

CHILD PROTECTION POLICY STATEMENT

MUSKAAN

1. POLICY STATEMENT

All staff employed by Muskaan are responsible for the care, safety and protection of children. This responsibility extends to the identification and timely response to concerns regarding the possible sexual, physical, psychological and emotional abuse or neglect of a child.

2. BACKGROUND

Muskaan is committed to the care, safety and protection of all children coming in our direct or indirect contact. This document explains the actions to be taken by staff to protect children in circumstances where abuse is suspected or when allegations of child abuse are made against staff, children or other people in the community.

All staff have an important role in the identification and reporting of child abuse and the provision of support and assistance to children who have been abused. Child protection and the prevention of child abuse is an accepted responsibility by the organization, and also see this as a shared community responsibility.

This policy recognizes that there are specific behaviours that are part of the community context and work against the best interests of children. These shall be challenged through collaboration with the communities and also engaging with force / legal protocol, other government departments or non-government agencies in accordance with existing protocols.

3. STATEMENT OF COMMITMENT:

Definition of Child: A child means every human being below the age of 18 years.

- 3.1 Muskaan is committed to the rights and welfare of children and opposes all forms of child abuse, especially child sexual abuse and exploitation.
- 3.2 Muskaan believes that all children have a right to protection from abuse irrespective of race, social background, age, gender, skin color, disability, religion, caste or beliefs.
- 3.3 Muskaan believes that child abuse and exploitation is not acceptable in any form. Keeping silent and inaction is also wrong, if it is known that a child is being abused or exploited.
- 3.4 Muskaan believes in the importance of child protection, so that not only are children protected from abuse by Muskaan members (or board of directors), staff, donors, and volunteers, but also that preventative measures can be made to protect the children.
- 3.5 Muskaan believes that children have the right to participation through any form of expression (in accordance with their evolving capacities) and be heard. Therefore where possible children will also be included as stakeholders and in research and other relevant reports/evaluations.

4. SCOPE

This policy applies to all staff including those who:

- Work in public schools or Muskaan schools or camps or hostel
- Provide educational programs off school sites, in the bastis or any other venue
- Work in the bastis in non-education roles

- Work in administrative or other support roles in the offices where they may have contact with children.

This policy also applies to volunteers and any visitors (in any capacity) to Muskaan.

5. DEFINING CHILD ABUSE

5.1 The different forms of child abuse are described by:

5.1.1 **Sexual Abuse:** Actual or likely, direct or indirect exploitation of a child in sexual activities they do not truly comprehend (or threatening to involve them),

Child Sexual Abuse Includes

- A person exposing his/her genitals to a child or persuading the child to do the same
- A person touching/ fondling a child's genitals or making the child touch the person's genitalia.
- A person involving a child in pornography which includes exposing a child to pornographic material
- A person having oral, vaginal or anal intercourse with a child
- Any verbal or other sexual suggestion made to a child by a person
- A person persuading children to engage in sexual activity

Above points are some examples but sexual abuse is not limited to these points.

5.1.2 **Physical Abuse:** Actual or likely physical injury to a child, or failure to prevent physical injury, or suffering, to a child, including deliberate or non-accidental hitting, beating, shaking, throwing, burning, drowning, suffocating or poisoning, drugging, any form of corporal punishment.

5.1.3 **Mental/Emotional Abuse:** Actual or likely severe adverse effect on the emotional and behavioral development of a child caused by persistent or severe emotional ill treatment or rejection. May involve conveying to the child that they are worthless, unloved or inadequate and cause children to feel frightened, in danger and corrupted.

Physical and emotional abuse may occur even when a parent or caretaker may not have intended to hurt the child. It may however have been the result of physical or emotional over discipline or punishment which is inappropriate to the age of the child.

5.2 **Child Abuse also includes the following –** As these are part of the context of communities we are working with, the handling of these issues would need to be done differently. However they need to be handled.

5.2.1 **Neglect:** The persistent or severe neglect of a child or the failure to protect a child from exposure to any kind of danger, including severe weather conditions and starvation, or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, including non-organic failure to thrive. The various aspects of neglect can be further detailed as below: The failure to provide for the child's basic needs. Neglect can be physical, educational, or emotional. Physical neglect can include not providing adequate food or clothing, appropriate medical care, supervision, or proper weather protection (heat or cold). It may include abandonment. Educational neglect includes failure to provide appropriate schooling or special educational needs, allowing excessive trancies. Psychological neglect includes the lack of any emotional support and

love, never attending to the child, spousal abuse, and drug and alcohol abuse including allowing the child to participate in drug and alcohol use.

5.2.2 **Forced Marriages:** Persuading a child to marry without her / his consent amounts to abuse of a child's rights. This may be being done in a violent or non-violent manner.

5.3 Following aspects to be further noted –

- It is considered abuse whether or not the child consents.
- The abuser is often an adult but can be a child as well.
- The abuser can be from the organization or outside the organization.
- The abuse can take place in any official space or a community space or a school premise or the child's work space or any undefined space.

6. PROCEDURES

6.1 REPORTING CHILD SEXUAL ABUSE

6.1.1 RESPONSIBILITIES OF STAFF

Staff members must report a belief formed on reasonable grounds of child sexual abuse that occurred any time in the present or past.

A belief formed on reasonable grounds that a child has been abused or neglected may be based on but is not limited to:

- ☐ *reports of abuse by a third party; and/or*
- ☐ *a disclosure of information provided by a child or parent/carer; or*
- ☐ *observed evidence of physical and/or behavioural indicators.*

More details are provided in Annexure A.

Teachers must follow one of the following reporting processes to the Director:

- ☐ make a written report only; or
- ☐ make a verbal report which must be followed up with a written report.

Mandatory reporters who fail to report sexual abuse can face disciplinary action including fining, temporary suspension, termination of services. A person can be prosecuted any time in the future for failing to make a report in the past, if the incident of abuse is brought to the organization's notice at a later time. Failing to report sexual abuse may also be considered a breach of the organization's policy.

Format for reporting is attaching. The staff member should report sexual abuse immediately, or maximum within 4 hours.

6.2 REPORTING OF PHYSICAL, PSYCHOLOGICAL/EMOTIONAL ABUSE OR NEGLECT

The Indian society continues to believe in the old methods of disciplining children and use of corporal punishment is common in schools. Neglect at home is also seen all around us because of debilitating conditions of life and poverty.

However in spite of these conditions, we have to recognize that as social workers or teachers, we cannot also become blind to these negative situations and not become immune

to them. Every time a typical school teacher talks badly to a child or a mother/father hits a child, it is a point of realization that things are not okay and need to be changed. Therefore every such form of abuse also should be mentally acknowledged, intervened upon and reported to the organization as per the designed protocol for subsequent action.

The staff member should report abuse of this nature within 48 hours.

6.3 Reporting to the Police

Certain acts irrespective of the identity of the abuser have to be reported to the police. It will not be treated differently if the abuser is in anyway associated with the organization, or with a school a person is working in.

These are –

- Sexual abuse in the form of molestation / attempted rape / rape
 - An adult (not a child) exposing his/her genitals to a child or persuading the child to do the same.
 - An adult touching/ fondling a child's genitals or making the child touch the person's genitalia.
 - An adult having oral, vaginal or anal intercourse with a child, or attempting to do so.

(If there is an attempt to rape or there is a rape of a child by a non-adult, then too the case should be reported to the police. The decisive factor here is the non-consent, which is not the case for an adult).

- Any other form of unwanted physical contact which when reprimanded once, does not stop and is repeated. This could be in the form of
 - Unwanted touch of putting one's hand on any part of a child's body which s/he has not liked
 - Showing a child anything pornographic material
 - Pursuing a child for any form of unwanted liaison

7. BEHAVIOURAL PROTOCOLS:

- 7.1 Muskaan expects all persons related to the organization (members, staff, volunteers, patrons, contractual staff, as drivers, and visitors) to give respect and dignity to all children associated with the work of Muskaan, as well as children within their own personal lives.
- 7.2 Muskaan members, staff, volunteers, contractual staff and visitors with direct contact with projects and children must sign a statement to say that they have read the policy, will respect and abide by it and understand that action will be taken in cases where behavior is not in accordance to the policy. This will lead to disciplinary action and possible job loss for staff or dismissal of committee members or volunteers who break these protocols.
- 7.3 Permission will be required from authorized persons for volunteers and external visitors to take photographs or video footage of children. Authorization should be sought from the Director/Committee and strict regulations will be implemented on the nature of how photographs are taken. These photographs and/or video will not be used for any other purpose outside Muskaan without prior permission. It is advisable to take the consent of the children and share the pictures with them to the extent possible.
- 7.4 Committee members, staff, volunteers and visitors must never be alone with children who are not their own offspring in a private place that cannot be readily seen by other responsible adults. Example, doors to a room should not be closed in any situation, unless it is a counseling situation where there are deputed counselors working.
- 7.5 Muskaan members, staff, volunteers and visitors will not discipline a child in a way that is against the Convention on the Rights of the Child. This effectively means no tolerance to any form of violence against the child.

- 7.6 Muskaan members, staff, volunteers and visitors need to be aware that they may work with children who, because of the circumstances and abuses they have experienced, may use a relationship to obtain “special attention”. The adult is always considered responsible even if a child suggests or behaves any kind of an intimate relationship. Adults should avoid being placed in a compromising or vulnerable position.
- 7.7 Inappropriate behavior toward children, including failure to follow Behavior Protocols or sexual abuse of a child is grounds for disciplinary action, up to and including dismissal from employment, volunteer/internship or board /advisory council membership.
- 7.8 Muskaan members, staff, volunteers and visitors must be concerned about perception and appearance in their language, actions and relationships with minors and children. Muskaan committee members, staff, volunteers and visitors should maintain a high standard of behavior/character in presence of children. (Example: should not use any unacceptable language in the presence of a child)
- 7.9 Muskaan members, staff, volunteers and visitors dress appropriately and culturally sensitive when they visit children, families, communities and programs or work with children.
- 7.10 Inexperienced Muskaan staff and volunteers should not try to handle children with complicating problems. (Example: children who have been sexually abused). These children should be directed to a team or professionals with the consultation of the responsible officers.
- 7.11 Muskaan members, staff and volunteers should seek to live up to the Mission Statement and Core Values in all relationship with others in any circumstances.

8. RECRUITMENT AND SCREENING

- 8.1 Muskaan members, staff and volunteers will be carefully and properly screened during their recruitment period which includes signing to agree to the Child Protection Policy and stating that there have been no previous convictions for abuse against children, violent behavior or improper and unlawful conduct.
- 8.2 Muskaan members, staff, volunteers and visitors will be carefully assessed during their probation period, to ensure no violation of child’s rights.
- 8.3 Muskaan will ensure that all the references of approved local candidates for work are checked, preferably by telephone, and recorded in the staff files before the new staff member is invited to take the position. This will include a verbal (if needed a written) request to the referee of whether they have any concerns as to why the candidate should be employed to work with children.
- 8.4 Muskaan staff, volunteers and visitors agree to inform the Director immediately if information exists that casts doubt on any team member’s trustworthiness with children. Such information would be treated as confidential and disclosed to the individual team member for appropriate action.
- 8.5 Individuals who are hired as independent contractors and their work involves working with children, are notified of organization’s Policy and Required Standards for Child Protection and are made aware that they are expected to follow behavior protocols set out below.
- 8.6 The organization reserves the right not to hire an applicant if the background check and interview reveals that the person is not suitable to work with children and the selection committee is not convinced about the safety of children with the person.

9. RESPONSES TO ALLEGATIONS OF STAFF OFFENCES

- 9.1 Muskaan members, staff, volunteers and visitors will be encouraged to be open in discussing the potential of abuse within the organization, including during the mandatory annual child protection training.
- 9.2 Where an allegation has been made that any member, staff, volunteer or visitors has abused a child, Muskaan will take the appropriate action to deal with the situation.

- 9.2.1 Where there is an allegation, first inform the Director. If the Director is the subject of the allegation, Secretary (or board of directors) must be informed.
- 9.2.2 The Director will take the issue to the Committee Against Sexual Harassment (in the instance of a sexual abuse) or to the Committee for Child Protection.
- 9.2.3 The allegation will be kept confidential, with only those directly involved having the appropriate information.
- 9.2.4 All details will be entered on the Allegation form and filed confidentially.
- 9.2.5 Team members, staff, volunteers and visitors found to be widening the circle of confidentiality will have disciplinary action taken against them according to the rules of the sending agency. Committee members and staff will receive a written warning.
- 9.2.6 Any investigations will be kept confidential and take place under external advice and counsel.
- 9.2.7 Relationships with child welfare and legal organizations should be encouraged for accountability and support in times following an allegation.
- 9.2.8 Both child and alleged perpetrator will be treated with respect from the start of the process to the end.
- 9.2.9 The organization will not dismiss a child's accusation of abuse without appropriate investigation, no matter who the alleged perpetrator is.
- 9.2.10 The organization will confer with other organizations in a case where the child involved requires extra protection and Muskaan is not able to provide it.
- 9.2.11 Records will be made of all facts related to the investigation and allegation, and these will be carefully and confidentially filed by the Committee. (Refer to allegation forms and record form)
- 9.2.12 If a foreigner is involved, the relevant Embassy will be informed.
- 9.2.13 Muskaan will designate someone to deal with the media and the police if necessary. Consideration will be made beforehand by the Committee about how the police and media will be informed/involved.

10. RESPONSES TO ALLEGATIONS OF NON-STAFF, COMMUNITY MEMBERS, FAMILY, ETC. OFFENCES

- 10.1 In order to facilitate the reporting, investigation and follow-through of all cases, Muskaan will set up formal or informal support systems of related professionals and authority within their community. That is, relationships will be maintained with local police, government or non-government social services, doctors, lawyers, social workers, and teachers. All individuals should be encouraged to attend the annual child protection training sessions, as both participants as well as providers of information related to their community and particular service.
- 10.2 Whenever a staff of Muskaan has a reasonable cause to believe that a child, regardless of whether served by the organization or not, is being abused, that staff must report within 48 hours to the Director, who will report immediately to local authority utilizing the same Allegation form.
- 10.3 Procedures will be followed, assuring the safety of the alleged victim and all children within the community.

11. COMMUNICATION ABOUT/TO CHILDREN

- 11.1 Communications about children should use pictures that are decent and respectful, not presenting them as victims. Children should be adequately clothed and poses that could be interpreted as sexually suggestive have to be avoided. Language that implies a relationship of power should also be avoided. The organization will never display pictures of children in brothels or in vulnerable situations.
- 11.2 Where photographs of children are used, Muskaan will take special care to protect children's identities and specific geographic location in all materials.

- 11.3 Disclosure of information about past or present abuse of children and any of the persons involved should be limited to only the people who need to know.
- 11.4 Individuals or organizations requesting the use of Muskaan's resources such as videos or photographs should be required to sign an agreement with the organization as to the proper use of such materials. The agreement should include a statement that any use of such materials for purposes other than what is agreed upon could subject the borrowing individual or organization to legal action. Furthermore, failure to adhere to the agreed upon use of the material will result in the immediate termination of Muskaan's permission to use the subject materials and/or require immediate return of all materials provided by the organization as well as any copies of such materials.
- 11.5 Private correspondence with individual children by volunteers is discouraged. When reasonable ground exists, all correspondence with a child by the volunteers is reviewed for inappropriate or suggestive comments, requests or obscenities. In the event of inappropriate correspondence being discovered, Muskaan reserves the right to sever the volunteer relationship.

12. TRAINING, EVALUATION & MONITORING

- 12.1 Muskaan will implement training to ensure that all committee members, staff, volunteers and visitors understand the content of this Child Protection Policy before signing their commitment. The scope of the training will include but not limit itself to Definitions of child abuse, characteristics, causes, handling of disclosure, reporting systems, laws, local multi-disciplinary specific measures open to the organization.
- 12.2 Muskaan will be committed to the ongoing monitoring and evaluation of child protection procedures and behavior protocols. Annual staff evaluations will include the items of active listening, activities and behavior that empower clients, assertiveness when advocating for a client, and basic knowledge on child protection issues.
- 12.3 Once a year there will be an opportunity for all members, staff and volunteers to partake in a self appraisal and peer appraisal to monitor the behavior of each.
- 12.4 Should there be any concerns, these should be raised with the Director/ Committee.

13. DECLARATION OF COMMITMENT BY STAFF MEMBERS

To be signed by all members, staff, volunteer, visitors and partner organizations. A copy will be kept on file in the office.

I declare that:

- 1. I have read and understand the Child Protection Policy.
- 2. I have attended/will attend the [date] child protection training (for any person working in the organization for a stretch beyond 6 months).
- 3. I will work within the procedure as laid out in the Child Protection Policy.
- 4. I understand that if a complaint is brought against me regarding the abuse of children while engaged in Muskaan's activities, the allegation will be thoroughly investigated in cooperation with the appropriate authorities.

Signature: _____

Date: _____

APPENDIX A. A GUIDE WHEN CONCERNED ABOUT POSSIBLE CHILD ABUSE

When deciding if you need to report a child protection concern you should have a belief that results in concern for the physical safety, health, psychological or emotional wellbeing of a child.

This belief should be based on reasonable grounds such as:

- the child discloses;
- someone else such as a relative or friend of the child provides information;
- a child discloses that they know someone who has been abused (often a child is referring to him or herself);
- observation of indicators; and
- the child's writing or drawing depicts abuse.

When reporting:

- proof is not required;
- the injury from physical abuse is considered to be non-accidental; or
- the indicators are not typical for the age and gender of the child.

If you are unsure, discuss this confidentially with the:

- Director;
- Secretary;
- Team leader; or
- Child Protection Coordination Team.

If you remain unsure you must continue to document observations, information and consultations on the Form for Disclosures, Observations of Child Abuse and Actions (Appendix B).

APPENDIX B. Allegation Form

1. Reporter's Details

Reporter's name			
Workplace Address			
Contact Phone No.		Email	
Is this a written report after a telephonic report?		If yes, Date and time of telephonic report	
		Reported to who?	

2. Details about the child

Child's first name (or description of child if name unknown)		Child's last name	
Date of birth		Or estimated age of child	
Male / Female	Any disability	Will the child feel more comfortable if s/he is spoken to in any language other than Hindi?	Yes / No
Cultural Identity			If yes, which language?
Address with landmarks			
Second address			
Any contact number			
Working Status of the Child			
Education Status of the Child			
Anybody specific the child is more comfortable with?			

3. Details of Parent / Carer / any other providing care (if known)

Full Name	
Address	
Relation to the child	
Significant others close to the child (e.g. grandparents/aunt)	

4. Person responsible for alleged abuse or harm (if known)

Full Name	
Address	
Relation to the child	

5. DETAILED REPORT

Provide details on the nature and extent of suspected abuse; why do you believe this abuse has taken place; details of injuries, events and anything else significant to note (add another page if needed)

4. Concern for the Child

Do you think the child is at immediate threat or needs safety?

5. Signature

Reporter's Signature

Signature of the Director
(or to whom report submitted for action)

APPENDIX C: RECORD FOR (child's name)

Date	Action (e.g. consultation, parent referral, case conference, medical support, legal support, counseling)	By Whom	Follow Up