Assessment will also be undertaken for individual activities during the initial planning stage of each activity. Mitigation strategies are put in place for risks identified and these (and any emerging risks) must be actively monitored throughout the program.

### *Ethical Stories and Images*

Orthopaedic Outreach recognises our responsibility to keep children and youth safe when using their images or personal information for marketing and communication purposes. Accordingly,



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Orthopaedic Outreach will, at all times, portray children in a respectful, dignified, appropriate and consensual way. Orthopaedic Outreach has a comprehensive Ethical Stories and Images Policy which details its requirements relating to the depiction of children. These documents detail specific requirements and processes related to obtaining informed consent, and approval processes for the use of images and stories.

See OO-PO-13 Ethical Stories and Images Policy

### *Child Protection Reporting and Response Process*

Orthopaedic Outreach personnel and local partners must report any witnessed, suspected or alleged incidents of child abuse or any breach of the Child Protection Policy.

The Child Protection Officer and the Chair should ensure the response procedure is followed and that there is correct documentation of any allegation or concern.

Orthopaedic Outreach will treat all concerns raised seriously and ensure all parties are treated fairly and the principles of natural justice will be a prime consideration.

All reports will be handled professionally, confidentially and expediently and each report will be investigated on a case-by-case basis. Responses will reflect the nature of the allegation.

All discussions and concerns will be documented through an Incident Report Form.

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.

Orthopaedic Outreach will ensure the interests of anyone reporting child abuse/ exploitation in good faith are protected.

The first step in handling a child protection report must always be to protect the best interests of the child. Every effort will be made to protect the rights and safety of the child throughout the complaints handling process.

Once an allegation is made, there should be an immediate response that protects the child from further potential abuse/exploitation or victimisation. Where safe and possible, Orthopaedic Outreach will advocate that the child remains in the place of residence or relevant program location (for example, in hospital). Exceptions may be made where the child is deemed to be at risk of victimisation by peers as a result of the allegation or because the alleged abuse/exploitation has occurred in home-based care. If the child is in immediate danger

Orthopaedic Outreach will refer the matter to police and child protection services, who will be responsible for ensuring the safety of the child while the matter is under investigation.

An assessment must be made as to whether the child requires medical assistance or counselling support. The child must be referred for this support if it is required.



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Counselling services will be made available to Orthopaedic Outreach personnel involved in reporting the child's protection incident, including the alleged perpetrator.

During an investigation it may be deemed necessary to distance the alleged perpetrator. The best interests of the child may warrant the standing down of a staff member or volunteer.

If the matter is considered to be a criminal offence, Orthopaedic Outreach will refer the matter directly to the local police and or authorities as per mandated reporting requirements of that country.

Breaches of the Orthopaedic Outreach Child Safeguarding Policy by Orthopaedic Outreach personnel that are not deemed to be a criminal offence will be dealt with as a disciplinary matter

If the incident has occurred outside of the program (such as an incident witnessed by a volunteer) the matter should be referred to an external body or authority dealing with child protection matters within the country as per Child Protection Fact Sheet for the relevant country.

The below is a summary of who can report, what should be reported and when, and what may happen following a report.

#### What should be reported?

- Any disclosure or allegation from a child/community member, personnel or partner staff regarding the safety/abuse/exploitation of a child or a breach of the Child Safeguarding Policy,
- Any observation of concerning behaviour exhibited by an Orthopaedic Outreach personnel or partners staff or other relevant stakeholder that breaches the Child Safeguarding Policy,
- Inappropriate use of the organisation's photographic equipment or computers including evidence of child pornography, and
- Personnel or local partner staff engaging in suspicious behaviour that could be associated with sexual exploitation or trafficking.

#### When to report

- Child abuse/exploitation concerns should be raised immediately.

#### How should it be reported?

- Verbally and by completing the OO-F-02 Orthopaedic Outreach Child Safeguarding Incident Form

#### Who to report to?

- Child abuse/exploitation reports and concerns should be made to:
  - Chair
  - Child Protection Officer (in the absence of a dedicated Child Protection Officer, this role is assumed by the Operational Manager)



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What will happen next?

- The Child Protection Officer, in consultation with the Chair will discuss the allegations and then decide upon the next step. This may involve:
  - Interviewing the person/persons who made the allegations or other witnesses to gather more information with which to make a decision. (Notes of any interview must be taken and transcribed onto an incident report form),
  - Addressing any health and protection needs of the child,
  - Reporting to local police and or child protection authority,
  - Making a report to the Australian Federal Police,
  - Handling any concerns about staff internally, if it is not a criminal matter, and
  - No further action needing to be taken.

Description	Response	Escalation – Who and When
1) Allegation of abuse or exploitation of a child by Orthopaedic Outreach personnel or partner organisation staff OR	Report required	Child Protection Officer immediately.
2) Allegation of abuse or exploitation of a child involved in Orthopaedic Outreach or partner organisations' activities by an external actor.		Who will inform the Orthopaedic Outreach CEO and Board immediately.
3) Disclosure of suspicion of abuse or exploitation of a child by Orthopaedic Outreach personnel OR 4) Disclosure of suspicion of abuse or exploitation of a child involved in Orthopaedic Outreach or partner organisation activities by an external actor.	Report required	Child Protection Officer immediately Who will inform the Orthopaedic Outreach Chair immediately and Board as required.
5) Witnessed or reported allegation of abuse and exploitation of a child external to an Orthopaedic Outreach activity, not involving Orthopaedic Outreach personnel or partner organisation staff – outside scope of policy	Report required	Report to hospital or local authorities as appropriate



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## How to respond to a disclosure by a child

If a child/young person discloses that he or she has been abused/exploitation, they may be feeling scared, guilty, ashamed, angry and powerless. You, in turn, may feel a sense of outrage, disgust, sadness, anger and sometimes disbelief.

If a child discloses abuse/exploitation, whatever the outcome, the child must be taken seriously.

It is important for you to remain calm and in control and to reassure the child/young person that something will be done to keep him or her safe.

When a child or young person discloses they are being harmed, you can show your care and concern for the child/young person by:

- Listening carefully,
- Telling the child/young person you believe him or her,
- Telling the child/young person it is not their fault and he/she is not responsible for the abuse/exploitation, and
- Telling the child/young person you are pleased he/she told you.
- Try and obtain some details such as where the abuse/exploitation is taking place (school, home, work), whether it is currently occurring or did occur in the past and the name of the perpetrator, if possible, but not necessary.
- It is possible that some children or young people will make a disclosure and then ask you not to tell anyone. It is important you seek guidance from the Program Activities Coordinator to discuss how the child or young person can be supported and the disclosure managed.

You will not be helping the child/young person if you:

- Make promises you cannot keep, such as promising that you will not tell anyone,
- Push the child/young person into giving details of the abuse/exploitation. Your role is to listen to what the child/young person wants to tell you and not to investigate (beware of asking any leading questions as this may prejudice any subsequent investigation), and
- Indiscriminately discuss the circumstances of the child/young person with others not directly involved.

## Confidentiality

- All reports of breaches of the Orthopaedic Outreach Child Protection Policy (suspected or actual), the names of people involved, and the details will remain confidential. Reports should only be made to the Child Protection Officer or the Chair. The Chair will inform the Board when appropriate. Details will be released on a need-to-know basis or when required by relevant Australian or international law or a notification to police or child protection authorities is made.



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## Sanctions

- Where this policy has been breached by any Orthopaedic Outreach personnel, the Orthopaedic Outreach Board of Directors may decide to remove or suspend paid staff (on full pay) and remove or suspend volunteers or observers from any program activity while a case is being assessed or where a child's safety is at risk. During any formal investigation period they will not be permitted to undertake any Orthopaedic Outreach activity that has contact with children. It is important to note that this action is to be taken as a matter of precaution not a judgement of guilt.
- After due investigation by the relevant authorities, volunteer team members or observers who are found to have put children at risk or abused children will not be accepted for further Orthopaedic Outreach program activities.
- Where a potential team member, who is an overseas resident or citizen (such as a local medical professional in a partner country), is suspended from duty in their home country due to a child protection allegation, they will not be included in any program activity in until the allegation has been investigated and cleared.
- Orthopaedic Outreach may consider the following sanctions where this policy has been breached by Orthopaedic Outreach employees, including suspension, transfer, demotion and/or dismissal. Legal recourse may be taken if appropriate.
- Disciplinary action will be taken against any personnel or partner organisation staff member found to:
  - Have failed to report a child protection concern
  - Have intentionally made a false and malicious allegation

## GOVERNANCE

This policy is reviewed by the Board on an annual basis to ensure it continues to reflect legislative requirements and Orthopaedic Outreach internal operations.

Complaints regarding Child Safeguarding are handled as per this policy and documented on the OO-F-02 Child Safeguarding Incident Form.

## COMPLIANCE AND PERFORMANCE INDICATORS

See OO-ST-02 Key Performance Indicators

## COMMUNICATION

The Child Safeguarding Policy is communicated on the organisational website.

## RISK MANAGEMENT

See OO-RM-02 Risk Management and Assessment

## TRAINING



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All staff and active members are required to be trained in this policy and sign the OO-F-03 Orthopaedic Outreach Child Safeguarding Code of Conduct

See OO-PO-21 Human Resources Policy

### Legislative Framework and Standards

Orthopaedic Outreach's commitment to the protection and safeguarding of children is underpinned by the upholding of the *UN Convention of the Rights of the Child* (1989), local and international legislative frameworks, the Australian Council For International Development (ACFID) Code of Conduct.

Orthopaedic Outreach adheres to child protection laws which prohibit the abuse and exploitation of children, both in Australia and overseas.

These include the laws in countries where Orthopaedic Outreach's programs are implemented, and international laws and conventions in relation to all forms of child abuse and child exploitation, including: child sex tourism, preparatory laws, child sex trafficking, child labour and child pornography.

Orthopaedic Outreach also adheres to the following Australian legislation and international conventions and frameworks:

- Australian National Principles for Child Safe Organisations 2019 (national)
- Criminal Code Act 1995 (national)
- Relevant State and Territory legislation
- Council of Australian Governments' Protecting Children is Everyone's Business: National framework for Protecting Australia's Children 2009-2020
- United Nations Convention on the Rights of the Child

### LEGISLATION

#### Relevant Australian legislation

Under Commonwealth law an Australian citizen or resident can be prosecuted for an offence committed against a child in another country under laws that have an extra-territorial application.

#### Commonwealth Legislation

Legislation	Examples of offences	Maximum penalty
Criminal Code Act 1995		
Division 272 (child sex offences outside Australia)	Engaging in sexual intercourse outside of Australia with a child under 16 years of age	20 years imprisonment



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	Engaging in sexual activity outside of Australia with a child under 16 years of age	15 years imprisonment
	Engaging in sexual intercourse or sexual activity outside of Australia with a child under 16 years of age and the child has a mental impairment or is under the care, supervision or authority of the defendant	25 years imprisonment
	Engaging in sexual intercourse outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	10 years imprisonment
	Engaging in sexual activity outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	7 years imprisonment
	Grooming a child under 16 years of age to engage in sexual activity outside of Australia	12 years imprisonment
Division 273 (offences involving child pornography material or child abuse material outside Australia)	Possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia	15 years imprisonment
Division 474 (telecommunications offences, subdivision C)	Accessing, soliciting or transmitting child pornography or child abuse material using a carriage service	15 years imprisonment
	Engaging in sexual activity with a child under 16 years of age using a carriage service	15 years imprisonment
	Online grooming of a child under 16 years of age	15 years imprisonment
Crimes Act 1914		
The Crimes Act 1914 sets out the laws that govern the way legal proceedings under the Criminal Code Act 1995 are conducted, including the conduct of investigations and the protection of children involved in proceedings for sexual offences (under Part 1AD).		

### *State and Territory child protection legislation*

State and territory laws provide legal protection to children and families that are affected by child exploitation and abuse that occurs in Australia.



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State or territory	Legislation	Source
New South Wales Child Protection	(Working with Children) Act 2012	<a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>
Victoria	Working With Children Act 2005 Children, Youth and Families Act 2005	<a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Queensland	Commission for Children and Young People and Child Guardian Act 2000	<a href="http://www.legislation.qld.gov.au/OQPChome.htm">www.legislation.qld.gov.au/OQPChome.htm</a>
Western Australia	Working with Children (Criminal Record Checking) Act 2004 Children and Community Services Act 2004	<a href="http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html">www.slp.wa.gov.au/legislation/statutes.nsf/default.html</a>
South Australia	Children's Protection Act 1993	<a href="http://www.legislation.sa.gov.au">www.legislation.sa.gov.au</a>
Tasmania	Education and Care Services National Regulations 2011, Education and Care Services National Law (Tas) [See s 4 of Education and Care Services National Law (Application) Act 2011 (Tas)]	<a href="http://www.thelaw.tas.gov.au">www.thelaw.tas.gov.au</a>
Australian Capital Territory	Working with Vulnerable People (Background Checking) Act 2011 Children and Young Persons Act 2008	<a href="http://www.legislation.act.gov.au">www.legislation.act.gov.au</a>
Northern Territory	Care and Protection of Children Act 2007	<a href="http://www.nt.gov.au/dcm/legislation/current.htm">www.nt.gov.au/dcm/legislation/current.htm</a>

### *Partner Country Legislation*

Most countries in which Orthopaedic Outreach works has legislation relating to child exploitation and abuse. When working in-country, Orthopaedic Outreach personnel are required to abide by local legislation.

International child protection instruments that Australia is a signatory to:

Instrument	Source



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The United Nations Convention on the Rights of the Child 1989 (CROC)	<a href="http://www.unicef.org/crc">www.unicef.org/crc</a>
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<a href="http://www.unhcr.org/refworld/docid/50b353232.html">www.unhcr.org/refworld/docid/50b353232.html</a>
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	<a href="http://www.unhcr.org/refworld/docid/47dfdb180.html">www.unhcr.org/refworld/docid/47dfdb180.html</a>
Geneva Declaration of the Rights of the Child	<a href="http://www.un-documents.net/gdrc1924.htm">www.un-documents.net/gdrc1924.htm</a>
International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	<a href="http://www.ilo.org/ilolex/english/convdisp1.htm">www.ilo.org/ilolex/english/convdisp1.htm</a>

### Local Laws

Cambodia	<a href="https://www.unicef.org/cambodia/child-protection">https://www.unicef.org/cambodia/child-protection</a>
Fiji	<a href="https://laws.gov.fj/Acts/DisplayAct/924">https://laws.gov.fj/Acts/DisplayAct/924</a>
Indonesia	<a href="https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=63103">https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=63103</a>
Kiribati	<a href="https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=98628">https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=98628</a>
Papua New Guinea	<a href="https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=88000">https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=88000</a>
Samoa	<a href="https://mwcsd.gov.ws/assets/policy/Samoa%20National%20Child%20Care%20and%20Protection%20Policy%202020-2030.pdf">https://mwcsd.gov.ws/assets/policy/Samoa%20National%20Child%20Care%20and%20Protection%20Policy%202020-2030.pdf</a>
Solomon Islands	<a href="https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=105133">https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=105133</a>
Timor Leste	<a href="https://www.unicef.org/timorleste/reports/timor-leste-child-protection-law">https://www.unicef.org/timorleste/reports/timor-leste-child-protection-law</a>
Tonga	<a href="https://www.unicef.org/pacificislands/what-we-do/child-protection">https://www.unicef.org/pacificislands/what-we-do/child-protection</a>
Vietnam	<a href="https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=103522">https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=103522</a>

In addition to the legislative frameworks, Orthopaedic Outreach is a signatory to ACFID's Code of Conduct. Orthopaedic Outreach therefore commits to meeting the child protection standards outlined the ACFID Code of Conduct.