

CHILD PROTECTION (CP) AND SEXUAL EXPLOITATION, ABUSE & HARASSMENT (SEAH) ALLEGATION MANAGEMENT PROCEDURES



ORGANISATION:	Kokoda Track Foundation
ACN:	103 660 948
POLICY TITLE:	Child Protection and Sexual Exploitation, Abuse & Harassment Allegation Management Procedures
VERSION:	4.0
STATUS:	FINAL
ALLIED POLICIES / PROCEDURES:	Child Protection Policy Prevention of Sexual Exploitation, Abuse and Harassment Policy Code of Conduct Human Rights Policy Working with Communities Policy Complaints Policy Discrimination, Harassment & Bullying Policy Whistleblower Policy
OWNER:	CEO
APPROVED BY:	Board
LAST UPDATE:	5.12.2023
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INTRODUCTION:

KTF is committed to the protection of children and all people, especially vulnerable and marginalised people, from harm, abuse and exploitation. We are committed to taking all necessary steps to ensure that all children and young people with whom we work are provided a child safe environment at all times (as outlined by our Child Protection Policy and Child Protection Code of Conduct). KTF also has a zero-tolerance policy on sexual exploitation, abuse and harassment which alongside KTF's Code of Conduct is intended to support the building of a positive, respectful and motivating environment.

PURPOSE:

This document outlines the procedures to follow for:

- Reporting allegations or concerns about child safety (including abuse, neglect or exploitation), or sexual exploitation, abuse and harassment towards an adult
- Investigating allegations or concerns about child safety or SEAH
- Concluding investigations about child safety or SEAH.

To use these Procedures, you will need access to the following KTF documents:

- KTF Child Protection Policy
- KTF Child Protection Code of Conduct
- KTF Prevention of Sexual Exploitation, Abuse & Harassment Policy
- KTF Code of Conduct
- KTF Whistleblower Policy
- KTF Child Protection Incident Reporting Form
- KTF SEAH Incident Reporting Form
- DFAT Child Incident Notification Form
- DFAT SEAH Incident Notification Form

GETTING STARTED:

Who should report?

All KTF staff, volunteers, directors, partners and external stakeholders (e.g. supporters, partner organisation staff, community members,) must report any concerns that they have:

- For the safety or wellbeing of a child including child abuse, neglect, or exploitation, or the possession of child exploitation material, or policy noncompliance. (Please see [KTF's Child Protection Policy](#))
- Regarding incidents of SEAH perpetrated towards an adult. (Please see [KTF's PSEAH Policy](#).)

Please note, if your concern relates to:

- A grievance not covered under KTF's CP or PSEAH Policy (e.g. a grievance related to discrimination, vilification, bullying and conflict) please see KTF's Discrimination, Harassment & Bullying Policy.
- A complaint other than those addressed by KTF's PSEAH, Child Protection or Discrimination, Harassment & Bullying Policies, please see KTF's Complaints Handling Policy.

What should I report?

Any behaviour that you suspect and/or report made to you (including reports by a child) about a KTF employee, director, volunteer, representative, supporter, associate or implementing partner regarding;

- child exploitation and/or abuse
- possession of any child exploitation material
- breach of KTF's Child Protection Policy, Child Protection Code of Conduct or PSEAH Policy
- criminal proceedings being undertaken in regard to child exploitation and/or abuse
- Sexual Exploitation, Abuse and/or Harassment (SEAH) of an adult
- criminal proceedings being undertaken in regard to sexual exploitation and abuse of an adult
- any other Child Protection or SEAH concerns

What if I am not sure?

KTF requires that you report any concerns, rather than investigate yourself. You should report any concern or allegation, regardless of whether you believe that it is substantiated or not. Relevant KTF representatives who will respond to the matter are equipped to determine whether or not there has been a Child Protection or SEAH incident, or whether this is considered a breach of KTF Policies.

When should I report?

Immediately or as soon as it is practically possible.

Who do I report to?

Complete KTF's Child Protection or SEAH Incident Reporting Form and follow the reporting steps outlined in the Procedure below.

What happens to the information I report?

All misconduct complaints must be recorded, subject to the wishes and welfare of the complainant. All information provided will be treated in accordance with relevant Commonwealth legislation, including the Privacy Act 1988. Records that may be or are required as evidence in any judicial proceeding must not be destroyed under section 317 of the Crimes Act 1900 (NSW). All information gathered is to be clearly documented, filed and maintained in a safe and secure repository either physically or electronically. Information will only be shared with those persons who are directly involved in the investigation and decision-making process and/or the provision of professional advice on the matter. All relevant KTF Employees (including the CEO, Child Protection Working Group members, PSEAH Working Group

members, Program Heads, and any other representative where agreed upon by the CEO) must sign and adhere to KTF's Child Protection Confidentiality Agreement and/or KTF's PSEAH Confidentiality Agreement.

KTF will treat all concerns raised seriously and ensure that all parties will be treated fairly. KTF will meet country, state or territory specific legislative requirements. Any person who intentionally makes a false allegation or malicious allegation will face disciplinary action.

KTF will ensure that the best interests of the child are reflected in the actions that the organisation takes to handle the allegation of child harm.

Similarly with adults, KTF has a commitment to operating within a survivor-centred approach and will respect the wishes and dignity of the survivor. This may include involving them in decision making, providing them with comprehensive information, protecting their privacy and confidentiality, allowing for de-identification of a complainant or for anonymous complaints to be received and managed, not discriminating, and considering needs for counselling.

What about reporting to other stakeholders?

In relation to Child Protection matters, KTF must immediately notify the relevant authorities including the Department of Foreign Affairs and Trade (DFAT) Child Protection Compliance Section of any concerns relating to the abuse or exploitation of children in DFAT funded activities. These reports must be immediately reported per the processes outlined below. KTF's Chair of the Child Protection Working Group will facilitate notification to DFAT.

If it is suspected or clear that a child protection crime has been committed, KTF must immediately report to local police and Family and Sexual Violence Units or Community Development Divisions at District or Provincial offices. If it is suspected or clear that a crime has been committed regarding child sex tourism, child sex trafficking and child pornography; KTF must immediately report to PNG Police authorities and/or the Australian Federal Police.

In relation to SEAH matters, KTF must notify the relevant authorities including the Department of Foreign Affairs and Trade (DFAT) of any concerns relating to SEAH in DFAT funded activities. These reports must be reported per the processes outlined below. KTF's Chair of the PSEAH Working Group will facilitate notification to DFAT.

If it is suspected or clear that a SEAH crime has been committed, with the permission of the victim, and with opportunities to deidentify the victim if desired, KTF is to immediately report to local police and Family and Sexual Violence Units or Community Development Divisions at District or Provincial offices.

Where allegations are made against an implementing partner or its representatives, the implementing partner will investigate and report to KTF. KTF may conduct its own investigation pre- or post-finalisation of the implementing partner's investigation.

PROCEDURES:

STEP 1: RECEIVING & IMMEDIATE RESPONSE TO ALLEGATIONS

1. KTF representative or partner suspects or receives allegation regarding:
 - Child abuse, neglect or exploitation
 - Possession of exploitation or abuse material involving children
 - Breach of Child Protection Policy or Child Protection Code of Conduct
 - Criminal proceedings being undertaken in regard to the sexual exploitation and/ or abuse of a child
 - Sexual exploitation, abuse or harassment of an adult
 - Criminal proceedings being undertaken in regard to the sexual exploitation and abuse of an adult

2. KTF representative or partner will take immediate necessary actions to protect the child/adult from exploitation or abuse, including reporting the suspicion or allegation to:
 - KTF Child Protection Working Group
 - KTF PSEAH Working Group
 - Police and/or government authorities (via KTF CEO or COO); mandatory for child protection breach (including PNG police and in relevant circumstances, see above, Australian Federal Police); with survivor permission and options for deidentification of the survivor for SEAH breach.
 - Child's parent or guardian (unless this would jeopardise the child's safety or welfare).

3. In relation to DFAT-funded activities:
 - For child protection matters, immediately notify the Department of Foreign Affairs and Trade (DFAT) Conduct and Ethics Unit (via childwelfare@dfat.gov.au) of any concerns relating to the abuse or exploitation of children, including suspected or alleged instances of child abuse. Notification to be undertaken by KTF Chair of Child Protection Working Group.
 - For SEAH matters, notify DFAT using the DFAT Sexual Exploitation, Abuse and Harassment Incident Notification Form (www.dfat.gov.au/pseah) and emailed to seah.reports@dfat.gov.au This notification will be made by KTF Chair of PSEAH Working Group within the following timeframe:
 - Within two working days of any alleged incident of SEAH;
 - Within five working days of any policy non-compliance.

STEP 2: REPORT & ASSESS THE ALLEGATIONS

Once a KTF representative receives a CP or SEAH allegation, they are to complete the KTF [Child Protection Incident Reporting Form](#) or [SEAH Incident Reporting Form](#). If the person who is raising the allegation has already completed the Form, the KTF representative will review and complete any missing details. These forms include:

- Name and contact details of person lodging the Form
- Date/s of incident/s
- Name of organisation/s involved
- Alleged offender's details including name, nationality and occupation or relationship to KTF or Partner organisation
- Details of alleged incident/s
- Whether local law enforcement authorities or Australian Federal Police have been involved
- If incident/s occurred in the course of a KTF activity or KTF funded activity, the name of the activity
- Steps taken
- Any other relevant information

Submit the Form to the Chair of the CP or PSEAH Working Groups via email who will review the report and log the details in the Child Protection or SEAH Incident Log.

- Chair Child Protection Working Group: Sage Emmerson, GEDSI & Safeguarding Advisor (sage@kokodatrackfoundation.org)
- Chair PSEAH Working Group: Mike Nelson, COO (mike@kokodatrackfoundation.org)

The Chair to review the Form and assess the seriousness of the allegation, legitimacy of the allegation and steps undertaken to date. Confirm required reports to local authorities and DFAT have been made where required.

If it is determined that the allegation requires investigation, continue with Step 3 of this Procedure below.

If it is determined that the allegation does not require investigation, the Chair of the Child Protection or PSEAH Working Group are to respond to the allegation and resolve the matter. This will include logging all relevant information in the Child Protection or SEAH Incident Log.

STEP 3: INVESTIGATE THE ALLEGATIONS

The Chair of the CP or PSEAH Working Group, who has received and reviewed the Child Protection or SEAH Reporting Form and determined that investigation is required (as per the above), are to take the matter to the CEO and brief them on the allegation.

The CEO will:

- Authorise the Chairs of the Working Groups to act as the key Investigating Officers in the matter. If the CEO deems this to be inappropriate, they may take this role on themselves.
- The CEO may determine that the Investigating Officers require the support of other KTF representatives, who will collectively make up the Investigating Committee (e.g. the Head of Education/Localisation/Health, a relevant Program Manager, the CEO, a board representative).
- If a KTF representative is implicated in the allegation, determine alongside the COO and CFO whether to suspend their employment / engagement until the investigation is concluded.
- In the event the allegation has been made against the CEO, the Board Chair will perform the duties assigned to the CEO in this process.

The Investigating Committee will commence the investigation. The following principles will apply during the investigation:

- When investigating take care to act in a fair and reasonable manner.
- The nature and extent of the investigations will depend on the matter.
- Keep an open mind and look for evidence.
- Give all attendees warning and time to prepare for investigation/fact finding meetings.
- Investigatory meetings should be conducted by the Investigating Officer and should be confined to establishing the facts of the case.
- It is important that disciplinary action is not considered at an investigatory meeting. If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a formal meeting at which the employee will have right to be accompanied.
- Any updated or new information is to be logged in the Child Protection or SEAH Incident Log.

STEP 4: CONCLUDE THE ALLEGATIONS

The Investigating Committee are to meet at the conclusion of investigation. The outcomes of the investigation are to be documented in the Child Protection or SEAH Incident Log.

If the allegation or concern is found to be unsubstantiated:

- Provide ongoing monitoring and review
- The COO and CFO will develop a return to work plan for a KTF representative that was suspended pending the investigation. For any KTF representative subject to investigation, counselling will be made available.

If the allegation or concern is found to be substantiated but not require mandatory reporting to statutory and regulatory authorities, then:

- For KTF Representatives, implement Disciplinary Procedure (up to and including termination of employment)
- For supporters, manage relationship up to and including termination of the relationship with the supporter
- For implementing partners, CP and PSEAH Working Group Chairs and CEO to monitor and advise on management of ongoing partnership and projects.

If the allegation or concern is found to be substantiated and require mandatory reporting to statutory and regulatory authorities, then:

- For KTF Representatives:
 - Individual to be suspended from work (if applicable) until conviction determined by authorities
 - Disciplinary procedure implemented following conviction result (up to and including termination of employment)
 - Details of disciplinary procedures and/or conviction to be included in employee's file
- For supporters, manage relationship up to and including termination of the relationship with the supporter
- For implementing partners, CP and PSEAH Working Group Chairs and CEO to monitor and advise on management of ongoing partnership and projects.

The Investigating Committee will determine to whom the outcome will be reported, including:

- CP and PSEAH Working Groups
- Leadership Team
- Board
- Parents/caregivers of the child/children involved. If police and state authorities have been informed then the provision of information will be undertaken in line with the direction of those authorities
- DFAT (in line with DFAT advised requirements)
- Other external bodies

The Investigating Committee will review:

- Whether KTF's Child Protection Policy or PSEAH Policy were followed;
- Whether these Procedures were followed;
- Consider the outcomes of the investigation;
- Consider whether the best interests of the child or adult survivor were served throughout the process;
- Determine steps to take to improve the process;
- Document these learnings and reflections in the Child Protection or SEAH Incident Log, and where appropriate KTF's Quality Improvement Register.