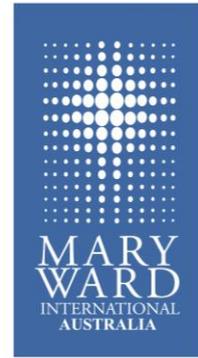


MARY WARD INTERNATIONAL AUSTRALIA

CHILD SAFEGUARDING

COMPLAINT-HANDLING PROCESS



This process relates specifically to the handling of child protection-related complaints, concerns or disclosures that involve any Mary Ward International Australia (MWIA) personnel including board directors, committee members, employees, volunteers, and contractors (including MWIA’s project partners). This includes any concerns about the behaviour of any of the above that may breach the *Child Safe Policy* or the *Child Safeguarding Code of Conduct Agreement*.

MWIA has a legal obligation to report certain complaints or concerning behaviours to relevant authorities. Any concern or disclosure made to MWIA relating to child protection must be followed up by an investigator, the Child Protection Focal Person or the MWIA Executive Officer (EO), or an external investigator if an actual or potential conflict of interest exists that would compromise the procedural fairness of the investigation.

This process is designed to be child-focused, culturally safe and accessible by children and those from diverse backgrounds as required by Article 12 of the *UN Convention on the Rights of the Child*, which states that all children should be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child.

PRIOR TO BEGINNING AN INVESTIGATION

To ensure that the child protection concern or disclosure is dealt with sensitively, professionally, promptly and fairly, consideration must be given to the following:

- The best interests of the child
- The safety and protection of all stakeholders, including their legal rights, safety and well-being.
- Maintaining confidentiality
 - Ensure reporting, record keeping, privacy and employment law obligations are met;
 - Information regarding a child protection concern must only be shared with the designated Manager, the Child Protection Focal Person or the EO; and
 - Information regarding a child protection concern must only be released on a “need to know” basis, when required by Australian or overseas law, or when a report to police or child protection authorities is made.
- Nominating an investigator
 - Determine if the Child Protection Focal Person or EO are able to investigate the complaint given any actual or perceived conflicts of interest which may hinder the investigation.
 - If an actual or perceived conflict of interest exists use only skilled personnel who are trained in handling complaints and who can be impartial and fair. This may require someone external to the organisation.

THE INVESTIGATION PROCESS

1. Establish clear aims, objectives and timeframes for the investigation.
2. Address power imbalances between the stakeholder, particularly if the concern or disclosure has been made by a child.
3. Inform all stakeholders of the steps to be taken during the internal investigation.
4. Inform all stakeholders of their roles and responsibilities and those of other stakeholders and investigators.
5. Provide the contact details for authorities, formal and non-formal child protection and support services (where they exist).
6. Provide all stakeholders with information on local child protection legislation and the organisations legal obligations.
7. Provide a copy of the *Child Safeguarding Code of Conduct Agreement* and reference the relevant legislation.
8. Interview the person/persons who made the allegations and/or other witnesses to gather more information about the allegation.

Upon completion of the above steps, the investigator will review the information gathered through the investigation (including that gathered in the interview phase) and decide upon the actions to be taken, which will involve one or more of the following:

- Report the allegation to local police and or child protection authorities when it is suspected or becomes clear that a crime has been committed;
- Report to the Australian Federal Police when it is suspected or becomes clear that a crime has been committed regarding child sex tourism, child sex trafficking and child pornography;
- Report to local child protection services as necessary;
- Handle the concern internally if it is not a criminal matter;
- No further action taken; or
- Provide support to all stakeholders (including the incident reporter) as necessary.

REPORTING TO AUTHORITIES IN AUSTRALIA

Currently, MWIA operates in Victoria and New South Wales and the contact details for reporting concerns about the welfare of the child in relation to neglect and/or emotional abuse or sexual abuse are listed below.

In Victoria concerns about the welfare of the child in relation to neglect and/or emotional abuse or sexual abuse should be reported to:

Child Protection: 1300 664 977

Child Protection Crisis Line: 13 12 78

Emergency: 000

In NSW concerns about the welfare of the child in relation to neglect and/or emotional abuse or sexual abuse should be reported to:

Child Protection Helpline: 132 111.

NSW Police Child Abuse and Sex Crime: 131 444

Emergency: 000

Any concerns about people engaging in child sex tourism, child sex trafficking and child pornography in Australia or overseas should be reported:

Australian Federal Police (Transnational Sexual Exploitation & Trafficking Team): 131 237

REPORTING TO AUTHORITIES OVERSEAS

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.

Those operating under the scope of this policy must be aware of their legal obligations under Australian law as well as the local laws of the project country.

If appropriate, MWIA will report the matter to Australian and/or in-country authorities. The advice of the in-country Australian Consulate Officials should be sought prior to the reporting of an incident as procedures vary from country to country.

Difficult and complex issues may emerge when responding to child abuse concerns in overseas programs. Before reporting a child abuse allegation from overseas, consideration must be given to:

- the treatment that the child will receive by local authorities e.g. will the child be victimised, criminalised, forced to undergo medical checks, etc;
- long term support for the child and family;
- whether the child will be ostracised by his or her family and or community as a result of reporting the abuse;
- how the local authorities will treat the alleged perpetrator e.g. torture, death penalty, corrupt justice systems; and
- impact on your staff and organisational reputation.

Any of the above considerations should not be used as reasons to avoid reporting child abuse in countries where child physical/sexual abuse or exploitation are crimes.

Any concerns about people engaging in child sex tourism, child sex trafficking and child pornography, in Australia or overseas should be reported:

Australian Federal Police (Transnational Sexual Exploitation & Trafficking Team): 131 237