

# Child Protection Policy

Draft 2016

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# I. Introduction

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Masifunde Learner Development NPC is a public benefit organisation with over ten years of experience. Masifunde provides educational support in a holistic and sustainable manner to over 200 learners from impoverished communities.

The educational intervention includes: academic support, life skills training, and extra-curricular activities in the fields of arts, media and sport. All activities aim at enabling the participants to make full use of their potential, achieve academically and in life, to ultimately break the cycle of poverty. By encouraging others to follow their example, they become changemakers within their society.

This policy is informed and guided by the following:

1. Child Justice Act, 75 of 2008
2. Children's Act, No 38 of 2005
3. Child Care Amendment Act (Act 96 of 1996)
4. The South African Constitution
5. Sexual Offences and Related Matters Act of 2007

This policy was developed after and based on a three-day training by the Human Dignity Foundation in 2015. The draft policy has been workshopped with Masifunde team members, and Grade 10 – 12 learners at Masifunde's Youth Safety Summit 2015. Their comments have been incorporated into the policy.

## I.1 Purpose of this policy

- a) A child protection policy provides guidelines for creating a safe and positive environment for the learners of Masifunde. Although these standards cannot offer complete protection of the learners, implementing such a policy will minimize the risks of learners being exploited or abused.
- b) Masifunde core target group are children and youth of all ages.
- c) Masifunde team members interact with children and youth on a daily basis both in the workspace setting as well as in more informal settings, in the role as a teacher, facilitator, mentor and/or councillor.
- d) It is important to protect children and youth and for this reason all team members who interact with children and youth are to be trained in this policy to ensure that any engagement with the learners are governed by strict ethical principles that ensure no harm comes to any learner who participates in any program associated with Masifunde related activities.

## 1.2 Application of this policy

- Masifunde Board of Directors
- Masifunde Management
- Masifunde team members, incl. facilitators, tutors, drivers, back-office staff, cooking and cleaning staff
- Short term and long term volunteers
- Visitors
- Funders / Donors
- ECDC child-minders

## 2. Definition of Terms

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### **Learners**

All Masifunde participants involved in one or more activities, children and youth.

### **Team members**

All full time or part-time employees and volunteers in all Masifunde projects who are (or theoretically could be) in contact with learners at any point.

### 2.1 Definition of Terms associated with abuse

All team members, volunteers and persons working with children and associated with Masifunde ought to know the various forms of abuse identified below.

According to the Children's Act (no 38 of 2005) abuse in relation to a child, means any form of harm or ill-treatment deliberately inflicted on a child and includes;

- a) Assaulting a child or inflicting any other form of deliberate injury to a child,
- b) Sexually abusing a child or allowing a child to be sexually abused,
- c) Bullying by another child,
- d) A labour practice that exploits a child or,
- e) Exposing or subjecting a child to behaviour that may harm the psychologically or emotionally.

A. **Physical Abuse** is the actual or likely injury to a child, or a failure to prevent physical injury (or suffering) to a child. It includes hitting, beating with a stick or other implement, shaking, throwing, poisoning, burning, drowning or suffocating. This may involve forcing a child to work in an unsafe way/environment, or depriving the child of necessities such as food.

B. **Sexual Abuse** is the act or likely sexual exploitation of the child or adolescent. It involves encouraging, forcing or enticing a child to take part in or observe sexual activities that may or may not truly comprehend. It includes an action with sexual intent towards children such as touching genitals, asking a child to touch the genitals of others, encouraging the child to watch or partake in pornography, whether or not they appear to be consenting. It includes rape, incest and all forms of sexual activity involving children.

C. **Emotional Abuse** is the actual or likely persistent or severe emotional ill treatment or rejection of a child, which is likely to have an adverse effect on the child's emotional and behavioural development. It includes any actions (gestures, words and behaviours) that deliberately cause the child to feel afraid, in danger, corrupt, exploited, annoyed and discouraged.

D. **Neglect** is the persistent or severe failure to meet a child's basic physical and psychological needs or failure to protect a child from danger. It is any action deliberately neglects the right to live, right to learn, right to participate and the right to speak.

### 3. Principles of Masifunde's Child Protection Policy

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1. Child protection is both an individual and corporate responsibility.
2. All learners have equal rights to protection from abuse and exploitation, all inequalities should be challenged.
3. All learners are encouraged to fulfil their potential.
4. All team members to take precautions and responsibility to help create a safer place for children and support their care and protection.
5. The concept of "the best interest of the child" is of importance and will be prioritised in all matters relating to child protection.
6. Openness on child protection issues are encouraged as child abuse thrives on secrecy.
7. A team member who is aware of or has a vague suspicion of any form of abuse towards a learner has the responsibility to report immediately. Not reporting is not seen as 'in the best

interest' of the learner. This person is protecting the accused which is seen as an offence with regards to the Children's act 38 of 2005.

8. Learners may not participate in our programmes, as well as outings, camps, new project components or extra-ordinary activities, unless written consent has been obtained from the parent/legal guardian.
9. Treat all children with respect regardless of differences of religion, age, culture, gender, ability and economic conditions.
10. Allow children to have a say in decisions that affect them and listen earnestly to their concerns.
11. Engage in appropriate behaviour and use language that is not intended to shame or humiliate children in any way.
12. Team members to act as role models to all learners both during working hours as well as private time (see Code of Conduct in HR Policy).

## 4. Preventive Measures

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### 4.1 Recruitment and Selection

Masifunde follows stringent recruitment processes to ensure that all team members who are recruited understand and commit to the Masifunde Policies and Procedures.

1. Prior to employment contracts reference checks are done of which at least one written reference from a previous employer is kept on file.

2. Before commencing employment all team members who are facilitating programmes are required to attend the induction process where the policies, procedures and guidelines such as;

- a) the team code of conduct;
- b) child protection policy.

### 4.2 Screening

#### 1. Pending approval of appointment;

- a) Prospective team members, office staff and volunteers will be requested to produce a valid police clearance certificate

- b) Response letter from the Department of Social Development clearing their name against Part B of the National Child Protection Register
- c) Should a response letter not be received at the time of appointment, proof of submission to the department of Social Development with an affidavit stating that they have not been convicted of any child related crimes should be forwarded to the managing director prior commencement.

**2. All current Masifunde team members, office staff, volunteers and facilitators will be requested to give permission for;**

- a) the employee to submit a form 29 to “establish whether a person name appears in Part B of the National Child Protection Register” to the Department of Social Development
- b) a police clearance.

### **4.3 Staff Training**

All Masifunde team members who come in contact with children and youth will receive continuous training. Management strives to ensure the following trainings are offered:

- Facilitation training (two days)
- Introduction in curriculum (two days)
- Counselling 1 and 2 (each three days)
- First Aid course (two days)

**Within the first 3 months of employment the team member will receive child protection training.**

## 5. Communications regarding learners

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### 5.1 Images/Photos

#### **What is appropriate?**

1. Balanced, positive portray of learner
2. Learner properly clothed
3. No personal identification of the learner that could place them at risk by allowing strangers to track and establish contact to learners.

#### **What is inappropriate?**

1. Learner posing in a sexual manner
2. Learner partly clothed, e.g. swimming costume
3. Portraying the learner in a degrading manner, e.g. as vulnerable, needy, poor.

### 5.2 Use of Images

Masifunde aims to maintain the respect and dignity of learners while accurately raising public awareness of the reality of children at risk. All photographs and visual imagery will accurately portray and not sensationalise the situation of children.

1. If the learner is younger than 18 years the consent of their parent is required. Once learner turns 18 Masifunde should strive to have learner's written consent, too.
2. For the use of images for organisational material additional signed consent from the parent and learner are required.
3. All learner images used on social platforms (Facebook, twitter, websites etc.) should be approved by management before a post can be made.
4. Pictures, materials and personal information regarding children is kept in a secure place.
5. All learner profiles for sponsored learners should be kept in a secured place and not made acceptable to persons not working directly with these learners.
6. For the purpose of reporting to the sponsors all reports with the use of images and/or identifying details should be approved by the Managing Director and be in line with the child protection policy before it can be distributed.



### 5.3 Site Visits

By no means will a volunteer, funder or non-member of Masifunde be allowed to interact with the learners alone. Should a team member, facilitator, office staff or volunteer be accompanied by a non Masifunde member they will be responsible too:

1. Ensure that the visitor is known to Masifunde via personal reference, if not personally known a contactable reference should be given (for tracing purposes).
2. Visitors must be briefed on the Masifunde child protection policy and sign a short form committing to the Masifunde child protection policy.
3. Visitors' register should be available at all Masifunde venues.
4. Visitors are not left unsupervised or alone with children without another adult or team member being in sight.
5. Visitors do not initiate physical contact with children.
6. The photographs taken always respect the dignity of the child based on the guidelines discussed in 5.2.

## 6. Transportation

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1. Written consent is received from parents/caregiver prior to transporting learners
2. All vehicles are to be in good driving condition and checked prior to departures in line with the road safety regulations.
3. All drivers are screened against this policy in addition to the following when transporting learners:
  - a) Valid driver's licence
  - b) Not in possession of alcohol
4. All learners should have access to a seatbelt when travelling with a Masifunde Vehicle.
5. It is the responsibility of the driver to ensure that learners use seatbelts.

## 7. ICT

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The use of ICT by children and youth within Masifunde's premises must be controlled and monitored to ensure they use media such as the internet only for their personal growth and academic progress, but not for negative influences such as pornography.

1. Any child making use of Masifunde ICT equipment must be supervised by a Masifunde team member.
2. If learners are making use of Masifunde ICT equipment, the equipment must be child friendly. For example, if children are accessing the internet on a Masifunde computer, the computer must be set up as follows:
  - a) A separate user account is created for use by children
  - b) The settings of the user account must have Parental Controls that block sites and content unsuitable for children.
  - c) See the following instructions on how to set up such an account.  
[[http://windows.microsoft.com/en-za/windows/set-parentalcontrols# ITC=windows-7](http://windows.microsoft.com/en-za/windows/set-parentalcontrols#ITC=windows-7)]
3. Use of ICT to generate, access or be in possession of child pornography is illegal and should be reported in accordance with national laws
  - a) “Pornography” is defined as follows:

'Pornography' means any image, however created, or any description of a person, real or simulated, who is 18 years or older, of an explicit or sexual nature that is intended to stimulate erotic feelings, including any such image or description of such person-
  - b) Engaged in an act that constitutes a sexual offence;
  - c) Engaged in an act of sexual penetration;
  - d) Engaged in an act of sexual violation;
  - e) Engaged in an act of self-masturbation;
  - f) Displaying the genital organs of such person in a state of arousal or stimulation;
  - g) Unduly displaying the genital organs or anus of such person;
  - h) Displaying any form of stimulation of a sexual nature of the female breasts
  - i) Engaged in sexually suggestive or lewd acts;
  - j) Engaged in or as the subject of sadistic or masochistic acts of a sexual nature;
  - k) Engaged in any conduct or activity characteristically associated with sexual intercourse;
  - l) Showing or describing the body, or parts of the body, of that person in a manner or in circumstances which, within the context, violate or offend the sexual integrity or dignity of that person or any other person or is capable of being used for the purposes of violating or offending the sexual integrity or dignity of that person or any other person.
4. Team members found in possession of child pornography will be suspended pending a formal investigation.

## 8. Supervision

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It is important for all persons mentioned above working with the learners of Masifunde to:

1. Conduct a risk assessment with at least one other team member to be fully aware of all situations that may present risks in the planned activity (such as excursion, camp, lesson, etc.) and develop preventative measures for each risk.
2. As far as possible be visible to a third person when working with children (e.g. do not close the door when you visit a home of a learner) to avoid accusations with no witnesses.
3. Ensure that a culture of openness exists to enable any issues or concerns to be raised and discussed.
4. Ensure that a sense of accountability exists between team members so that poor practice or potentially abusive behaviour does not go unchallenged.
5. Raise awareness amongst learners around abuse and encourage them to raise any concerns with regard to abuse at Masifunde and away from Masifunde.
6. Empower the learners through various programs– discuss their rights with them, what is acceptable and unacceptable, and what they can do if there is a problem.

It is inappropriate to:

- a) Spend time alone with a learner away from others, exceptions are counselling and one-on-one feedback sessions.
- b) Take a learner to your home where they will be alone with you.
- c) Hit or physically assault or abuse a learner.
- d) Develop romantic/sexual relationships with a learner.
- e) Verbally abuse learners.
- f) Place a learner in a situation where the learner/s is/are at risk of abuse, e.g.:
  - See the above
  - Drive learners without seatbelt fastened
  - Serve expired food
  - Do outdoor activities without protective gear

## 9. Procedure in Case of Abuse

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### 9.1 Confidentiality

It is of utmost importance that any matter pertaining to any neglect or abuse of a learner should be dealt with confidentiality to safeguard learner and the suspected perpetrator until proven guilty. Any disregard of confidentiality would manipulate the outcome of the investigations.

### 9.2 Reporting

#### **Internal report of abuse**

According to the children's act 38 of 2005 section 110 a social worker, staff member or volunteer working with children must report any abuse or neglect to a designated child protection organisation or police office. Masifunde team members, office staff and volunteers are aware of this and at all-times should place the emphasis of what is in the best interest of the child. It is in the best interest of the child that any matter pertaining to the learner's wellbeing is reported to the relevant persons immediately.

1. All Masifunde venues must have a reporting box for children to insert a written report in private, should they lack the confidence to report the matter verbally.
2. All Masifunde venues must display a list of emergency contact numbers for children to use if they need to report abuse or neglect.
3. Any irresponsible and unprofessional behaviour must be reported within 24 hours to the Head of departments. "Irresponsible and unprofessional behaviour" is defined as follows:
  - a) Any conduct or speech that might potentially cause emotional, physical or psychological harm to a child and in doing so, violates any rights the child may have in terms of the South African constitution, the Children's Act and the Sexual Offences and Related Matters Act.
  - b) Any conduct or speech that breaches the South African Council for Social Service Professions Code of Conduct where the staff member in question is a social worker or a social auxiliary worker.
4. The safety of children is always our priority and therefore strict action is taken when concerns, witnessed or suspected disregard of the Child Protection Policy is reported.
5. The process below must be followed by all internal Masifunde staff.

## **STEP 1:**

1. All Masifunde team members will report known or suspected child abuse immediately or as soon as practically possible, taking note of the following:
  - a) Child's name, address and telephone number.
  - b) Parents or guardians name and telephone numbers
  - c) Reasons for concern and any relevant statements made by the child.
2. If an incident of abuse or neglect is alleged to have occurred at or during Masifunde programmes or activities, the following procedure shall be followed:
  - a) The head of departments should be notified.
  - b) Referral to internal social worker to be made with STEP 1 detail
  - c) The parent or guardian of the child will be notified
  - d) The appropriate authorities will be notified, consistent with applicable legislation
  - e) The alleged perpetrator of the abuse or misconduct will immediately be suspended from the CJCP pending an investigation.
  - f) The managing director at all times should be informed of any abuse or neglect
3. Team members will follow an internal chain of command for the reporting of abuse, making all reports to the relevant head of department.
4. Team members are to report directly to the Masifunde Managing Director if the head of department or internal social worker does not handle any report immediately.
5. Where persons involved in the reporting process are being accused the case should be reported directly to the chairperson of Masifunde board of directors, who will be the designated person and follow the process.

## **STEP 2:**

6. Inform the designated Masifunde team member in writing of the incident within 24 hours of the incident coming to light.
7. Masifunde Managing director and internal social worker is responsible for assessing the validity of the complaints within 72 hours.

## **STEP 3:**

8. The designated personnel should contact a Social Worker from a Child protection organization such as ACVV, UVIWE or the Department of Social Development, or the Child Protection Officer of the South African Police Services.
9. The following should be noted:
  - a) The name of the person making the call;

- b) The name of the intake worker receiving the call;
- c) The date and time of the call; and
- d) The action proposed by the person to whom the abuse has been reported.

#### **STEP 4:**

- 10. The social worker (and the police in some cases) will interview the child as soon as possible.
- 11. All Masifunde team members must cooperate with this process, as and where requested by the relevant authorities.
- 12. If response up is slow and particularly if the child remains at risk, the referring person should follow up until the child is safe.

#### **STEP 5:**

- 1. Once the official investigation has been completed, Masifunde may pursue internal disciplinary proceedings, as and when necessary.
- 2. A detailed report must be submitted of findings pertaining to any investigations.
- 3. In the event there is no investigation of the incident by state or local authorities, a management team will be formed to investigate the circumstances of the incident.
- 4. The team should act only in consultation with an attorney.
- 5. Any person who is not found innocent of the alleged abuse or misconduct will be removed from their position with at Masifunde.

### **9.3 External Report of Abuse**

If a team member, facilitator, staff member and volunteer suspects that a learner might be abused by someone outside of Masifunde it should be reported to the internal social worker who will inform the managing director. Depending on the severity of the report, all incident reports should be reported to a designated child protection organisation or police official.

## **10. Communications**

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- a. Masifunde will promote positive values and child protection strategies in its programmes, facilities, with parents and in the community.

- b. Parents will receive regular written information about the programmes content and schedules; feedback regarding their child's participation in programme including behavior and general health; and an introduction to the programme team members.
- c. Parents will be allowed to observe programmes at any time as appropriate.
- d. Parents and the community will be made aware of the Masifunde child protection efforts through regular written and/or electronic communication including: the staff code of conduct, abuse prevention training for staff and child, how to report suspicious behaviour.
- e. Masifunde will designate a spokesperson to the media and community in the event of any incident concerning abuse or neglect.

## 11. Implementation of this Policy

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- f. All current and future team members, office staff, facilitators and volunteers will be trained on this policy and sign acceptance of this policy.
- g. All reporting procedures and tools will be made available to every person dealing with learners.
- h. The process of reporting abuse will be accessible to learners and any person coming in contact with Masifunde.
- i. Continuous training on child protection issues will be made available to all working with learners to increase their capabilities to deal with pending issues.

## 12. Dissemination of the Policy

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Masifunde is committed to ensuring that all relevant parties are informed about its policy and understand the importance of keeping children safe.

Masifunde's Child Protection Policy is:

- Circulated and discussed with all current and future Masifunde team members.
- Circulated and discussed with all existing and potential funders.
- Circulated and discussed with all current and future board members.
- Circulated and discussed with the communities with whom Masifunde collaborates.

### 13. Monitoring

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This policy will be reviewed and updated as needed by the Masifunde Board of Directors or its designee on an annual basis.

Adopted on 20.04.2016 in Port Elizabeth by the Masifunde Learner Development Board of Directors.