

Policy Statement

Child Safeguarding Policy

Socio Legal Information Centre (SLIC) is committed to the following:

- the welfare of the child is paramount
- taking all reasonable steps to protect children from harm, discrimination and degrading treatment and to respect their rights, wishes and feelings
- all suspicions and allegations of poor practice or abuse will be taken seriously and responded to swiftly and appropriately
- all employees who work with children will be recruited with regard to their suitability for that responsibility, and will be provided with guidance and/or training in good practice and child protection procedures
- working in partnership with parents and children is essential for the protection of children

SLIC considers:

- All children have equal rights to protection from harm.
- Everybody has a responsibility to support the protection of children.
- Organization has a duty of care to children with whom they work, are in contact with, or who are affected by their work and operations.
- If organization works with partners they have a responsibility to help partners meet the minimum requirements on protection.
- All actions on child safeguarding are taken in the best interests of the child, which are paramount.

Child Safeguarding Policy

This policy seeks to ensure that Socio Legal Information Centre undertakes its responsibilities with regard to protection of children and will respond to concerns appropriately. The policy establishes a framework to support paid and unpaid staff in their practices and clarifies the organisation's expectations.

Definitions

Safeguarding is about embedding practices throughout the organisation to ensure the protection of children and / or vulnerable adults wherever possible. In contrast, child and adult protection is about responding to circumstances that arise.

Abuse is a selfish act of oppression and injustice, exploitation and manipulation of power by those in a position of authority. This can be caused by those inflicting harm or those who fail to act to prevent harm. Abuse is not restricted to any socio-economic group, gender or culture.

It can take a number of forms, including the following:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Bullying
- Neglect
- Financial (or material) abuse

Definition of a child

A child is under the age of 18 (as defined in the United Nations convention on the Rights of a Child). The term “juvenile” (as defined in the Juvenile Justice Act, 2015) will also bear the same meaning as assigned to the word “child”.

Definitions of harm

It is difficult to define “harm” to children because children can be abused in so many ways depending on the context and culture. They may be abused in a family, an institution, community or faith setting, or via social media/internet. They may be harmed by an adult or adults or another child or children. There are also practices such as forced or early marriage that cause significant harm to children.

The following definitions can be used as a guide:

Guardian in relation to a child, means his natural guardian or any other person having the actual charge of the child.

Physical abuse: actual or potential physical harm perpetrated by another person, adult or child. It may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child. Also, Corporal Punishment as defined in the Juvenile Justice (Care and Protection of Children) Act, 2015 will amount to physical abuse.

Sexual abuse: forcing or enticing a child to take part in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration, or non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving children in looking at, or producing sexual images, watching sexual activities and encouraging children to behave in sexually inappropriate ways. The definition will include all forms of sexual assault and sexual harassment as defined in The Protection of Children from Sexual Offences Act, 2012.

Child sexual exploitation: a form of sexual abuse that involves children being engaged in any sexual activity in exchange for money, gifts, food, accommodation, affection, status, or anything else that they or their family needs. It usually involves a child being manipulated or coerced, which may involve befriending children, gaining their trust, and subjecting them to drugs and alcohol. The abusive relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited. It is a form of abuse that can be misunderstood by children and adults as consensual.

Child sexual exploitation manifests in different ways. It can involve an older perpetrator exercising financial, emotional or physical control over a young person. It can involve peers manipulating or forcing victims into sexual activity, sometimes within gangs and in gang-affected neighborhoods. It may also involve opportunistic or organized networks of perpetrators who profit financially from trafficking young victims between different locations to engage in sexual activity with multiple men.

Neglect and negligent treatment: allowing for context, resources and circumstances, neglect and negligent treatment refers to a persistent failure to meet a child's basic physical and/or psychological needs, which is likely to result in serious impairment of a child's healthy physical, spiritual, moral and mental development. It includes the failure to properly supervise and protect children from harm and provide for nutrition, shelter and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and the neglect and ill treatment of a disabled child.

Emotional abuse: persistent emotional maltreatment that impacts on a child's emotional development. Emotionally abusive acts include restriction of movement, degrading, humiliating, bullying (including cyber bullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

Commercial exploitation: exploiting a child in work or other activities for the benefit of others and to the detriment of the child's physical or mental health, education, moral or social-emotional development. It includes, but is not limited to, child labor.

Best interest of child means the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development;

Child friendly means any behaviour, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child;

Child in conflict with law means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

Child in need of care and protection will bear the same meaning as defined in the Juvenile Justice (Care and Protection of Children) Act, 2015. It means a child—

- (i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or
- (ii) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or working as bonded labour or

- (iii) (iii) who resides with a person (whether a guardian of the child or not) and such person—
 - (a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or
 - (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or
 - (c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or
- (iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or
- (v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or
- (vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or
- (vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
- (viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or
- (ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or
- (x) who is being or is likely to be abused for unconscionable gains; or
- (xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or
- (xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;

Scope of the Child Protection Policy

All staff (paid or unpaid, lawyers on retainer, local or international volunteers) have responsibility to follow the guidance laid out in this policy and related policies, and to pass on any welfare concerns using the required procedures.

We expect all staff (paid or unpaid) to promote good practice by being an excellent role model, contribute to discussions about safeguarding and to positively involve people in developing safe practices.

Principles

This policy is informed by a set of principles that are derived from the UNCRC and include:

1. All children have equal rights to protection from abuse and exploitation.
2. Each child has a fundamental right to life, survival and development. SLIC's Child Rights Initiative's approach provides a basis for ensuring the realization of children's rights to be protected from harmful influences, abuse and exploitation.
3. All children should be encouraged to fulfill their potential, and inequality and discrimination should be challenged.
4. Children will be assured the right to express their views freely and this will be given 'due weight' in accordance with their age and level of maturity. We will not discriminate against the child.

The child will be treated with respect irrespective of gender, nationality or ethnic origin, religious or political beliefs, age, physical or mental health, sexual preference and gender identity, family, socio-economic and cultural background, or any history of conflict with the law.

5. Everybody has a responsibility to support the care and protection of children.
6. SLIC has particular responsibilities to children who come into contact with us. No child must come to harm as a result of their engagement with SLIC.
7. These particular responsibilities extend to those individuals or organizations who are associated with SLIC. Therefore, **everyone** working for or associated with SLIC's work must be aware of and adhere to the provisions of this policy.

Prevention

Prevention of any harm to a child is of utmost priority for SLIC. For it, appropriate preventive measures will be taken and such measures will include:

- **Child Safe Recruitment Procedures:** All prospective employees will be assessed with regard to their past experience with children for doing so, reliance would have to be placed on the self-declaration of the candidate. Questions put to the candidate will include those which are meant to assess his/her approach to a situation involving engagement with a child. For example, the candidate may be put in a situation where he/she comes in contact with a child in conflict with law or a child in need of care and protection and the candidate's intended course of action will be scrutinized as to whether the same will be in the best interests of the child. The candidate will then be provided at least a day-long induction training which will include a thorough study of SLIC's Child Protection Policy including child safeguarding practices.
- All partners with which SLIC engages must follow policies similar to those contained in SLIC's Child Protection Policy.
- **Dissemination, Education and Training:**
 - Copies of the Child Protection Policy will be distributed through email amongst all staff of SLIC;
 - A copy of the Child Protection Policy will be put up at a conspicuous place in every office of SLIC and must be visible to all those visiting an office of SLIC;
 - Best efforts will be made to acquaint children who come in contact with SLIC with the salient features of the Child Protection Policy in a child-friendly manner;
 - An annual training of the staff of SLIC on child safeguarding will be conducted during the Annual General Meeting of SLIC;
 - At least one exclusive training in three years on child safeguarding for all SLIC unit heads and designated child safeguarding leads will be organized in collaboration with an expert in the field.
- **Child Safeguarding Risk Assessments:** All heads of SLIC's unit offices and Child Safeguarding leads must monitor the areas of work of SLIC and the present or potential interactions with children and identify the possible risks associated with such interaction. On identification of such risks, the concerned persons should plan mitigation strategies according to the nature of the risks and take guidance from the Child Protection Policy and keep the best interests of the child in mind. A sample Risk Assessment Tool is attached as Annexure –A which can be used for risk identification and mitigation and the tool may be modified as per the needs of the situation.

Code of Conduct for those covered by the scope of the Child Protection Policy

The responsibilities detailed below are mandatory for those who fall within the scope of the policy.

SLIC Staff, SLIC Associates, SLIC Visitors and SLIC Managers must:

1. Never abuse and/or exploit a Child or act/ behave in any way that places a child at risk of harm.
2. Report any Child abuse and Child protection concerns they have in accordance with applicable local office procedures and this policy.
3. Respond to a Child who may have been abused or exploited in accordance with applicable local office procedures and this policy.
4. Cooperate fully and confidentially in any investigation of concerns or allegations of Child abuse.
5. Provide legal assistance/counseling to a child who is accused or guilty of breaking the law with dignity and respect.
6. Contribute to building an environment where children are respected and encouraged to discuss their concerns and rights. Always treat children in a manner which is respectful of their rights, integrity and dignity, considers their best interests and does not expose them to, or place them at risk of, harm. For example: when taking images/pictures during visits, interacting with children or generating stories of children, ensure that this is done in a manner consistent with the appropriate SLIC policies and procedures.
7. Never ask for or accept personal contact details (this includes email, phone numbers, social media contacts, address, webcam, skype etc.) from any Child or family associated or formerly associated with SLIC's work or share their own personal contact details with such individuals.
8. Never disclose, or support the disclosure of, information that identifies children, through any medium, unless that disclosure is in accordance with standard SLIC policies and procedures and/or has the explicit consent of SLIC. Media include paper, photographs and social media.
9. Never make any contact with a Child or family members associated with SLIC's work that is not supervised by a member of SLIC Staff. Such contact may include but is not limited to visits and any form of communication via social media, emails and letters.

Partners

- All organisations that show interest in collaborating with SLIC will be provided with a copy of SLIC's Child Protection Policy.
- The partner organisation must commit to respect and comply with the Child Protection Policy of SLIC. Thereafter, a memorandum of agreement can be formulated to give shape to the commitment to SLIC's Child Protection Policy.
- In case, the partner organization does not have any Complaints/Grievance Redressal Mechanism of its own, the partner organization can use the Complaints Redressal Mechanism of SLIC subject to the replacement of two of the partner organisation's staff replacing two of the Child Safeguarding Leads of the Complaints Redressal Committee of SLIC. The two persons who are to be replaced in such a situation would be decided by the Executive Director of SLIC.

- In the course of SLIC's collaboration with a partner organization, if the partner organization does anything which is repugnant to the Child Protection Policy of SLIC, the latter will be at liberty to terminate the collaboration with the partner organization.

Reporting and Responding to Allegations

Four Child Safeguarding Leads constituting a Complaint Redressal Committee will be designated by the Board of Trustees and their names and contact details will be written in the Child Protection Policy so as to be accessible to all persons visiting SLIC's offices. The Committee will formulate a Complaints Redressal Mechanism to hear complaints against any staff or person associated with SLIC and the Mechanism so formulated shall be put up along with the Child Protection Policy.

The complaints received by the Committee would have to be enquired and decided upon within twenty days of receipt of complaint and the proceedings must be recorded in writing. The final decision arrived upon will contain the complaint, a reasonable account of the enquiry conducted and the decision arrived thereon. The majority opinion will prevail and in case no majority decision could be arrived upon, the matter will be referred to the Chair of the Board of Trustees whose decision thereon shall be final. The final decision will have to be communicated to the complainant/victim.

Provided that the accused must be given a reasonable opportunity of making a representation in his/her defense.

In case an allegation is against a Child Safeguarding Lead, the complaint can be made to the remaining three members of the Committee and the final decision be arrived at in accordance with the majority decision of the three Child Safeguarding Leads. Provided that in such a case where the complaint is heard by three Child Safeguarding Leads, if the victim or the guardian of the victim is of the opinion that another person of repute from an outside agency be appointed to hear the his/her complaint, such person shall be deemed to be a member of the Committee and if such person alone arrives at a decision which is in variance with the common decision of the rest of the three members, the complaint shall be referred to the Chair of the Board of Trustees whose decision thereon shall be final.

A complaint made to the Committee will be in the form of a Child Safeguarding Incidence Report Form (Annexure B) which will be prepared by the victim or his/her guardian or someone in whom the complainant/victim has trust and every staff whose help is sought for preparing such Report shall extend assistance for such preparation.

Implementation, Monitoring and Sanctions

The Board of Trustees of SLIC is ultimately accountable for this policy. The Executive Director of SLIC and the National Directors are responsible for its implementation.

Breaches of this policy and failure to comply with these responsibilities may incur the following sanctions:

- For SLIC Staff or SLIC Managers - disciplinary action leading to possible dismissal.
- For SLIC Associates or SLIC Visitors - up to and including termination of all relations including contractual and partnership agreements with SLIC.

- Where relevant - appropriate legal or other such actions.

Where concerns exist about the conduct of SLIC Staff, SLIC Associates, SLIC Visitors and SLIC Managers in relation to Child protection and/or where there has been a breach of the Child Protection Policy, this will be investigated under this policy by consideration of referral to statutory authorities for criminal investigation under the law of the country in which they work; and/or by SLIC in accordance with disciplinary procedures. This may result in disciplinary action for SLIC Staff and SLIC Managers.

Be aware that if a legitimate concern about suspected Child abuse is raised, which proves to be unfounded on investigation, no action will be taken against the reporter. However, appropriate sanctions will be applied in cases of false and malicious accusations of Child abuse.

The policy will be reviewed once in every three years to assess the effectiveness of the policy. However, the policy may be amended whenever a need arises for doing so.

*This policy has been reviewed and approved by **the Board of Trustees & Sehba Meenai**, Executive Director.*

Annexure A – Risk Assessment Tool

Potential Risk	Who is at risk?	What factors place them at risk?	Mitigation measures	Whether Mitigation measures are in place? (Y/N)
1.				
2.				
3.				
4.				

Annexure – B: Child Safeguarding Incidence Report Form

Socio-Legal Information Centre
Child Safeguarding Incidence Report Form

Name of Complainant:

Age of Complainant:

If complainant is different from victim/aggrieved person, then name of such person:

If complainant is different from victim/aggrieved person, the relation of the complainant to the such person:

Date of incidence:

Place of incidence:

Description of incident:

Relief sought:

Any other information:

Signature of complainant

Date: