



# CHILD ACTION NEPAL

## Child Protection Policy

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# SECTION I: INTRODUCTION / BACKGROUND

## 1. Definitions

### *Child*

For the purposes of this policy the term child or children will be used to refer to those individuals under 18 years of age as recognised in the UN Convention of 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.’<sup>1</sup>
- **NSPCC** similarly specify “cruelty to children” or “child abuse” as ‘behaviour that causes significant harm to a child. It also includes when someone knowingly fails to prevent serious harm to a child. All forms of cruelty are damaging – it can be harder to recover from the emotional impact than from the physical effects.’<sup>2</sup>
- These definitions therefore point to **four types of cruelty**:
  - **Physical abuse**: including hurting or injuring a child, inflicting pain, poisoning, drowning, or smothering.
  - **Sexual abuse**: including direct or indirect sexual exploitation or corruption of children by involving them (or threatening to involve them) in inappropriate sexual activities.
  - **Emotional abuse**: repeatedly rejecting children, humiliating them or denying their worth and rights as human beings.
  - **Neglect**: the persistent lack of appropriate care of children, including love, stimulation, safety, nourishment, warmth, education, and medical attention.
- A child who is being abused may experience more than one type of cruelty.
- Discrimination, harassment, and bullying are also abusive and can harm a child, both physically and emotionally.

### *Child protection*

The term describes the philosophies, principles, policies, procedures and good practice of Child Action Nepal - and individuals associated with the organisation - whose duty it is to protect children in their care from both intentional and unintentional harm.

### *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. In the UK this could involve

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

<sup>2</sup> Definition taken from *Are you worried about the safety of a child?*, NSPCC, 2002, available to download from <http://www.nspcc.org.uk/documents/safetyofchild.pdf>

delivering talks to schools, churches and youth groups. Overseas this could involve project / site visits and attending conferences at which children are also present. [N.B. this list of examples is not exhaustive].

### ***Indirect contact with children***

- 1) 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.
- 2) 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.

[N.B. this list of examples is not exhaustive].

### ***Partner***

For the purposes of this policy:

- 1) An Nepalese organisation that receives funding from CAN, whether funding is occasional or regular, short or long term, for a specific project or towards core costs and regardless of the amount of money involved.
- 2) An organisation involved in project work with CAN, whether the project relationship is short or long term, a one-off or regular / ongoing arrangement, and regardless of whether or not any funding is involved.

### ***Policy***

'A statement of intent that demonstrates a commitment to safeguard 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.'<sup>3</sup>

## **2. Child Action Nepal Overview**

Child Action Nepal was established in April 2003 and is registered as a charity trust with the Charity Commission in London.

Our purpose is to raise money to support orphanages in Nepal of relatively small size (20 to 25 children maximum) with the aim of providing a family atmosphere for the children.

The Trust will seek to ensure that those orphanages that it supports provide high quality education and healthcare.

The trust's first project is Laliguraas Baal Uddhyaan (LBU), an orphanage situated in the Kathmandu Valley. LBU was established in 2002 by one of the trustees, Florence Krief and is home to 20 children. LBU is registered in Nepal as a NGO.

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<sup>3</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 1 (Policy).

### 3. Mission Statement

The Child Action Nepal is committed to the cause of abandoned or orphaned children whose future as happy and healthy adults is threatened. We endeavour to give them back their childhood by providing:

- A secure, caring home with a more family like atmosphere than many of the large institutions funded by international donors in Nepal's cities
- Nutritious meals, thorough healthcare and education
- Entertainment program to develop their imagination and social skills

We aim to not only give children a future but also a childhood to remember – the here and now – which once gone cannot be retrieved.

### 4. Vision Statement

CAN aims to help those abandoned children or orphans who are not only denied basic rights such as a home, an education and even their freedom (as so many others are in other developing countries). CAN aims to give these children a secure and happy childhood in a loving environment, with an education, and a real future.

### 5. CAN's core child protection principles and values

- **The legal basis – the UNCRC: CAN's Child Protection Policy is firmly based on the principles of the UN Convention on the Rights of the Child.** Taken holistically, the CRC provides a comprehensive framework for the protection, provision and participation of all children without discrimination to ensure their survival and development to the maximum extent possible. On the understanding that the CRC must be read as a whole, the following articles nevertheless form the specific basis of child protection: 1 (definition of 'child'), 2 (non-discrimination), 3.1 (the best interests of the child), 3.2 (duty of care and protection), 3.3 (standards of care), 6 (survival and development), 12 (participation), 13 (freedom of expression), 19 (protection from violence), 25 (periodic review of placements), 32, 33, 34, 36, 37(a) (protection from economic exploitation, substance abuse, sexual abuse and exploitation, 'all other forms of exploitation'; torture, cruel, inhuman or degrading treatment or punishment), 39 (physical and psychological recovery and social reintegration).<sup>4</sup>
- **The moral basis – a non-negotiable duty:** The Child Action Nepal believes that we have an absolute duty to protect the children in our care - who are already a vulnerable group - from abuse, mistreatment, discrimination, and exploitation. *This duty is imperative and non-negotiable. Without adequate standards and mechanisms of protection in place, an organisation is not only failing in its primary duty of care, but may also be negligently or recklessly fostering an environment of abuse.*
- **An end to silence:** Silence breeds abuse and exploitation of children. Paedophiles will seek out organisations with weak communication structures and thrive where secrecy and shame prevail. Furthermore, without proper policies and explicit procedures in place, NGOs are extremely vulnerable to false allegations of child abuse. CAN therefore believes in:

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<sup>4</sup> For full text of these Articles see APPENDIX 6.

- creating an environment where issues of child protection are discussed openly and are understood between children and adults;
  - promoting open lines of communication both internally and externally within and between organisations to improve awareness and implementation of child protection policies and practices;
  - Creating a framework to deal openly, consistently and fairly with allegations concerning both direct and indirect abuse.
- **Children’s participation – a space and a voice:** Creating a space where children feel able and willing to speak out about abuse, free from abusers, empowers them to become actors in their own protection without further discrimination or shame. “Children have the right to communication – to enable them to receive information, to ask questions, to make choices, and to make decisions.”<sup>5</sup> CAN believes that helping children to find a voice is an essential step to helping them to claim their individual rights. *Children will only benefit from this policy if they are aware of their rights and are given the proper environment in which to exercise them.*
- **Taking it further:** Child protection is not just about reading and signing a piece of paper: the policy sets out guidelines and standards that must be put into practice. These include, amongst other measures: recruitment procedures, review of management structures, creation of a space for children to speak out, staff training, and development of transparent protocols.
- **Capacity building:** CAN understands the need for capacity building on issues of child protection and appreciates the constraints and conditions under which organisations operate. CAN is committed to undertake such capacity building in partnership with others.
- **Challenging complacency:** Resistance to addressing child protection issues may come from lack of understanding of the nature of child abuse, lack of commitment to the organisation / programme, and a sense that child abuse happens elsewhere. Organisations should ask themselves: “If safety and well being of children are not at the centre of the organisation’s programme / activities, then why not?” ‘It is unfortunate and unacceptable that it will take an horrendous incident to shock some organisations into action’. CAN will challenge complacency as a matter of course.<sup>6</sup>
- **These principles underlie all of the following standards set out in this document.**

## 6. What is a Child Protection Policy?

A Child Protection Policy provides a framework of principles, standards and guidelines on which to base individual and organisational practice in relation to areas such as:

- Creating a ‘child safe’ and ‘child friendly’ organisation (in relation to environmental safety as well as protection against physical, psychological and sexual abuse)
- Prevention of abuse
- Guidelines for appropriate and inappropriate behaviour/attitude
- Volunteer recruitment and training
- Recognising, reporting and reacting to allegations of abuse
- Guidelines for communications regarding children

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<sup>5</sup> Quoted from Sense International Child Protection Policy, Section 2.1.2

<sup>6</sup> Adapted, with selected quotations, from ECPAT Australia, *Choose with Care*, p.34.

*This policy is not solely directed towards sexual abuse, but rather encompasses all aspects of child protection including, but not limited to: disciplinary measures, health and safety measures, physical harm, working with information about children, proper recruitment and managerial procedures, and the ramifications of misconduct.*

## **7. What a Child Protection Policy is not:**

Signing this policy does not absolve organisations or individuals from further action. It is the beginning, not the end of child protection. This policy is not solely directed towards sexual abuse. This policy is not exclusive to organisations working directly with children on a regular basis; it applies to every individual and organisation affiliated with CAN in any way: *“Many organisations – especially those that do not work directly with children – do not believe the standards are relevant to them because of many factors.[CAN disagrees] and believes that every organisation (whether they work directly or indirectly with children, whether they are funding or being funded) must take responsibility for child protection.”*<sup>7</sup>

## **8. Why do we need a Child Protection Policy?**

- As an organisation working for the welfare of children in Nepal, it is our duty to ensure that our promotion of children’s rights includes specifically protecting children from accidental harm as well as deliberate abuse within organisations intended for their benefit. This policy will assist in fulfilling this duty.
- Children are vulnerable to abuse, exploitation, and ill-treatment at the hands of carers, other project workers, and those with access to their personal information.
- Organisations working with vulnerable children have been, are and will continue to be vulnerable to harbouring abuse until the issues are brought into the open.
- Without proper policies, guidelines and procedures in place, allegations of abuse, whether founded or unfounded, can destroy an organisation’s reputation.
- The Child Action Nepal is ideally placed to promote awareness, sensitisation and standards of child protection and to engage in capacity building on this important issue.

## **9. Who is bound by the Policy?**

Each individual and organisation associated with CAN in any way is held accountable for good practice while working either ‘directly’ or ‘indirectly’ with children (see ‘definitions’, Section I.1). Each will be informed of the policy, and asked to sign a ‘Statement of Commitment’ to the principles contained herein. CAN’s commitment to promoting awareness and standards of child protection extends to:

1. CAN Trustees
2. CAN volunteers and volunteers to CAN’s partners
3. All those acting for CAN (consultants and contractors)
4. All those visiting CAN projects in Nepal
5. Project partners in Nepal

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<sup>7</sup> *Setting the standard: A common approach to child protection for international NGOs*, anonymous INGO quotation, p.4.



## 9.1 Trustees

- CAN Trustees are bound to the commitment not only to abide by, but also to understand and promote the policies, guidelines, principles and practice of child protection in a child rights context. It is crucial that the trustees of CAN uphold the highest standards of professional and ethical behaviour whilst associated with CAN, because the actions of the trustees reflect the principles of the organisation.
- This document outlines the recruitment procedures for new trustees (see Section II.1.2 & Appendix 4).
- Each Trustee will be:
  - Required to obtain a Criminal Records Bureau standard disclosure check (if geographical jurisdiction of the CRB applies);<sup>8</sup>
  - expected to sign the appropriate Statement of Commitment to CAN's Child Protection Policy as a condition of appointment as a trustee (see Appendix 7 (A));
  - expected to sign a personal declaration stating any criminal convictions, including those considered 'spent';
  - Expected to provide 2 contacts for referees.

## 9.2 Volunteers

- CAN volunteers and volunteers to CAN's partners are bound to the commitment not only to abide by, but also to promote the policies, guidelines, principles and practice child protection in a child rights context. It is crucial that the interns and volunteers of CAN uphold the highest standards of professional and ethical behaviour whilst associated with CAN, because the actions of the interns and volunteers ought to reflect the principles of the organisation.
- Because volunteers are often employed temporarily, managers of volunteers must stress the importance of child protection issues during initial induction training, and assess the actions of these workers, as part of the organisation's general management and monitoring procedures, to ensure the policy provisions are understood and followed correctly.
- A copy of CAN's Child Protection Policy given to all Volunteers.
- Each volunteer (for CAN or CAN'S partners) will be:
  - Required to obtain a Criminal Records Bureau basic disclosure check (if geographical jurisdiction of the CRB applies);<sup>9</sup>
  - expected to sign the appropriate Statement of Commitment to CAN's Child Protection Policy as a condition of working with CAN (see Appendix 7 (A));
  - expected to sign a personal declaration stating any criminal convictions, including those considered 'spent';
  - Expected to provide 2 contacts for referees.

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<sup>8</sup> See Appendix 5 for information on the CRB and descriptions of basic, standard and enhanced disclosure.

<sup>9</sup> See Appendix 5 for information on the CRB and descriptions of basic, standard and enhanced disclosure.

### 9.3 Consultants/ Contractors

- ∟ Each individual or organisation whose services are used by CAN, and which include direct or indirect contact with children<sup>10</sup>, such as consultants or contractors, will be made aware of CAN's Child Protection Policy by being issued a copy of the Policy with relevant sections highlighted.
- ∟ If the type of work carried out involves **direct contact** with children, the following standards shall apply:
  - Each contractor will be:
    - expected to sign the appropriate Statement of Commitment to CAN's Child Protection Policy as a condition of the contract (see Appendix 7 (A)) (whether organisation and individual);
    - required to obtain a Criminal Records Bureau *enhanced* disclosure check (if geographical jurisdiction of the CRB applies) (applies only to individual contractor);<sup>11</sup>
    - expected to sign a personal declaration stating any criminal convictions, including those considered 'spent' (applies only to individual contractor);
    - Expected to provide 2 contacts for referees (applies only to individual contractor).
- ∟ If the type of work carried out involves **indirect contact** with children and/or information regarding children, the following standards shall apply:
  - Each contractor will be:
    - expected to sign the appropriate Statement of Commitment to CAN's Child Protection Policy as a condition of the contract (see Appendix 7 (A)) (whether organisation and individual);
    - required to obtain a Criminal Records Bureau *standard* disclosure check (if geographical jurisdiction of the CRB applies) (applies only to individual contractor);<sup>12</sup>
    - expected to sign a personal declaration stating any criminal convictions, including those considered 'spent' (applies only to individual contractor);
    - Expected to provide 2 contacts for referees (applies only to individual contractor).
- If the type of work carried out involves **no contact** with children, and no access to information regarding children, (e.g. office cleaner, accountant, auditor), then no formal procedure is necessary.

### 9.4 Individuals on Project Visits

- Anyone travelling overseas either as a representative of CAN, or where CAN is responsible for that person, e.g. donors, sponsors, journalists and researchers, and who will have direct or indirect contact with children during the project visit, will be:
  - expected to sign the appropriate Statement of Commitment to CAN's Child Protection Policy as a condition of the visit (see Appendix 7 (E));
  - expected to sign a personal declaration stating any criminal convictions, including those considered 'spent', and declaring any previous investigations or allegations made against them with respect to child protection issues;
  - expected to receive a specific briefing - in relation to the exact circumstances of the visit - from the organisation's designated child protection person / Officer; this briefing should include training on CAN's Code of Behaviour and CAN's guidelines

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<sup>10</sup> See Section I.11 for definition of 'direct' and 'indirect' contact.

<sup>11</sup> See Appendix 5 for information on the CRB and descriptions of basic, standard and enhanced disclosure.

<sup>12</sup> See Appendix 5 for information on the CRB and descriptions of basic, standard and enhanced disclosure.

on communications about children (including use of images); in the case of journalists, they will also be issued a copy of CAN's Media Guidelines in Relation to Children<sup>13</sup>.

## **9.5 CAN Project partners<sup>14</sup>**

Any project partner with which CAN enters into a direct relationship is bound to CAN's Child Protection Policy and guidelines. This includes those who are recipients of funds from CAN, capacity building partners and project partners. They will be:

- expected to identify and name a senior individual within the organisation who will be held accountable for reading CAN's Child Protection Policy and signing, on behalf of the organisation, the relevant 'Statement of Commitment' attached to this policy document (see Appendix 7 (D));
- ▮ Expected to provide CAN with the name of a contact person within the organisation for communication on child protection issues.

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<sup>13</sup> See Appendix 8 for CAN's Media Guidelines for Media Personnel visiting CAN's Projects

<sup>14</sup> See definition of 'partner' in Section I.11.

# SECTION II: CAN CHILD PROTECTION POLICY

**Our vision is to build a “child safe organisation”. We will work towards this by developing and implementing policies and procedures, to the best of our ability, to ensure the respect and wellbeing of children who come into contact with our organisation. The implementation of this policy and the guidelines outlined below should be based on a spirit of positive commitment at all times to the best interests of the child.**

*Note: Some sections of the policy are divided into 2 parts: the ‘essential’ minimum standards required for adequate implementation of CAN’s Child Protection Policy, and additional, ‘desirable’ guidelines to further enhance these standards.*

This document is required to be reviewed and updated one year after entering into force and thereafter a minimum of once every three years or whenever there is a major change in the organisation or in relevant legislation, to guarantee the best available policies for child protection.

## 1.1 Personnel Recruitment Procedure: Essential

The procedure within the organisation applies to the recruitment of all trustees and volunteers, whether paid or unpaid, full time or part time, temporary or long-term, having direct or indirect contact with children. There will be:

- A standard or enhanced disclosure (depending on level of contact with children) through the Criminal Records Bureau<sup>15</sup> (if geographical jurisdiction of the CRB applies).
- The requirement for the potential trustee or volunteer to read, understand and accept compliance with the organisation’s Child Protection Policy and guidelines as part of the terms and conditions of employment.
- The required minimum of two character references (excluding family members and those who have known the applicant personally for less than 2 years<sup>16</sup>).

## 1.2 Personnel Recruitment Procedure: Desirable

- Advertisements for vacancies that clearly state that a child protection policy, including screening procedures, is in place.
- A standardized interview process.
- One member of the recruitment panel will have undergone recruitment training specifically focussed on the issues of ‘Choose with Care’.
- In the case of trustee recruitment, applicants should be required to sign a general ‘Declaration of Qualification for Trusteeship’ which should include specific mention of compulsory compliance with the organisation’s child protection policy (see example in Appendix 4).
- Repeat police checks should be requested should suspicions arise.

<sup>15</sup> See Appendix 5 for information on the CRB and descriptions of basic, standard and enhanced disclosure.

<sup>16</sup> Adapted from Sense International Child Protection Policy, section 4.4.2.5.

## 2.1 Education and Training: Essential

- There will be opportunities within the organisation to develop and maintain the necessary skills and understanding to safeguard children<sup>17</sup>.
- There will be an induction process for all Trustees, Partners and volunteers which includes: familiarisation with the Child Protection Policy and procedures<sup>18</sup>; opportunities to learn about the nature of abuse, the effects of abuse and how to recognise and respond to concerns about child abuse<sup>19</sup>.
- Trustees, Partners and volunteers who will have direct contact with children either in the UK or in Nepal must be fully trained on the organisation's behaviour protocols and guidelines and must be clear on who to contact in the event of any concerns.
- Trustees and volunteers who have access to information about children such as personal contact information, including their address, specific cases or incidents, or any other details of a child's personal life must be trained to fully understand what constitutes acceptable and unacceptable sharing of information regarding children (see II.5.1 Communications about Children).

## 2.2 Education and Training: Desirable

- The organisational atmosphere should encourage opportunities to question and learn about child protection issues.
- New trustees, partners and volunteers should receive child protection training as soon as possible (and at least within 3 months) of taking up their position.
- Existing trustees, partners and volunteers should receive child protection training within a designated time period (and at least within 3 months) of the Child Protection Policy coming into force.
- "It is recognised that lengthy training can be an additional burden on volunteers or on staff who work part time. Where possible, these limitations should be recognised and arrangements made to deliver the training in as accessible way as possible."<sup>20</sup>
- "A constant re-evaluation of circumstances regarding training and policy procedures will be administered, assuring a constant, up-to-date awareness of child protection issues within the organisation.

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<sup>17</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 8 (Education and Training) definition

<sup>18</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 8 (Education and Training), Criteria 8.1

<sup>19</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 8 (Education and Training), Criteria 8.2

<sup>20</sup> Sense International Child Protection Policy, section 4.4.4.5.

### 3.1 Management Structure: Essential

Management Structure facilitates the implementation of the child protection policy and procedures.

There will be:

- A designated person who is responsible for the implementation of the child protection policy. This role should reflect the nature and structure of the organisation and the person should have sufficient seniority and support to carry out the role. At each appropriate level or setting in the organisation there should be a named person/s to whom people can talk about child protection matters.<sup>21</sup>
- Ongoing supervision, monitoring and support of individuals working directly with children, or with direct access to information on children which is integrated into the regular schedule of the supervisor / line manager.
- Trustees must take responsibility to assure themselves that the organisation's Child Protection Policy is being implemented.

### 3.2 Management Structure: Desirable

- The organisation should have open lines of communication where understanding abuse and listening and responding to concerns are the main priority. It should create an atmosphere of support and encouragement for those who feel it necessary to report concerns, as child protection is a difficult issue to confront. It should promote a positive environment for giving and receiving feedback.
- The management should reflect the organization's core principles and values, upholding a professional approach toward child protection issues and demonstrating awareness of matters of abuse.
- Regular internal and external project inspections are recommended to ensure objectivity and transparency. External monitoring and feedback is not only beneficial as a child protection measure, but also as a way to constantly reevaluate the structures and efficiency of an organisation's programmes and projects as a whole.
- The responsibilities of the designated child protection person in an organisation may include the promotion of awareness and implementation of the policy throughout, monitoring implementation of the policy and report annually to the trustees.

### 4.1 Behaviour Protocols: Essential

*The Code of Conduct shall include guidance on appropriate / expected standards of behaviour of adults towards children, and also of children towards other children<sup>22</sup>.*

The Code of Conduct is appropriate to the circumstances of the organisation to protect any child from abuse.

- The Code shall be prominently displayed / easily accessible for all organisation representatives.

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<sup>21</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 2 (Procedures and systems), Criteria 2.4.

<sup>22</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 4 (Codes of practice and behaviour), Criteria 4.2 and 4.3.

- The Code of Conduct should be interpreted in a spirit of transparency and common sense, with the best interests of the child as the primary consideration.
- Representatives of the organisation shall disseminate and promote copies of the Code of Conduct in all situations where the organisation is responsible for bringing children in contact with adults<sup>23</sup>.

## 4.2 Behaviour Protocols<sup>24</sup>

- **Minimising risk situations:**
  - Avoid placing yourself in a compromising or vulnerable position;
  - Be accompanied by a second adult whenever possible;
  - Meet with a child in a central, public location whenever possible;
  - Immediately note, in a designated organisational Child Protection Log Book or incident report sheet, the circumstances of any situation which occurs which may be subject to misinterpretation;
  - Keep in mind that actions, no matter how well intended, are always subject to misinterpretation by a third party.
  - Not be alone with a single child in any circumstance.
  - Do not show favouritism or spend excessive amounts of time with one child.
- **Sexual behaviour:**
  - **Do not:** engage in or allow sexually provocative games with children to take place;
  - kiss, hug, fondle, rub, or touch a child in an inappropriate or culturally insensitive way;
  - sleep in the same bed as a child;
  - do things of a personal nature that a child could do for him/herself, including dressing, bathing, and grooming;
  - Encourage any crushes by a child.
- **Physical behaviour:**
  - Try to avoid physical contact in general and wait for appropriate physical contact, such as holding hands, to be initiated by the child.
- **Psychosocial behaviour:**
  - **Do:** Be aware of the power balance between an adult and child, and avoid taking any advantage this may provide.
  - **Do not:** use language that will mentally or emotionally harm any child;
  - suggest inappropriate behaviour or relations or any kind;
  - act in any way that intends to embarrass, shame, humiliate, or degrade a child; encourage any inappropriate attention-seeking behaviour, such as tantrums, by a child;
  - Show discrimination of race, caste, culture, age, gender, disability, religion, sexuality, or political persuasion.
- **Peer abuse:**
  - **Do:** be aware of the potential for peer abuse;
  - develop special measures / supervision to protect younger and especially vulnerable children;

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<sup>23</sup> E.g. In situations where the organisation is responsible (either in terms of funding or operational partnership) for field visits / consultations with children as part of overseas or UK conferences, all participants shall be provided with a copy of the Code of Conduct. Participants shall also have the opportunity to discuss any issues arising with a representative of the organisation.

<sup>24</sup> These behaviour guidelines are based on the child protection policies of World Vision, Save the Children UK, Tearfund and Sense International.

- Avoid placing children in high-risk peer situations (e.g. unsupervised mixing of older and younger children).
- **Do not:** allow children to engage in sexually provocative games with each other.
- **Physical environment:**
  - **Do:** develop clear rules to address specific physical safety issues relative to the local physical environment of a project (e.g. for projects based near water, heavy road traffic, railway lines).

## 5.1 Communications about Children: Essential

The Communication Guidelines control confidential information regarding children and prevent the presentation of degrading images of children through the organisation's publications and website:

- Every child has a right to be accurately represented through both words and images. The organisation's portrayal of each child must not be manipulated or sensationalized in any way. Children must be presented as human beings with their own identity and dignity preserved.
- Avoid:
  - Language and images that could possibly degrade, victimise or shame children;
  - Making generalisations which do not accurately reflect the nature of the situation;
  - Discrimination of any kind;
  - Taking pictures out of context (e.g. pictures should be accompanied by an explanatory caption where possible).
- In images, children should be appropriately clothed and not depicted in any poses that could be interpreted as sexually provocative.
- Personal and physical information that could be used to identify the location of a child within a country and cause them to be put at risk should not be used on the organisation's website or in any other form of communication for general or public purposes.<sup>25</sup>
- Always ask permission from the child / children themselves before taking photographs except under exceptional circumstances, based on the child / children's best interests, where this might not be possible or desirable.

## 5.2 Communications about children<sup>26</sup>: Desirable

- It is important that text and images included in any print, broadcast or electronic materials such as brochures, publications, reports, videos or websites depict an accurate and balanced depiction of children and their circumstances. Sufficient information should be provided where possible as to their social, cultural and economic environment.

<sup>25</sup> See Appendix 2 for Guidelines on Child Sponsorship Programmes.

<sup>26</sup> The majority of these guidelines are based on the following sources: Code of Conduct: Images and messages relating to the Third World, Liaison Committee of Development NGOs to the European Union, April 1989, *Practical Guidelines*; World Vision Guidelines on the Use of Images and Messages Relating to the Developing World; World Vision Child Protection Policy.



- Where children are indeed victims, the preservation of the child's dignity must nevertheless be preserved at all times. In these circumstances, 'before' and 'after' pictures are useful to depict a balance between victimisation and empowerment.
- To the greatest extent possible, the organisation should acquire informed consent / the permission of the child, child's guardian and/or NGO responsible for the child in order to use the image for publicity, fundraising, awareness-raising or other purpose (which should be made clear to the consent-giver).
- As far as possible, people (including children) should be able to give their own accounts rather than have people speak on their behalf, and people's [including children's] ability to take responsibility and action for themselves should be highlighted.<sup>27</sup>
- Individuals or organisations requesting the use of your organisation's resources such as photographs should be required to sign an agreement with your organisation as to the proper use of such materials<sup>28</sup>. The agreement could include a statement that any use of such materials for purposes other than what is agreed upon could subject the borrowing individual or organisation to legal action. Furthermore, failure to adhere to the agreed use of the material will result in the immediate termination of your organisation's permission to use the subject materials and/or require immediate return of all materials (including any copies made) provided by your organisation.<sup>29</sup>

## 6. Reporting and reaction protocol

There will be a process for reporting and reacting to witnessed, suspected or alleged child abuse and/or violation of the Child Protection Policy which is made available to, and understood by, all trustees, partners and volunteers. The process will include:

- The guiding principle that the best interest of the child and the desire to secure the best outcomes for the child should always govern decisions regarding what action should be taken in response to concerns.<sup>30</sup>
- A standardised system for reporting incidents, concerns and referrals and storing these securely.<sup>31</sup> 'Records should be signed and dated. [...] Records must be kept securely in a locked place to which access is restricted. Managers have a particular responsibility in maintaining the confidentiality of these records and must ensure that the records, or any information they contain, are made available only to relevant parties. The transfer of information – verbally, through the mail, electronically, etc. – should be done in such a way that confidentiality is maintained.'<sup>32</sup>
- The obligation on all trustees, partners and volunteers to act immediately and report suspicions, however uncertain, to the designated person (or alternate designated person) in accordance with the organisation's reporting procedure (refer to Section II.6.2 and Appendix 1 for flowchart and response

<sup>27</sup> World Vision Guidelines on the Use of Images and Messages Relating to the Developing World, No. 3.

<sup>28</sup> See Appendix 9 Agreement for those individuals or organisations requesting the use of CAN's resources.

<sup>29</sup> Adapted from World Vision Child Protection Policy, section 8.4.

<sup>30</sup> Tearfund Child Protection Policy, May 2001, Section D (Responding).

<sup>31</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 8 (Education and Training), Criteria 2.5.

<sup>32</sup> Save the Child UK Child Protection Policy, 1999, Section 5.5 (confidentiality).

form). The designated person may in turn seek guidance on further action in the local context (if overseas) or from local social services and the police (if in the UK).

- The need for relevant contact details for child protection services, local social services department, police, emergency medical help and helplines (e.g. UNICEF) to be readily available and easily accessible to organisation representatives.
- The obligation on the organisation to take appropriate steps within its power to protect the child / children in question from further harm.
- Guidance on confidentiality and information sharing which clarifies that the protection of the child is the most important consideration.<sup>33</sup>
- Guidance on dealing with allegations from a child that ensure that the child is treated with respect (see guidelines in section II.6.2 for further guidance).
- Arrangements for providing supervision and support to trustees, partners and volunteers during and following an incident or allegation.<sup>34</sup>

- See Appendix 1 for a sample reporting form
- If your concerns involve immediate harm to a child, act without delay, as inaction may place the child in further danger.
- If you know any information about the maltreatment of a child, it is your responsibility to tell someone.
- 'In certain instances there will be the obligation for the organisation and its staff and others to report concerns to the appropriate external bodies. This will usually occur as a consequence of the reporting procedure. However, if urgent action is required in order to protect children then it may be prior to the reporting procedure'.<sup>35</sup>

#### **Allegations from a child**<sup>36</sup>

- When a child informs you that he/she is uncomfortable or concerned with a specific person's (adult or child) behaviour towards them or another child, the following steps must be taken:
- Reassure them that they were right to report the behaviour.
- Listen carefully and calmly to them and ask questions to clarify the allegation so that you will be able to later report the incident correctly.
- During the conversation, try not to repeat the same questions to the child, as this gives the child the impression that they did not give correct information the first time and they are not fully believed.
- Do not promise secrecy to the child. Inform the child that you must report the incident or inappropriate behaviour as it is in their best interest.
- Take proper steps to ensure the physical safety and psychological well being of the child. This may include referring them for medical treatment or to a psychologist.
- Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is paramount in this stage of the procedure.
- Do not permit personal doubt to prevent you from reporting the allegation to the proper supervisor.
- Let the child know what you are going to do next and that you will let them know what happens.<sup>37</sup>

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<sup>33</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 8 (Education and Training), Criteria 2.7.

<sup>34</sup> *Setting the Standard: A common approach to Child Protection for international NGOs*, Standard 8 (Education and Training), Criteria 9.5. See also Sense International Child Protection Policy, section 5.3 for detailed guidelines on providing support.

<sup>35</sup> Tearfund Child Protection Policy, May 2001, Section C (Reporting - Making Reports).

<sup>36</sup> Based largely on Tearfund Child Protection Policy, May 2001, Section C.

## 7. Ramifications of Misconduct: Essential

- If an allegation of a violation of the policies, guidelines, principles or practice of child protection is made concerning a named individual from a verifiable source against any contractor, trustee, partner, or volunteer, they may be suspended from all activity / association with CAN pending the outcome of an independent investigation.
- Depending on the outcome of the independent investigation: ‘If it comes to light that anyone associated with [the organisation] commits acts in relation to children – whether within or outside the context [the organisation’s] work – which are criminal, grossly infringe children’s rights, or contravene the principles and standards contained in this document, *the organisation will take immediate disciplinary action and any other action which may be appropriate to the circumstances*’. This may mean, for example, for:
  - Volunteers and trustees – ending the relationship with the organisation
  - Partners – withdrawal of funding / support
  - Contractors – termination of contract
- ‘Depending on the nature, circumstances and location of the case, [the organisation] will also consider involving authorities such as the police to ensure the protection of children and criminal prosecution where this is appropriate.’<sup>38</sup>
- The decision to suspend is not subject to challenge. When investigating and determining the concerns or complaints, the process should always be fair and any adverse determination should be open to challenge through an appeals process.

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<sup>37</sup> Anti-Slavery International draft Child Protection Policy, Oct 2002, ‘Raising and reporting of child abuse’.

<sup>38</sup> Adapted from Save the Children UK Child Protection Policy, 1999, Section 1.4 (Responsibilities Under this Policy)

# SECTION III: IMPLEMENTATION

## 1. Implementation of CAN Children Protection Policy

### CAN will:

- Distribute the CAN policy** to: CAN staff, interns, volunteers, trustees, officers and contractors)
- Ensure that each of the parties specified above has **signed and returned to CAN** the appropriate **Statements of Commitment**. Provide assistance to those developing their own policy where necessary, and issue a letter of acceptance to individuals and organisations that have submitted child protection policies in line with the essential standards specified by CAN.
- Funding permitted, offer post-May 2005 initial training courses to educate members and associates on the issues of child protection, and subsequently hold seminars to update and inform relevant stakeholders about current developments in the areas of child protection.

### CAN Partners in Nepal should:

- Report all major concerns (if any) that might affect the organisation's ability to sign the Statement of Commitment. This involves explicitly documenting any specific points of CAN's Child Protection Policy that the organisation would not be able to comply with, accompanied by a justification for such non-compliance;
- Identify a senior individual within the organisation to sign the Statement of Commitment as a compulsory criterion for partnership with CAN;
- Provide CAN with the name of a contact person within the organisation for communication on child protection issues.

## APPENDIX 1

### Sample Report Form for Suspected Abuse<sup>39</sup>

If you have knowledge that a child's safety might be in danger, please complete this form to the best of your knowledge. Please note that child protection concerns must be reported directly to the designated contact person immediately (preferably within the same working day). You may wish to complete this form *before* contacting the designated person in your organisation's reporting process *or* you may wish to complete the report *after* contacting the designated person. This report is to be used as a tool to develop the most un-biased information-based report possible. For confidentiality reasons, the report should be written and signed solely by you. It should only be sent *only* to the designated contact person. It will be held in a safe and secure place and treated in the strictest confidence.

#### 1. About You

Your name: \_\_\_\_\_

Your job title: \_\_\_\_\_

Workplace: \_\_\_\_\_

Your relationship to the child: \_\_\_\_\_

Contact details: \_\_\_\_\_

#### 2. About the Child

Child's name: \_\_\_\_\_

Child's gender: \_\_\_\_\_

Child's age: \_\_\_\_\_

Child's address: \_\_\_\_\_

Child's guardians: \_\_\_\_\_

#### 3 About your Concern

Was the abuse observed or suspected? \_\_\_\_\_

Is this concern based on first hand information or information divulged to you by someone else?  
(If so who?) \_\_\_\_\_

Did the child disclose abuse to you? \_\_\_\_\_

Date of the alleged incident: \_\_\_\_\_

Time of the alleged incident: \_\_\_\_\_

<sup>39</sup> Based on tools and resources from Child Protection Policies of SENSE International and Tearfund.

Location of the alleged incident: \_\_\_\_\_

Name of alleged perpetrator: \_\_\_\_\_

Job title: \_\_\_\_\_

Nature of the allegation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your personal observations (*visible injuries, child's emotional state, etc.*) [N.B. Make a clear distinction between what is fact and what is opinion or hearsay]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Exactly* what the child or other source said to you [if relevant] and how you responded to him or her: [Do not lead the child. Record actual details]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any other information not previously covered:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were there any other children/people involved in the alleged incident? \_\_\_\_\_

Action Taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

## APPENDIX 2

### Sample Guidelines for Child Sponsorship Programmes

Recommended guidelines<sup>40</sup>:

- 1) Develop a comprehensive, user-friendly 'Sponsorship Handbook' that includes child protection standards to be followed as well as specific guidelines for visits. Compliance with the standards outlined in this Handbook must be compulsory.
- 2) Trustees or volunteers with responsibility for child sponsorship programmes / administration should, in addition to receiving regular organisational child protection training, receive training in relation to the specific issues raised by sponsorship such as communication guidelines, confidentiality of information (storage and communication), reporting and response procedures in relation to unannounced / unaccompanied visits, detection of possible irregularities in requests related to sponsorship etc.
- 3) If any concerns are raised in relation to a sponsorship application, the case will be discussed with the Chief Executive before a decision is made. If the application for sponsorship is declined or sponsorship brought to a close, the relevant programme manager will write to the individual advising them of the decision and the reason. All consultation and decisions will be recorded.
- 4) A sponsored child's history, picture folders and photographs of children must be stored in locked and secure facilities to which a limited number of people have access.
- 5) All sponsor correspondence with a sponsored child must be reviewed for inappropriate or suggestive comments, requests or obscenities, including political or religious comments that could cause offence, and to ensure that letters do not contain the sponsor's contact details. (This is to ensure that the sponsor is protected from receiving begging letters from people unconnected with the sponsored child). Where the sponsor writes in the child's local language that cannot be screened by someone at the organisation, this is clearly marked and the overseas partner / Field Office asked to check the content. In the event of inappropriate correspondence being discovered, it will be returned to the sponsor explaining the organisation's concerns. The organisation reserves the right to decline sponsorship or sever the sponsorship relationship.
- 6) At the time of sponsorship, sponsors must be advised that the organisation's policy prohibits unannounced visits. Sponsors requesting a visit must be asked to sign a statement that they have received and understood the organisation's visit policy.
- 7) A sponsor and his or her sponsored child must not exchange home addresses.
- 8) Staff must be aware of the organisation's policy on the use of the World Wide Web. Sponsors must be advised that information via the World Wide Web is provided as a service and is not to be downloaded or redistributed to another site. Any posting on the World Wide

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<sup>40</sup> Based on Plan UK and World Vision UK Child Protection Policies.

Web must have a clear warning that the information is not to be downloaded or redistributed for any reason. Such activity could subject the user to legal action by the organisation.

- 9) The organisation will not facilitate the visit of any child to a sponsor's country or facilitate the adoption of children. Any request for such assistance will be tactfully declined.
- 10) The organisation reserves the right to terminate sponsors' relationships with the organisation for child protection or any other reasons.

### **SPONSOR VISITS TO THE ORGANISATION'S PROJECTS**

- 1) In order to ensure that all possible steps are taken to protect sponsored children, their families and communities from those who may wish to exploit or abuse them, **all** sponsor visits will be arranged through the organisation. Sponsors are encouraged to make their request to the organisation at least 8 weeks in advance of the requested visit.
- 2) The organisation's overseas partner / field office is required to refer any sponsor, or friend of a sponsor, attempting to bypass this procedure to the organisation's headquarters, and also to report the incident to the organisation's headquarters. The sponsor will then be contacted by the organisation.
- 3) On receiving a request to visit a project from a sponsor, the organisation will check the sponsor's record. A letter will be sent drawing attention to the visit guidelines outlined in the organisation's Sponsorship Handbook.
- 4) The sponsor will be:
  - expected to sign the appropriate Statement of Commitment to the organisation's Child Protection Policy as a condition of the visit;
  - expected to sign a personal declaration stating any criminal convictions, including those considered 'spent', and declaring any previous investigations or allegations made against them with respect to child protection issues (N.B. only convictions or history that might be considered dangerous to the safety or well-being of children or their families will be considered as reasonable cause to decline sponsorship visits);
  - expected to provide the organisation with their passport number;
  - Expected to be interviewed by the organisation's designated child protection person / Officer to ensure their suitability for the visit. This briefing should include training on CAN's Code of Behaviour and CAN's guidelines on communications about children (including use of images).
- 5) If a sponsor chooses not to comply with any of the requirements listed above the visit will be cancelled.
- 6) Sponsor and child details are then forwarded to the Nepalese partner concerned.
- 7) Group sponsor visits will be subject to the same requirements above. Any sponsor wishing to join a group visit must attend a briefing meeting with the organisation prior to departure. A Child Protection Officer will be present during these briefings.



- 8) All visitors to the organisation's projects must be advised of behaviour protocols that should reflect national and local sensitivities. Visitors must sign and acknowledgement of receipt and understanding of these protocols as part of their orientation before they visit the child.
- 9) The organisation's partner / field office's rules for visits to sponsored children must be observed. This may require that a sponsor meet with a child in a central location such as the local organisation's office.
- 10) While visiting projects, sponsors must be accompanied by a member of the local organisation's staff, and will never be allowed to stay overnight. During group visits, when there may be more sponsors than members of staff to accompany them, child visits must be done in turn. **Under no circumstances should a sponsor be allowed to visit the projects alone.**
- 11) Local staff must inform the organisation's headquarters should a sponsor attempt to return, unchaperoned, to a project on a subsequent occasion.
- 12) Sponsors and sponsored children should not exchange mailing addresses during visits.
- 13) The organisation will retain the right to cancel a sponsor's visit at any time. Local staff must be informed if the organisation's staff have **any** suspicions, so that the situation can be monitored.
- 14) For overseas partners / field offices to be eligible to receive sponsor visits they should undertake to provide the organisation with a Sponsor Visit Report following every visit. In the case of group visits the organisation will prepare a report. (The visit must be reported in full detail giving both positive and negative information, as the report may have a bearing on future requests). Project staff should be reassured that information contained in reports remains confidential, and is not available to sponsors, and the organisation will make clear that details should be included of **any** inappropriate behaviour. Actual or suspected cases of abuse or inappropriate behaviour must be reported immediately to the organisation, and appropriate action taken. This may include criminal investigation and potential severance of the relationship with the organisation.
- 15) In the case of any breach of the above guidelines, the organisation should be careful to thoroughly investigate every case by contacting the child, the in-country staff and the sponsor or person visiting. Possible action may include bringing the sponsorship to a close and taking follow-up action with external bodies as appropriate.

## APPENDIX 3

### Recognizing Signs of Abuse<sup>41</sup>

“Recognising indications of potential abuse is complex and there is no simple checklist to allow easy recognition.”<sup>42</sup> “There are potential warning signs that [you] can be alert to but they should be observed and assessed with care.”<sup>43</sup> “It should not be automatically assumed that abuse is occurring, and talking to the child may reveal something quite innocent. It is important, however, not to dismiss significant changes in behaviour, fears, worries, and physical indicators a child is exhibiting. [...] Do not ignore these signs, but remember it is not your role to become an investigator.”<sup>44</sup> Report any concerns to the designated child protection contact in your organisation.

<p><b>Possible signs of physical abuse<sup>45</sup>:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Bruises, burns, sprains, dislocations, bites, cuts</li> <li><input type="checkbox"/> Improbable excuses given to explain injuries</li> <li><input type="checkbox"/> Refusal to discuss injuries</li> <li><input type="checkbox"/> Withdrawal from physical contact</li> <li><input type="checkbox"/> Arms and legs kept covered in hot weather</li> <li><input type="checkbox"/> Fear of returning home or of parents being contacted</li> <li><input type="checkbox"/> Showing wariness or distrust of adults</li> <li><input type="checkbox"/> Self-destructive tendencies</li> <li><input type="checkbox"/> Being aggressive towards others</li> <li><input type="checkbox"/> Being very passive and compliant</li> <li><input type="checkbox"/> Chronic running away</li> </ul>	<p><b>Possible signs of neglect<sup>46</sup>:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Frequent hunger</li> <li><input type="checkbox"/> Poor personal hygiene</li> <li><input type="checkbox"/> Constant tiredness</li> <li><input type="checkbox"/> Inappropriate clothing, e.g. summer clothes in winter</li> <li><input type="checkbox"/> Frequent lateness or non-attendance at school</li> <li><input type="checkbox"/> Untreated medical problems</li> <li><input type="checkbox"/> Low self-esteem</li> <li><input type="checkbox"/> Poor social relationships</li> <li><input type="checkbox"/> Compulsive stealing</li> <li><input type="checkbox"/> Drug or alcohol abuse</li> </ul>
<p><b>Possible signs of emotional abuse<sup>47</sup>:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Physical, mental and emotional development is delayed</li> <li><input type="checkbox"/> Highly anxious</li> <li><input type="checkbox"/> Showing delayed speech or sudden speech disorder</li> <li><input type="checkbox"/> Fear of new situations</li> <li><input type="checkbox"/> Low self-esteem</li> <li><input type="checkbox"/> Inappropriate emotional responses to painful situations</li> <li><input type="checkbox"/> Extremes of passivity or aggression</li> <li><input type="checkbox"/> Drug or alcohol abuse</li> <li><input type="checkbox"/> Chronic running away</li> <li><input type="checkbox"/> Compulsive stealing</li> </ul>	<p><b>Possible signs of sexual abuse:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Age inappropriate sexualised behaviour (Sense International, 5.2.3)</li> <li><input type="checkbox"/> Physical indicators (general and in genital and anal areas)<sup>48</sup></li> <li><input type="checkbox"/> Behavioural indicators (general and sexual) which must be interpreted with regard to the individual child’s level of functioning and development stage<sup>49</sup></li> </ul>

<sup>41</sup> This material has been based on information compiled from Sense International Child Protection Policy, section 5.2.and ECPAT Australia, *Choose with Care*, pp.34-35.

<sup>42</sup> Sense International Child Protection Policy, section 5.2.1.

<sup>43</sup> Sense International Child Protection Policy, section 5.2.2.

<sup>44</sup> ECPAT Australia, *Choose with Care*, p.34.

<sup>45</sup> ECPAT Australia, *Choose with Care*, p.34.

<sup>46</sup> ECPAT Australia, *Choose with Care*, p.35.

<sup>47</sup> ECPAT Australia, *Choose with Care*, p.35.

<sup>48</sup> Detailed indicators are outlined in ECPAT Australia, *Choose with Care*, p.36.

<sup>49</sup> Detailed indicators are outlined in ECPAT Australia, *Choose with Care*, p.37.

**Possible signs of concern regarding adult behaviour:**

- A person in whose presence a child or children becomes unusually distressed or agitated can be a cause for concern (Sense International, 5.2.5)
- A member of staff, volunteer, or parent asks a child to lie about anything (especially if it is about meeting that child) is a cause for concern (Sense International, 5.2.7)
- Any member of staff, volunteer, or parent who asks you lie about a situation involving a child – particularly if that child looks distressed – is a cause for concern (Sense International, 5.2.6)
- Any person who persistently fails to follow the organisation's Code of Conduct / behavioural protocols (detailed in the child protection policy) is a cause for concern, particularly if reasons are evasive (Sense International, 5.2.4)
- Private (i.e. outside of work) meetings between a child and a member of staff or volunteer are a cause for concern (Sense International, 5.2.8)

## APPENDIX 4

### Declaration of Qualification for Trusteeship

As Child Action Nepal (CAN) is considering you for a trusteeship within the governing body or 'Board of Trustees' of CAN, before you are considered, current trustees must ask you to confirm that you are not disqualified from acting as a trustee, as detailed in section 72(1) of the *Charities Act 1993*:

- People under the age of 18, unless the charity is a registered company;
- Anyone convicted of an offence involving deception or dishonesty unless the conviction is spent;
- Anyone who is an undischarged bankrupt;
- Anyone who has previously been removed from trusteeship of a charity by the Court or the Commissioners; and
- Anyone who is under a disqualification order under the Companies Disqualification Act of 1996.

I hereby confirm that I am not disqualified for becoming a charity trustee, as defined under 72(1) of the *Charities Act 1993*.

I also confirm that I have received and read Child Action Nepal Trustees' pack which includes: CAN Trust Deed, CAN last set of audited accounts, the meeting minutes from the last three Trustees' meetings, and the Charity Commission's publication Responsibilities of Charity Trustees (CC3). After reading these documents, I understand what my responsibilities would be as trustee and foresee no personal interests that would in any way conflict with my ability to serve as a CAN trustee.

**Finally I do understand that Child Action Nepal, as an organisation working for vulnerable and marginalised children, has in place a Child Protection Policy and thereby confirm that I have read the policy and signed the appropriate Statement of Commitment to the policy. I further understand that adherence to CAN's Child Protection Policy will involve the following: undergoing a disclosure from the Criminal Records Bureau; signing a personal declaration stating any criminal convictions, including those considered 'spent', and declaring any previous investigations or allegations made against me with respect to child protection issues; providing two character references.**

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

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

## APPENDIX 5

### Criminal Records Bureau (CRB) CARE CHECK

**Contact details:**

Information Line: 0870 243 0608

Address: Care Check, 39 Church Street, Tewkesbury, Gloucestershire, GL20 5SN

Email: info@carecheck.co.uk

Website: www.carecheck.com

- The CRB is the government institution responsible for administering criminal record checks for England and Wales for recruitment and licensing purposes. It operates as an executive agency of the Home Office. It is run by a Chief Executive who is responsible to the Home Secretary. It was conceived under Part V of the Police Act of 1997 largely in response to public concern about the safety of children and vulnerable adults.
- CAN uses Care Check CRB Umbrella service, who provides disclosures through the CRB

**Care Check achieves its purpose by providing a service called Disclosure which operates at 3 levels: Basic, Standard and Enhanced Disclosure.**

- A **Basic Disclosure** will show all convictions held at national level which are not “spent” under the Rehabilitation of Offenders Act 1974.
- A **Standard Disclosure** will be available for posts or purposes that are exceptions to the Rehabilitation of Offenders Act. **Groups eligible to apply to this certificate will include those whose duties involve regular contact with children and young people under the age of 18** and elderly, sick or disabled people, those involved in the administration of the law and those employed in certain other sensitive areas and professions. The certificate will include details of convictions, including convictions “spent” under the Rehabilitation of Offenders Act, and cautions, reprimands and warnings recorded at national level; and for those working with children or vulnerable adults the Disclosure will include a check of the DfEE (Department for Education and Employment) and DoH (Department of Health) lists of people barred from working with the vulnerable.
- An **Enhanced Disclosure** which will be available for **those applying for positions which involve regularly caring for, training, supervising or being in sole charge of persons aged under 18**, or vulnerable adults, for certain statutory licensing purposes and for those being considered for judicial appointments. Like the Standard Disclosure, and Enhanced Disclosure will contain information on spent and unspent convictions and cautions held at national level but, in addition, will include information from local police records including relevant non-conviction information. The DfEE and DoH lists will also be checks for those working with children and the vulnerable.

## APPENDIX 6

### Selected Articles from the United Nations Convention on the Rights of the Child

Taken holistically, the CRC provides a comprehensive framework for the protection, provision, and participation of all children without discrimination to ensure their survival and development to the maximum extent possible. On the understanding that CRC must be read as a whole, the following articles nevertheless form the specific basis of child protection issues.

#### Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

#### Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

#### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

**Article 25**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

**Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

**Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

**Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

**Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare

**Article 37**

States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

**Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**APPENDIX 7 (A)**

**STATEMENT OF COMMITMENT**

**to The Child Action Nepal's Child Protection Policy**

**VERSION A:**

**CAN trustees, contractors\* and volunteers\***

"I, \_\_\_\_\_[name]\_\_\_\_\_, have read and understood the standards and guidelines outlined in this Child Protection Policy. I agree with the principles contained therein and accept the importance of implementing child protection policies and practice while working with Child Action Nepal or a partner of Child Action Nepal.

\_\_\_\_\_  
*(Print name)*

\_\_\_\_\_  
*(Job title / role)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\* working for CAN or a partner of CAN



APPENDIX 7 (B)

STATEMENT OF COMMITMENT

to The Child Action Nepal's Child Protection Policy

**VERSION B:**  
**CAN Nepalese partner**

"I, \_\_\_\_\_(name)\_\_\_\_\_, on behalf of \_\_\_\_\_(organisation)\_\_\_\_\_, have read and understood the standards and guidelines outlined in this Child Protection Policy.

\_\_\_\_\_(Organisation)\_\_\_\_\_ agrees with the principles contained therein and accepts the importance of implementing child protection policies and practice in its work.

\_\_\_\_\_(Organisation)\_\_\_\_\_ is open to working with CAN to explore the implications of this policy for our organisation, and to work together to build our mutual capacity to develop and implement child protection policies and practice while associated with the Child Action Nepal.

The designated contact person within \_\_\_\_\_(Organisation)\_\_\_\_\_ responsible for communication with CAN on child protection issues is \_\_\_\_\_(name of individual)\_\_\_\_\_.

**Senior organisation representative:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Job title / role)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Child protection contact person:**

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Job title / role)

APPENDIX 7 (C)

**STATEMENT OF COMMITMENT**

to The Child Action Nepal's Child Protection Policy

**VERSION C:**

**Individuals on project visits (e.g. donors, journalists,  
researchers and sponsors)**

"I, \_\_\_\_\_[name]\_\_\_\_\_, have read and understood the standards and guidelines outlined in this Child Protection Policy. I agree with the principles contained therein and accept the importance of implementing child protection policies and practice while associated with the Child Action Nepal.

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
\*(Job title / role)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\*(delete as applicable)

## APPENDIX 8

### Media Guidelines for Media Personnel visiting CAN's Projects

- 1) In order to ensure that all possible steps are taken to protect children in our care, their families and communities from those who may wish to exploit or abuse them, **all** media visits will be arranged through the organisation. Media personnel are encouraged to make their request to the organisation at least 2 weeks in advance of the requested visit.
- 2) The organisation's overseas partner / field office is required to refer any media personnel attempting to bypass this procedure to the organisation's headquarters, and also to report the incident to the organisation's headquarters. The media personnel will then be contacted by the organisation.
- 3) The media personnel will be:
  - expected to sign the appropriate Statement of Commitment to the organisation's Child Protection Policy as a condition of the visit;
  - expected to provide 2 contacts for referees;
  - expected to provide the organisation with their passport number;
  - expected to be interviewed by the organisation's designated child protection person / Officer to ensure their suitability for the visit. This briefing should include training on CAN's Code of Behaviour and CAN's guidelines on communications about children (including use of images).
- 4) If media personnel choose not to comply with any of the requirements listed above the visit will be cancelled.
- 5) Group media personnel visits will be subject to the same requirements above. Any media personnel wishing to join a group visit must attend a briefing meeting with the organisation prior to departure. A Child Protection Officer will be present during these briefings.
- 6) All visitors to the organisation's projects must be advised of behaviour protocols that should reflect national and local sensitivities. Visitors must sign and acknowledgement of receipt and understanding of these protocols as part of their orientation before they visit the child.
- 7) While visiting projects, media personnel must be accompanied by a member of the local organisation's staff, and will not normally be allowed to stay overnight. **Under no circumstances should media personnel be allowed to visit the projects alone.**
- 8) Local staff must inform the organisation's headquarters should a media personnel attempt to return, unchaperoned, to a project on a subsequent occasion.

- 9) The organisation will retain the right to cancel a media personnel's visit at any time. Local staff must be informed if the organisation's staff have **any** suspicions, so that the situation can be monitored.
- 10) For overseas partners / field offices to be eligible to receive media personnel visits they should undertake to provide the organisation with a Media personnel Visit Report following every visit. In the case of group visits the organisation will prepare a report. (The visit must be reported in full detail giving both positive and negative information, as the report may have a bearing on future requests). Project staff should be reassured that information contained in reports remains confidential, and is not available to media personnel, and the organisation will make clear that details should be included of **any** inappropriate behaviour. Actual or suspected cases of abuse or inappropriate behaviour must be reported immediately to the organisation, and appropriate action taken. This may include criminal investigation and potential severance of the relationship with the organisation.
- 11) In the case of any breach of the above guidelines, the organisation should be careful to thoroughly investigate every case by contacting the child, the in-country staff and the media personnel or person visiting.
- 12) Any use of materials, such as photographs, for purposes other than what is agreed upon could subject the borrowing individual or organisation to legal action. Furthermore, failure to adhere to the agreed use of the material will result in the immediate termination of CAN's permission to use the subject materials and/or require immediate return of all materials (including any copies made) provided by your organisation.<sup>50</sup>

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<sup>50</sup> Adapted from World Vision Child Protection Policy, section 8.4.

## APPENDIX 9

### Agreement for those organisations and/or individuals requesting the use of CAN's resources, such as photographs.

"I, \_\_\_\_\_ [name] \_\_\_\_\_, have read and understood the standards and guidelines outlined in section II. 5. 1 (Communications about Children) of this Child Protection Policy. I agree with the principles contained therein and accept the importance of implementing child protection policies and practice while working with the Child Action Nepal.

I understand that that any use of such materials for purposes other than what is agreed upon could subject me and/or my organisation to legal action. Furthermore, failure to adhere to the agreed use of the material will result in the immediate termination of CAN's permission to use the subject materials and/or require immediate return of all materials (including any copies made) provided by CAN.

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Job title / role)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)