

Child Protection Policy

The mSupply Foundation

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Purpose

These procedures aim to provide guidance and direction to all mSupply Foundation ('the Foundation') staff and representatives so that:

- The rights of children are protected and enhanced through the Foundation's programs and projects;
- Foundation staff and representatives understand issues of child protection; are aware of the problem of child harm and /or abuse and strive to avoid occurrences of child harm or abuse in their work;
- There are clear guidelines on reporting suspected child harm or abuse.

Scope

This is a Foundation-wide policy, applying to all Board members, staff, and contractors of the Foundation.

Definitions

There are no technical references used in this document. However, the document has been established with reference to the following legislation and terminology used is consistent with its use within this legislation:

- New Zealand: Children's Action Plan and Vulnerable Children Act 2014 and associated guidelines
(<https://www.justice.govt.nz/justice-sector-policy/key-initiatives/cross-government/childrens-action-plan/>)
- New Zealand Crimes Act 1961
(<https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html>)
- Australia: Criminal Code Act 1995
(<https://www.legislation.gov.au/Details/C2017C00235>)
- State of Victoria, Australia: Working with Children Act 2005
(<https://www.legislation.vic.gov.au/inforce/acts/working-children-act-2005/063>)
- DFAT Child Protection Policy
(<https://www.dfat.gov.au/sites/default/files/child-protection-policy.pdf>)
- State of Victoria, Australia: Children, Youth and Families Act 2005
(<https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/121>)

Background

The Foundation recognises the need to address wider issues facing society and not just because they impact on our operations. Protecting the rights, health and well-being of children is the right thing to do.

Policy

Risk Assessments and Program Design

Where staff or other Foundation representatives are likely to come in contact with children during a project or activity, it should be included in the project or activity risk assessment. Appropriate control measures must be put in place to reduce the risk, if possible by designing the activity to remove any unsupervised contact with children.

Consideration should be made to keeping children safe within all programs or projects. This should extend to the health and safety of children working on Foundation projects. Partnership agreements will advise our partners in-country of our obligations under Child Protection Legislation and they will be asked to endorse the protection of children in all program and project activities.

Foundation Recruitment and Selection

The Foundation recognises that appropriate and thorough recruitment procedures can prevent the employment of people who may pose a risk to children and thus minimise the risks of child harm or abuse being committed by Foundation staff.

The following should be reflected in recruitment and selection procedures:

- A clear position description for the role which is properly assessed during selection and includes reference to requirements for completing police check (where required)
- Two verbal (when possible) references obtained for all employees. Personal references should be avoided as they may not provide accurate information on either an applicant's capability or background
- Gaps in employment and education history should be explored at interview
- Specific questions on child protection asked at interview for positions involved with working with children
- Confirmation of identity
- Contracts of employment contain a clause making police checks a condition of employment.

Police Checks

All Foundation staff and representatives 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, are required to undergo a National Police Check. The cost of obtaining a police check will be met by the Foundation.

Checks must be conducted for each country in which an individual has lived for 12 months or longer over the last five years, and for the individual's countries of citizenship. For countries where police checks are not available, a signed statutory declaration should be attained.

Positions will be monitored to ascertain if a national police check is required for an individual.

Child Labour

The Foundation does not engage, and will not knowingly permit any partner organisation, sub-contractor, or representative to engage, children in work performed for or in connection with Foundation-funded programs or projects, where that work:

- is below the minimum age for employment set by national law in the country where the work takes place; or
- in the absence of such law, is below 15 years of age for general work, or 18 years of age for hazardous work, consistent with International Labour Organisation Convention 182; or
- interferes with a child's compulsory schooling, or is likely to harm their health, safety, or development.

This requirement applies regardless of whether the work is paid, unpaid, informal, or performed within a family or community setting connected to Foundation activities.

Partnership agreements and sub-contractor agreements must include an explicit commitment to this clause, consistent with the Foundation's existing requirement that funded partners and sub-contracted organisations comply with the Child Protection Policy (see Monitoring).

Age is verified using official documentation before engagement. Any suspected breach of this clause must be reported using the procedures set out under Reporting Procedures.

Induction

All Foundation staff and representatives will receive a copy of this Child Protection Policy.

Reporting

During their work, Foundation staff and representatives may observe incidents where children and youth are harmed or at risk of harm from their parents, carers, or an

institutional setting such as a school, orphanage or hospital. Immediately reporting such instances to local authorities may not always be in the best interests of the child involved as many countries do not have the resources, agencies or support services available to effectively handle these types of situations.

Staff and TMF representatives must report to the Foundation when they have a reasonable belief that a child or young person has been harmed or is at potential risk or harm when it is due to the actions of:

- a Foundation staff member or associate/representative
- a staff member or associate/representative of a Foundation partner organisation

Foundation partner organisations are also encouraged to inform the Foundation when they have a reasonable belief that a child or young person has been harmed or is at potential risk of harm. Concerns that must be reported include:

- an observation or disclosure (by an adult or child) or actual harm or abuse to a child
- an observation or disclosure of potential risk of harm or abuse to a child
- a breach of the Foundation's Child Protection Policy
- a situation or environment which is working in opposition to, or poses a threat to children's rights
- an observation or disclosure of behaviour which could be considered grooming
- child exploitation materials that are received on Foundation electronic equipment or personal electronic equipment being used for Foundation work (this can include but is not limited to SPAM, popups, text messages, emails or social media communications)
- any suspected case of child labour reported through TMF project manager or country lead and then escalated to the Child Protection officer if required and addressed in line with the child's best interests, including access to education or support - not simply dismissal.

Reporting Procedures

A template reporting form will be made available through Finance Manager or Project Manager. Reports or concerns relating to child protection must be made to one of the following people:

- the relevant Project Manager or Country Team Lead
- the Finance Manager (Auckland Office): Sian Knauf (sian@msupply.foundation)

- a Board member of the Foundation
- the Child Protection Officer: Dhanya Herath (dhanya@msupply.foundation)

All reported concerns will be investigated and assessed in a confidential, procedurally fair and timely manner. All reported concerns reported to the relevant individual will be reported to the Finance Manager to be recorded in the Child Protection Register. The Child Protection Register does not identify individuals; identifying details will only be used in confidential files.

Staff or representatives who have child harm or abuse allegations raised against them will be suspended from their work with the Foundation whilst an investigation is completed. Depending on the nature of the allegations it may be appropriate to engage an external organisation with particular expertise to conduct the investigation.

If a staff member or representative raises a legitimate concern about suspected child harm and/or abuse which proves to be unfounded on investigation, no action will be taken against the person who raised the concern. However, any staff member who knowingly makes false and/or malicious accusations against another person may face disciplinary action.

The Finance Manager will inform a Director of the Foundation about any child protection reports or concerns. Any investigation will be undertaken in consultation with a Director of the Foundation. Reports or concerns relating to staff or representatives working on an externally funded activity will also be reported to the relevant funding agency.

Where a concern is raised in relation to a Director of the Foundation, Finance Manager, or the Child Protection Officer, the incident will be reported through a non-involved person from the above list and they may use their discretion to engage an external advisor to mediate from an appropriate external agency, such as Australian Government, Department of Foreign Affairs and Trade or New Zealand Government, Ministry of Foreign Affairs and Trade.

Training

As part of the induction process all staff will be required to read and sign a copy of this policy. Furthermore they will receive training on mSupply policies, including the Child Protection Policy, which will be renewed on a regular basis.

Monitoring

The Finance Manager will ensure that all New Zealand-based staff are informed of their responsibilities and obtain a police check if required. All staff will be provided with a copy of the Foundation's Child Protection Policy and will be given an opportunity to ask questions or further information.

The International Project Managers will have responsibility in relation to overseas-based staff and representatives. Project Managers will have responsibility for in-country compliance ensuring that the Foundation's Child Protection Policy is upheld.

All funded partners and sub-contracted organisations or individuals will be made to comply with the requirements outlined in the Foundation's Child Protection Policy as part of their partnership and sub- contractor agreements.

Research

All research involving children will undergo ethics approval, either through the relevant research body or through a specific Working Group established by the Foundation before the research commences.

Research Reporting will routinely advise on adherence to the policy and procedures.

Appendices

None

Approval Agency

The mSupply Foundation Board

Contact Person

The following person may be approached on a routine basis in relation to this policy:
Sian Knauft: Finance Manager

sian@msupply.foundation



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