



## AUSTRALIAN RESPIRATORY COUNCIL

# CHILD SAFEGUARDING POLICY

### Introduction

The Australian Respiratory Council's (ARC's) mission is to improve lung health in communities, with an emphasis on disadvantaged groups and as such, ARC may work indirectly with children or fund projects with partners that may work with children. The ARC recognises that the protection of children is the responsibility of all personnel, partners and associates of the organisation. ARC will ensure that all staff, relevant stakeholders and partners are made aware of the organisation's Child Safeguarding Policy (CSP) and their responsibilities within the policy.

The ARC's CSP demonstrates the organisation's commitment to ensuring the protection of children and young people at all times. This will be realised by providing all personnel who have contact with children the necessary training and skills to implement this policy and the inclusion in MOUs and contracts with funding recipients the requirement that the standards within this policy for the protection of children and promotion of wellbeing are to be implemented in accordance with the principles and standards within the policy.

This policy is based on the ACFID Guidelines for the development of a Child Safeguarding Policy November 2018.

### Guiding Principles

The ARC's Child Safe Guarding Policy:

- Demonstrates ARC's commitment to protect children from harm and abuse
- Aims to educate staff and others about child abuse and promote a child safe and a child friendly culture where everyone is committed to keeping children safe
- Aims to create an open and aware environment where concerns for the safety and wellbeing of a child can be raised and managed in a fair and just manner, which protects the rights of all
- Provides guidance on how to respond to concerns and allegations of child abuse
- Provides guidance to staff and others on how to work respectfully and effectively with children
- Provides all stakeholders, including staff and others, with a safe working environment.

As a signatory to the ACFID Code of Conduct, ARC is required to have policies and procedures implemented which promote the safety and wellbeing of all children accessing its services and programs, in particular to minimise the risk for abuse to children.

ARC is obliged to adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include local laws in countries where ARC's project activities exist, and international laws and conventions in relation to all forms of child abuse and child exploitation, including: child sex tourism, child sex trafficking, child labour and child pornography.

For a glossary of terms used in this Policy, please see Appendix 1.

**All ARC personnel are required to acknowledge in writing that they have read and agree to abide by this policy** (please see Appendix 2 – Child Protection Policy Code of Conduct and Acknowledgement Form).

## **2. Definition**

### **What is Child Protection?**

For the purposes of this policy Child Protection is defined as:

*An activity or initiative designed to protect children from any form of harm, particularly arising from child abuse or neglect.*

## **3. General Principles**

ARC's policy is guided by the following four principles:

### **3.1 Zero tolerance of child abuse**

ARC believes that any form of child abuse and exploitation is unacceptable and will not be tolerated. ARC will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children, nor fund any individual or organisation that does not meet ARC's child protection compliance standards in their operations and activities.

### **3.2 Recognition of Children's interests**

The United Nations Convention on the Rights of the Child is the universal foundation for child protection. Australia is a signatory to this. The fundamental principle of the Convention is that children have their own indivisible rights. ARC believes that all children have a right

to be safe at all times, and we have an obligation to provide safe and protective services and environments.

### **3.3 Sharing responsibility for child protection**

ARC recognises its duty of care to take all reasonable steps to ensure that children are safe from harm and will take proactive steps to create child safe and child friendly programs.

ARC will ensure that all staff and relevant stakeholders are made aware of the CSP and their responsibilities. Adherence to this CSP is a mandatory requirement for all staff and others involved with ARC.

### **3.4 Risk Management approach**

ARC will ensure all decisions regarding the welfare and protection of children are made based on the Best Interests of the Child Principle. This principle refers to decisions considering that the child receives maximum benefit possible from services provided, and that the positive impacts of any course of action outweigh any negative impacts.

Where possible, children will be consulted in the development of the CSP and the implementation of child safe practices. Children in ARC programs should be given opportunities to express their views on matters affecting them. ARC believes that all children should be equally protected and assisted regardless of their gender, nationality, religious or political beliefs, family background, economic status, physical or mental health or criminal background.

## **4. Strategies**

ARC is committed to educating staff and others in the CSP, in how to reduce risks and create child safe environments. ARC will promote child safe practices which keep children safe in the organisation and in their own community, and provide information about child protection to the children and communities in which we work. This information will include reporting child abuse if they have concerns about an ARC member of staff or other representative in the organisation.

ARC's Child Protection Policy will be reviewed every two years. The Chief Protection Officer (in ARC's case this is the Executive Director) will manage the review of the CSP, and staff will be consulted in this process.

## **5. Scope of the Policy**

This policy applies to all staff and other key groups. 'Staff' refers to: full time, part time, international and national and also those engaged on short term contracts such as: consultancies, researchers, photographers etc. 'Others' refers to: visitors, volunteers, board members, trustees, staff in partnership agencies, and any other individuals or groups that have contact with the organisation.

## **6. Child Protection Risk Management**

ARC recognises that there are a number of potential risks to children in the delivery of project to the vulnerable and disadvantaged. In recognising these risks, ARC proactively assesses and manages these risks to children in our projects (and in the communities in which we work) to reduce the risk of harm. This is achieved by examining each project and its potential impact on children. Projects and activities that involve direct work with children are considered a higher risk, and therefore require more stringent child protection procedures. However, as children are part of every community in which we work, we are always mindful of potential risks.

Risk management is an ongoing part of every activity, and ARC conducts a child protection risk assessment on every new and emerging program and project, included in the project management cycle.

Staff and others should continually be aware of risks, and be actively minimising opportunities and situations where children can be harmed.

A child abuse incident reporting sheet has been developed and staff are aware of its existence.

## **7. Code of Conduct for Working with Children**

Staff members and others are responsible for maintaining a professional role with children, which means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship.

All staff should conduct themselves in a manner consistent with their role as an ARC representative and a positive role model to children. ARC has developed a child safe code of conduct to protect children, staff and the organisation by providing clear behavioural guidelines and expectations.

## **8. Use of Children's Images**

ARC will at all times portray children in a respectful, appropriate and consensual way. ARC's guidelines on the use of children's images, in line with ARC's Code of Conduct and ARC's Image Use Policies and include the following:

**8.1** A child should always be portrayed 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.

**8.2** A child and its family must always be asked for consent when using their images. When asking for consent to use the image, details should be given as to how and where this image will be used.

**8.3** There should be no identifying information regarding location of the child used in the publication of images.

**8.4** Children should be portrayed as part of their community.

**8.5** Local cultural traditions should be assessed regarding restrictions for reproducing and publishing personal images.

## **9. Employment of Staff and Volunteers**

ARC is committed to child safe recruitment, selection and screening practices. These practices aim to recruit the safest and most suitable people to work in our programs. Our child safe practices includes giving reliable information about the position, planned interviews, asking difficult questions, watching for red flags and warning signs in interviews, conducting reference checks, conducting police checks and always seeking clarification of employment history gaps.

Insufficient screening is a risk factor which could allow selection of an unsuitable candidate.

## **10. Child Abuse Reporting Processes and How to Respond to a Child Who Has Been Abused**

ARC considers the abuse and exploitation of children to be completely unacceptable. ARC will take all concerns and reports of child abuse seriously and act on these reports immediately.

It is mandatory for all ARC staff and others to report concerns or allegations of child abuse. These concerns may relate to a child or a staff member involved in the organisation or a concern about a child or person/s outside of the organisation's programs. If you do have a concern you should immediately follow ARC's child abuse reporting procedures.

## **11. Involving Children**

ARC is committed to child and youth participation in programs when applicable. ARC will do this by providing opportunities for children's views to be heard and incorporate their views into the policies and programs. Children will be asked for their feedback about staff and services. They will be consulted in the development and review of the CSP and will be asked to contribute to the child safe code of conduct in regards to what they consider to be appropriate and inappropriate behaviours. Children will also be informed about the ARC child abuse reporting process and who to contact if they are at risk, have been abused or are concerned about another child

## **12. Record Keeping - Confidentiality**

All reports, the names of people involved and the details will remain confidential. Only the ARC Executive Director and/or President and the people involved will be informed of the report. Details will be released on a "need to know" basis or when required by relevant local or Australian law or a notification to police or child protection authorities is made.

Adopted by the Board of Directors on: 14<sup>th</sup> October 2019

To be reviewed October 2024.

**APPENDIX 1**  
**AUSTRALIAN RESPIRATORY COUNCIL**  
**CHILD PROTECTION POLICY**  
**GLOSSARY OF TERMS<sup>i</sup>**

<b>Bullying</b>	Bullying is the inappropriate use of power by an individual or group, with intent to injure either physically or emotionally. It is usually deliberate and repetitive. The bullying may be physical or psychological (verbal and non-verbal). <ul style="list-style-type: none"> <li>• Physically, bullying includes pushing, hitting, punching, kicking or any other action causing hurt or injury.</li> <li>• Verbal bullying includes insults, taunts, threats and ridicules.</li> <li>• Psychological bullying includes physical intimidation and ostracism.</li> </ul>
<b>Child Abuse</b>	Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Child abuse includes physical, sexual, emotional, neglect, bullying, child labour and domestic violence.  Both boys and girls can be the victims of abuse, and abuse can be inflicted on a child by both men and women, as well as by young people themselves.  In some cases, professionals and other adults working with children in a position of trust also abuse children.
<b>Child and young person</b>	A child or young person is regarded to be any person under the age of 18 years, unless a nation's laws recognise adulthood earlier.
<b>Child Protection</b>	Is the term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated.
<b>Child sex tourism</b>	Is the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone aged under 18 years of age.
<b>Children in emergencies</b>	Children in emergencies are especially vulnerable to abuse and exploitation. In an emergency or crisis situation, children are extremely vulnerable when they become part of a displaced or traumatised population.
<b>Duty of Care</b>	Duty of Care is a common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the

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<sup>i</sup> Definitions have been sourced from AUSAID & ACFID Child Protection Policies

	organisation to protect children from all reasonably foreseeable risk of injury.
<b>Emotional abuse</b>	This occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or caregiver, to the extent that it affects the child's physical and emotional growth.
<b>Exposure to Domestic violence</b>	Domestic violence occurs when children and young people witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within intimate relationships.  (adapted from the Australian Medical Association definition)
<b>Neglect</b>	Neglect is the persistent failure or the deliberate denial to provide the child with clean water, food, shelter, sanitation or supervision or care to the extent that the child's health and development are placed at risk.
<b>Particularly vulnerable children</b>	Child abuse takes place not only within the family environment, but also outside the family, including: institutions, at work, on the streets, in war zones and emergencies.
<b>Physical abuse</b>	This occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.
<b>Sexual abuse</b>	This occurs when a child or young person is used by an older or bigger child, adolescent or adult for his or her own sexual stimulation or gratification - regardless of the age of majority or age of consent locally. These can be contact or non-contact acts, including threats and exposure to pornography.

## **APPENDIX 2**

### **AUSTRALIAN RESPIRATORY COUNCIL**

### **CHILD SAFEGUARDING POLICY (CSP) CODE OF CONDUCT and ACKNOWLEDGEMENT FORM**

I \_\_\_\_\_ ( Full Name),  
\_\_\_\_\_ (Position) agree that I:

#### **WILL:**

- Comply with ARC's CSP and conduct myself in a professional manner that is consistent with the values of ARC
- Treat all children and young people in ARC's projects and activities with respect regardless of age, gender, religious or political beliefs, physical or mental health, sexual orientation, family and social background and culture, economic status or criminal background
- Provide a welcoming, inclusive and safe environment for all children, young people, parents, staff and volunteers
- Respect cultural differences
- Encourage open communication between all children, young people, parents, staff and volunteers and have children and young people participate in the decisions that affect them
- Immediately report any concerns of child abuse or breach of the CSP or the ARC Code of Conduct according to the guidelines set out in the CSP
- Be transparent in my actions and whereabouts
- Take responsibility for ensuring I am accountable and do not place myself in positions where there is a risk of allegations being made.
- Comply with all relevant Australian and overseas child protection legislation, including labour laws in relation to child labour
- Self-assess my behaviours, actions, language and relationships with children.
- Immediately disclose all charges, convictions or other outcomes that are an offence that relate to child exploitation or abuse
- Speak up when I observe concerning behaviours of colleagues.

**WILL NOT:**

- Engage in behaviour that is intended to shame, humiliate, belittle or degrade children
- Use inappropriate, offensive or discriminatory language when speaking with a child or young person
- Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes
- Invite children into my home/accommodation or private location unless they are in immediate risk of injury or physical harm
- Sleep in the same room or bed as a child
- Smack, hit or physically assault or punish children
- Develop sexual relationships with children or relationships with children that may be deemed exploitative or abusive
- Not give or provide children with alcohol or illegal drugs
- Not show favouritism through the provision of gifts or inappropriate attention or behave provocatively or inappropriately with a child
- Condone or participate in, behaviour of children that is illegal, unsafe or abusive
- Act in a way that shows unfair and differential treatment of children
- Use any computers, mobile phones, video and digital cameras, or social media inappropriately, nor use them for the purpose of exploiting or harassing children
- Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way
- Seek to make contact and spend time with any child or young person outside the project times
- Use ARC's computers, mobile phones, video and digital cameras inappropriately, nor use them for the purpose of exploiting or harassing children.
- Hire minors as domestic labour.

**WHEN PHOTOGRAPHING OR FILMING A CHILD, OR USING CHILDREN'S IMAGES FOR WORK-RELATED PURPOSES, I WILL:**

- Obtain informed and documented consent of the child and his/her parents or guardians before photography/filming
- Provide an explanation on how the photograph/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.
- Images are honest representations of the context and facts
- Ensure 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
- Take care to ensure the local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child.

Full Name: \_\_\_\_\_

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX 3**

**AUSTRALIAN RESPIRATORY COUNCIL**

**CHILD SAFEGUARDING POLICY**

**REPORTING PROCEDURES**

**Who should report?**

All ARC staff and others, including people in the community and partner organisations.

**What should be reported?**

1. Any disclosure or allegation from a child/community or staff member regarding the safety/abuse/exploitation of a child.
2. Any observation or concerning behaviour exhibited by an ARC staff, volunteer or other relevant stakeholder that breaches the ARC code of conduct for working with children.
3. Inappropriate use of ARC's photographic equipment or computers including evidence of child pornography.
4. Staff engaging in suspicious behaviour that could be associated with sexual exploitation or trafficking.

**Who to report to?**

**Overseas:** Child abuse reports should be made to the line manager or National Program Director or if this is not possible reports should be made directly to the Australian based Child Protection Officer.

**In Australia:** Child abuse reports should be made to Executive Director and/or ARC President.

## **Reporting of child abuse in Australia**

Child abuse reports should be made directly to the ARC's Executive Director or President. Reporting child abuse in Australia is a clearer process compared to responding to incidents that occur overseas. In all Australian States and Territories, sexual and physical abuse of children is a criminal offence. The age of consent in most Australian states and territories is 16. However it is important to check in each jurisdiction as the age limit may be different.

Additionally, in some jurisdictions it is a criminal offence for persons who are in positions of power and trust (e.g. teacher, parent, carer) to engage in sexual activity with children under the age of 18.

Reporting child abuse can either be made to the local state police or the state child protection authorities. If there is an allegation or suspicion of child sexual abuse by an ARC staff member or volunteer, these matters will be reported to the state police. In most Australian States there are specialised units dealing with child sexual crimes. If there are concerns that a child is being sexually abused by someone external to ARC, ARC will contact the state police and/or child protection authorities.

Concerns about the welfare of the child in relation to neglect and/or emotional abuse will be reported to the child protection authorities in each state or territory.

Concerns about people engaging in child sex tourism, child sex trafficking and child pornography should be reported to the Australian Federal Police.

## **Reporting of child abuse allegations overseas**

Child abuse reports should be made to the line manager or National Program Director. If this is not possible reports can be made directly to ARC's Executive Director or President. An initial assessment will be made based on the quality and reliability of the information and a decision will be made (in consultation with the Executive Director and/or President) on what steps to take.

A local reporting procedure will guide the process based on whether the allegation constitutes a criminal offence in the country, or whether it is a breach of the ARC code of conduct and will be dealt with as a disciplinary matter.

The first step will be to gather all the relevant information and address any health and protection needs of the child. The matter may be directly referred to the local police and or authorities if the allegations are considered to be criminal offences.

If the incident has occurred outside of the program the matter will be referred to an external body or agency dealing with child protection matters in the country.

### **When to report?**

Child abuse concerns should be raised immediately.

### **How should it be reported?**

Any incident should be reported both verbally and by completing the ARC child abuse incident reporting sheet. See Appendix 4.

### **What will happen next?**

The in- country line manager or National Program Director and the Executive Director of President of ARC will discuss the allegations and then decide upon the next step. This will involve either:

- Interviewing the person/persons who made the allegations or other witnesses to gather more information with which to make a decision
- Report to local police and or child protection authority
- Report made to the Australian Federal Police
- Concern handled internally if it is not a criminal matter
- No further action taken.

ARC will treat all concerns raised seriously and ***ensure that all parties will be treated fairly and the principles of natural justice will be a prime consideration.*** All reports will be handled professionally, confidentially and expediently.

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. ARC will ensure that the interests of anyone reporting child abuse in good faith are protected. Any employee who intentionally makes false and malicious allegations, will face disciplinary action.

The rights and welfare of the child is of prime importance. Every effort must be made to protect the rights and safety of the child throughout the investigation.

Children and community members with whom ARC works will be provided with information about how to report any child protection concerns about ARC staff members and others.

### **Responding to disclosure by a child**

When a child/young person tells you that he or she has been abused, 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, 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's 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
- Telling the child/young person you are pleased he/she told you.

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. Your role is to listen to what the child/young person wants to tell you and not to conduct an investigation (beware of asking any leading questions as this may prejudice any subsequent investigation)
- Indiscriminately discuss the circumstances of the child/young person with others not directly involved.

Try and obtain some details such as where the abuse is taking place, school, home, work etc; is it currently occurring or did occur in the past, name of 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 ARC's Executive Director or President on how the child or young person can be supported and the disclosure managed.

### **Other actions to take**

**Protect the child:** Once an allegation is made there should be an immediate response that protects the child from further potential abuse or victimisation. The child may require medical assistance or counselling support. Where possible the child should remain in the place of residence or relevant program. 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 has occurred in home-based care. If the child is in immediate danger you should make arrangements for the child to go to a safe place.

**Distance the alleged perpetrator:** The best interest of the child may warrant the standing down of a staff member or volunteer. The appropriate action should be documented. Any staff member stood down in this manner continues to receive full pay - this measure recognises that the member is entitled to a just process that does not pre-judge guilt or innocence. Any volunteers who are stood down should similarly receive any reasonable reimbursement of costs.

**APPENDIX 4**  
**AUSTRALIAN RESPIRATORY COUNCIL**  
**CHILD SAFEGUARDING POLICY**  
**REPORTING CONCERN ABOUT ABUSE OR NEGLECT FORM**

**YOUR DETAILS**

Name:	
Organisation:	
Relationship with children concerned	
Preferred method of contact (circle)	phone      mobile      email

**DETAILS OF THE CHILDREN OR YOUNG PEOPLE OF CONCERN**

Provide a list of the children(s)' name, age, date of birth and sex

Home address	
Contact details	

**DETAILS OF NOTIFICATION**

Please provide any relevant information, observations & opinions regarding the situation

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#### **DETAILS OF PARENTS AND PRIMARY CARER/S**

Mother's name & contact details	
Father's name & contact details	
Other carer's name & contact details	
Include relationship to children	

#### **FAMILY PROFILE**

Are any of the children or family of Aboriginal or Torres Strait Islander origin?

Are you aware of any Family Court Orders or custody arrangements?

Are you aware of any information to alert our staff to possible risks when working with or visiting the family?

Are you aware if the child/ren has a disability? If so what type?

Are you aware if the family has recently moved either regionally or from interstate? If so from where?

**APPENDIX 5**

**AUSTRALIAN RESPIRATORY COUNCIL**

**CHILD SAFEGUARDING POLICY**

**EMPLOYMENT OF STAFF AND VOLUNTEERS**

**PROCEDURES**

ARC is committed to child safe recruitment, selection and screening practices. These practices aim to recruit the safest and most suitable people to work in ARC's programs.

ARC child safe practices include:

Promoting our child safe commitment on our website, in other promotional materials and in all job advertisements.

All applicants will receive a copy of ARC's Child Protection Policy and be informed of the screening requirements when they are sent the application form.

Applicants will be required to submit a detailed application form when applying for a position. This form will ask for extensive information about the applicant's background such as dates and places of employment, education and other activities.

All positions will be assessed for the level for risk in relation to contact with children. Positions working directly with children will require the highest level of screening and the applicant must possess relevant qualifications and experience in working with children.

Job descriptions are required for all positions (staff, volunteers, consultants –short long term etc), which describe key selection criteria and outline tasks and accountabilities.

Interviews will be conducted for all positions, ideally face-to-face, but telephone interviews may be necessary in the international context.

Behavioural-based questions will be used to ask for examples of the candidate's past behaviour and experiences. In positions working directly with children, the panel will explore the candidate's motivations for working with children, which will include value-based

questions seeking information about the candidate's attitudes to children, professional boundaries, accountability, team work and how they have responded to ethical dilemmas.

A minimum of three reference checks will be required for all preferred candidates. This would include short and long terms positions, volunteers on placement and consultants. The candidate's most recent employer/supervisor must be one of these referees. ARC will verify the identity of the referee and make direct contact with each of these referees. Written references will not be accepted. ARC reserves the right to request additional references.

All staff and all others involved with ARC will be required to have a police clearance or relevant criminal history checks depending on the country of origin.

Where the candidate is working directly with children in Australia, they will require a Working with Children Background Check in accordance with jurisdictional screening processes.

All staff will be required to provide proof of identify including birth certificate, passport, drivers licence and relevant qualifications. Original documents are required.

All positions will be subject to a probationary period depending on the length of the contract.

All staff in child related positions including volunteers and paid employees will be required to sign a Prohibited Employment declaration.

Issues relating to child protection will be included in staff performance reviews.

All staff and others will be required to read and sign ARC's Child Protection Policy.

ARC reserves the right to refuse employment to or terminate any person's employment that may pose a risk to children.