

Child Protection and Safeguarding Policy

2019-20



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Glossary / Definitions

CHILD: For the purposes of this document, a “child” is defined as anyone under the age of 18, in line with the UN Convention on the Rights of the Child.

CHILD ABUSE: According to the World Health Organisation, “Child abuse” or “maltreatment” constitutes ‘all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.’¹

CHILD PARTICIPATION: Anyone below the age of 18 taking part in a process or playing a role in a process at his/her level, according to their evolving capacities - children and young people thinking for themselves, expressing their views effectively, and interacting in a positive way with other people; involving children in the decisions which affect their lives, the lives of the community and the larger society in which they live.

CHILD PROTECTION: A broad term to describe philosophies, policies, standards, guidelines and procedures to protect children from both intentional and unintentional harm. In the current context, it applies particularly to the duty of organisations - and individuals associated with those organisations - towards children in their care.

DIRECT CONTACT WITH CHILDREN: Being in the physical presence of a child or children in the context of the organisation’s work, whether contact is occasional or regular, short or long term.

INDIRECT CONTACT WITH CHILDREN:

- Having access to information on children in the context of the organisation’s work, such as children’s names, locations (addresses of individuals or projects), photographs and case studies.
 - Providing funding for organisations that work ‘directly’ with children. Albeit indirectly, this nonetheless has an impact on children and therefore confers upon the donor organisation responsibility for child protection issues. [Please note: this list of examples is not exhaustive].
- MYTH A belief which is commonly held, but which is not true.

CHILD PROTECTION POLICY ‘A statement of intent that demonstrates a commitment to safeguarding children from harm and makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children and to show that the organisation is taking its duty and responsibility of care seriously.’

¹ 1. The WHO definition of Child Abuse as defined by the Report of the Consultation on Child Abuse Prevention WHO – 1999.

Introduction

Children constitute principle assets of any country. India has the largest child population in the world. Despite significant progress in assuring children their basic rights, much remains to be done. Children need to be empowered, protected and their vulnerability status improved, by safeguarding them from abuses, violence, discrimination, neglect, injustice, hard labour, and trafficking. Therefore, specific concentration is required to improve the life and opportunities of children in general.

Leadership For Equity (LFE) is a systems change & research organization that helps strengthen the effectiveness of government school systems. At LFE, the fundamental belief is that Public Education Systems are by definition ‘gatekeepers’ of equity; and in a way effective and sensitive public education systems will ensure that quality education is provided to every child. At LFE, we define a system as an interconnected series of entities where decisions and actions in one entity are consequential to other. For all children to be in school and learning, these entities play a role - both individually and collectively. We envision *Public Education Systems That Refuse To Let Children Down*. Our mission is to develop low-cost, effective and replicable models for teacher performance, officer development and student learning. LFE is aware that the primary legislative framework guiding child protection in India is comprised of the **The Child Labour (Prohibition and Regulation) Act, 1986**, **Juvenile Justice (Care and Protection of Children) Act [JJ Act], 2015** and the **Protection of Children from Sexual Offences [POCSO] Act, 2012** and these cast certain legal obligations on individuals, groups and organizations like ours.

There are several constitutional provisions for children. These include Article 14 providing equality before the law or the equal protection of the laws, Article 15(3) encourages state for making any special provision for women and children, Article 21A directs the State to provide free and compulsory education to all children of the age of six to fourteen years, Article 23 prohibiting trafficking of human beings and forced labour, Article 24 prohibiting employment of children below the age of fourteen years in factories, mines or any other hazardous occupation, Article 39(e) and (f), Article 45 envisaging that the State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.

Further, India acceded to the UN Convention on the Rights of the Child on 11th Dec., 1992 to reiterate its commitment to the cause of children. India is also party to the Millennium Development Goals and the SAARC Conventions on Child Welfare and Combating Trafficking of Women and Children in SAARC Region. LFE commits itself in letter and spirit to the objectives laid down in legal and constitutional framework for child protection. This policy is in keeping with the goals and objectives of the organisation as also its commitment to safeguarding children and their rights and the ethical, moral and legal obligations that govern the organisation in this regard.

Key principles on child protection

The Policy and practices are guided by the following principles:

Protection of the rights of the child

LFE considers the following four principles, included in the United Nations Convention on the Rights of the Child (UNCRC), as paramount for the protection of the rights of the child:

- The right of all children to survival and development;
- The best interests of the child as a primary consideration in all decisions relating to children;
- The right of all children to express their views freely; and
- The principle of non-discrimination.

Zero tolerance of violence against children and child exploitation and abuse

- Strongly reaffirms that violence against children, child exploitation and abuse are never acceptable, in any form, location or setting, and that they have damaging and often longlasting repercussions for children, their families and their communities;
- Recognizes that although all children may be vulnerable to violence, exploitation and abuse due to their size, age, physical and psychological maturity, dependence and lack of power, in some settings, some children may have heightened risk of violence, in particular those with a disability and children living in areas impacted by disasters (natural or conflict based) street or unaccompanied children and, in jurisdictions where early/forced marriage and pregnancy are prevalent as well as in relation to genital mutilation, female children;

Sharing responsibility for child protection

To effectively manage risks to children, LFE requires the commitment, support and cooperation of all employees, volunteers, civil society organizations, and partners implementing LFE activities. They must formally acknowledge the key principles of this Policy and must comply with these principles. ([see template in Annex -1](#))

Risk management approach

LFE shall undertake various preventive measures for protecting and safeguarding children associated with its programmes or visiting its offices or other work locations, and encourages its implementing partners to do the same.

- In order to ensure total safety, all activities with children shall be well planned to minimise the scope for risks. Such planning must get reflected in the work plans prepared by all managers, supervisors and staff, particularly those managing, supervising and teaching children associated with the organisation's programmes.
- All staff members are thus encouraged to develop at least some risk assessment tools or a checklist to be followed, keeping in mind the wide variety of activities undertaken and planned in the course of implementation of the organisation's programmes.

- In the overall, risk assessments may cover the following situation:
 - Risk assessment when an activity requires children to stay in contact with the staff beyond the official hours such as after school, for extra coaching or some other after school activity;
 - Risk assessment regarding group dynamics, when children of different age groups or gender, or socio-cultural and economic background are together as a group, addressing issues such as size of group, duration of group activity, seating arrangement, comfort levels, etc.;
 - Risk assessment for programmes involving adolescent girls and boys;
 - Risk assessment for programmes involving children with intersectional disabilities (disability intersectionality) - for example, girls who come from backward castes/classes with physical disabilities;
 - Risk assessment when children and youth are expected to perform before an audience or take part in cultural programmes, games, competitions and other events;
 - Risk assessments when children and youth are to be photographed or have to participate in a documentary or film;
 - Risk assessment with respect to curriculum and content, keeping in mind age appropriateness, cultural sensitivity, contextual relevance, and messaging;
 - Infrastructure related risk assessments covering in particular, programme venue and logistics, boarding and lodging for residential programmes;
 - Technology related risk assessments if children are required to use mobiles and internet for some activity.
- Planning Activities at external locations must take care of the following aspects -
 - As a good practice, all activities to be undertaken at external locations, including travel and accommodation, shall be planned well in advance and as far as possible, in consultation with children's parent(s) / guardian(s).
 - Ensure that external locations chosen for any programme activity involving children are comfortable spaces with necessary measures in place to deal with emergencies.
 - If external locations are institutions to be visited by children, ensure that the institution has a child protection policy in place or a written agreement is signed with the institution requiring them to follow the policy of the Foundation.
 - An illustrative check list for risk assessment in case of activities planned at external locations could include, and is not limited to, the following:
 - Suitability of location or venue
 - Selection of competent workers, contractors
 - Construction of stages, tents, etc. with standard safety measures
 - Safety standards with respect to use of equipment by children
 - Transport strategies and plan
 - Arrangements for fire, first-aid contingencies and major incidents
 - Access issues pertaining to children with disabilities
 - Entry, exit and other timelines are clear and known to all
 - Identification and awareness among all regarding key decision-making staff who can be approached when needed

- Awareness among all regarding alerting procedures
- Identification of and awareness among all regarding meeting points of completion of the activity or in case of an emergency.

Prevention of violence against children and child exploitation and abuse

The prevention of child exploitation and abuse by the IFRC will be achieved through the following:

- Internal communication of this Policy to all personnel;
- Training of personnel:
 - All personnel should be given the opportunity to discuss the implications of this Policy for them with their line manager and/or staff from the Human Resources Department, as part of their induction/orientation or as part of further personal development;
 - LFE provides training on child protection for its personnel, in order to ensure that the latter are fully aware of their responsibilities to protect children and how to report concerns or allegations about child exploitation and abuse;
 - This training, which can be done through the Learning Platform or other means as appropriate, will be mandatory for all who will be in contact with children in the course of their duties;
 - Depending upon the functions of the personnel concerned, this training may be focused on awareness-raising or maybe more in-depth;
- Concerning the recruitment of all personnel whose functions will require them to work with, or have access to, children:
 - All endeavours will be made to conduct a criminal background check;
 - When obtaining this background check is not feasible, due to the context or the short duration of the contract:
 - The personnel concerned should sign a statutory declaration stating that they have never been convicted of, are not currently suspected of, or are not being prosecuted for any offence involving any type of harm to a child or children, and declare that there is no element which could affect their suitability to work with children ([see template in Annex 2](#));
 - Careful consideration will be taken place about the appropriateness of the person working with LFE
 - Qualifications and reference checks of former employers will be sought and interview plans for recruitment should incorporate behavioural-based interview questions.

Code of Conduct

All employees of LFE and its implementing partners are expected to -

- treat children/young people with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

- not use language or behaviour towards children/young people that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- not engage children/young people in any form of sexual activity or acts, including paying for sexual services or acts. Understand that mistaken belief of the age of the child/young person is not a defence;
- wherever possible, ensure that another adult is present when working in the proximity of children/young people;
- not invite unaccompanied children/young people into home, unless they are at immediate risk of injury or in physical danger;
- not sleep close to unsupervised children/young people unless absolutely necessary, in which case the employee must obtain their manager's permission, and ensure that another adult is present if possible;
- use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children/young people or to access child exploitation material, including child abuse material and child pornography material, through any medium;
- refrain from physical punishment or discipline of children/young people;
- refrain from hiring children/young people for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- comply with all relevant international and national legislation, including labour laws in relation to child labour;
- immediately report policy non-compliance, breaches of code of conduct, concerns or allegations of child abuse by personnel and volunteers in accordance with appropriate procedures;

During any use of children/young people's sounds and images for work-related purposes -

When recording, photographing or filming a child for work-related purposes, one must:

- before recording, photographing or filming a child/young person, assess and endeavour to comply with local traditions or restrictions for reproducing personal images;
- before recording, photographing or filming a child/young person, obtain informed consent from the child/young person or a parent or guardian of the child/young person. As part of this one must explain how the recording, photograph or film will be used;
- ensure recordings, photographs, films, videos and DVDs present children/young people in a dignified and respectful manner and not in a vulnerable or submissive manner. Children/young people should be adequately clothed and not in poses that could be seen as sexually suggestive;
- ensure recordings and images are honest representations of the context and the facts; and
- ensure file labels, metadata and text descriptions do not reveal identifying information about a child/young person when sending images electronically.

One must understand that the onus is on us, as a person associated with LFE, to avoid actions or behaviours that could be construed as child abuse when undertaking LFE activities on behalf of the organisation.

Review Mechanism

- Complaints received under Child Protection policy would be categorised as a criminal matter or a non - criminal matter according to the consensus of all the members of Child Protection Committee and would be processed accordingly;
- In case of a criminal matter, the Child Protection Committee should report the matter to the local police and/or the child protection authority;
- The case of a non - criminal matter, the Child Protection Committee will review the complaint and manage the complaint internally in accordance with the processes;
- The Child Protection Committee shall ensure the safety and security of the child and maintain confidentiality of the personal details of the child;
- The Child Protection Committee must inform the accused in writing/via email about the charges made against them and after preliminary interrogation, the Committee may make recommendations for disciplinary actions, after consulting the board members if required.
- The entire process of enquiry should be completed within 90 days and submit to the board members within 10 days after enquiry and thereafter make it available to the parents/ guardians of the child.
- The committee should ensure the child is not further victimised or discriminated against during or after the process of interrogation.

Annextures

Annex 1 – Commitment by contractors and partners

The partner hereby:

1. Formally acknowledges and complies with the key principles described in Sections 3.1 to 3.5 of the attached Policy;
2. Commits to take immediate action, should the partner have reason to believe that an employee or any of their activities might be in breach of the above-mentioned key principles;
3. Commits to immediately notify LFE if any IFRC-funded personnel, or any of its other personnel, are accused of, charged with, arrested for, or convicted of criminal offences relating to child exploitation and abuse;
4. Accepts that any contract or agreement between LFE and that contractor or partner might be terminated, should there be a serious or repeated breach(es) of the above mentioned key principles, or a failure to take appropriate action when a breach of these key principles is discovered;
5. Accepts that LFE may raise with the contractor or partner issues of compliance with these key principles by the latter, including through LFE-requested audits or other measures to investigate compliance;
6. Ensures best efforts to promote and enhance child protection amongst its personnel.

Annex 2 – Statutory declaration by employees

I, undersigned, hereby confirm that to the best of my knowledge I have not been convicted of, am not currently suspected of, or am not being prosecuted for any offence involving any type of harm to a child or children in any country. I declare that there is no element which could affect my suitability to work with children, and that I am aware of the seriousness of this declaration and that any erroneous declaration may be considered as gross misconduct.

References

UNICEF, Developing a Child Protection Policy and Procedures,
<https://www.unicef.org/tdad/cpmanual5stage3.pdf>

International Federation of Red Cross and Red Crescent Societies, Child Protection Policy,
www.shorturl.at/gjzT6