

Child Protection Policy Of Trinamul Unnayan Sangstha



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TUS Child Protection Policy

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Introducing the Child Protection Policy

Why we need a Child Protection Policy

Trinamul Unnayan Sangstha (TUS) directly and indirectly engages annually with up to one thousand children; these numbers are set to increase with our growth targets. Children participate in a wide range of regulated activity organised by TUS and implementing partners and which are delivered on or off NGO premises involving frequent and intermittent contact including long distance travels.

Over recent years, there has been increasing recognition that the abuse of children can and does happen in organisations, and a growing acceptance of the potential risks to children from adult unintentional acts and deliberate actions. Unintentional acts can happen due to a lack of 'due diligence' and organisational negligence. It can lead to acts of harm such as child injury or abduction due to inadequate care and supervision or lack of policies and procedures to inform staff planning and practice. It can also emerge from a lack of staff compliance with legal requirements.

TUS has concerned about the protection and safety of children and recognises that we have a fundamental duty of care towards all children we engage with. We take our responsibility seriously to ensure we are doing all we can to protect children from abuse, both from within and outside the organisation, and to take appropriate action if such abuse occurs.

Purpose of a Child Protection Policy

Child Protection Policy is not just about health and safety, it considers all aspects of child vulnerability and steers us as an organisation to do all that we can to keep children safe and operate ethically.

Its purpose is to help us to develop a common understanding of child protection issues, develop good practice across the diverse and complex areas in which we operate and thereby increase accountability in this crucial aspect of our work. This policy, when put into practice, will help make sure that children are protected. It also ensures that staff and other representatives are protected. This aspect of good governance is also critical in maintaining the reputation and credibility of TUS.



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What is a Child Protection Policy

A Child Protection Policy is an organisation's commitment to protect children from abuse, exploitation and organisational negligence. This is reflected in the way an organization conducts its activities and the way staff behave. Child Protection Procedures are how an organisation puts its policy into action. Examples of typical organisational child protection policy & procedures include safer recruitment and screening processes for those working with TUS, codes of conduct for staff, guidance on the appropriate use of children's images and information and requirements for staff to report suspected or actual abuse.

Who is defined as a child?

In this policy, a child is defined as anyone who has not reached their 18th birthday. This comes from the National Children Policy 2011 and United Nations Convention on the Rights of the Child, 1989. The United Nations Convention for the Rights of the Child is the international framework which sets out the specific rights of children; it is the most widely ratified international human rights instrument which over 192 countries have signed.

Who is the audience for the Child Protection Policy

The policy covers and positively benefits children we engage with throughout the organisation. This policy is mandatory for all TUS staff. For the purposes of this policy 'staff' is defined as anyone who works for the TUS, either in a paid or unpaid, full or part time capacity. This includes directly employed staff, trustees, contractors, vendors, consultants, volunteers and interns.

It also covers implementing partners whom we fund, and who we should expect to agree to work under the policy as a condition of their involvement with the TUS.

What are our responsibilities?

Everyone shares responsibility for safeguarding and promoting the development of children irrespective of individual roles.

Our policy is for all staff to be responsible for implementing this policy and the reporting procedure detailed in section five if they receive or become aware of any of the following situations in relation to:



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- any allegation of or concern about actual or suspected situations of abuse involving a child or children known to the TUS.
- any allegation of or concern about actual or suspected staff misconduct and/or criminal activity involving the abuse of a child or children whether or not they are known to the TUS.

Principles underpinning the Child Protection Policy

A number of key principles underpin the provisions of the Child Protection Policy. These include:

- **Best interests of the child are paramount** and shall be the primary consideration in our decision making;
- **Child centred and rights based** approach in order to keep children sharply in focus in all our planning and direct work;
- **Equality of opportunity** to ensure that all children have the opportunity to enjoy our activities safely regardless of their gender, ability, race, ethnicity, circumstances or age. Vulnerable and marginalized children will require particular attention in order to optimise their safety needs and promote their access to important opportunities;
- **Taking responsibility** in order to meet our obligations regarding our duty of care towards children, and **taking action** where we believe that a child is at risk or is actually harmed;
- **Recognising** and acknowledging that an element of risk exists, and while we may never be able to totally remove this, we need to do all we can to reduce it or limit its impact;
- **Honesty and transparency** by informing those we work with, including children, about our Child Protection Policy, and the way we work to try and protect children;
- **Confidentiality** to protect sensitive personal data. Information should only be shared and handled on a *need to know basis*, that is, access to the information must be necessary for the conduct of one's official duties. Only individuals who have legitimate reasons to access the information are allowed to receive it;
- **Supporting and training** those working with the TUS to recognise and respond to child protection risks and incidences;
- **Working with others** to protect children. This includes involving law enforcement and specialist child welfare agencies where necessary; and



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- **Monitoring** the implementation of the Child Protection Policy. The Child Protection Policy will be reviewed every three years.

Complaints

In this policy it is important to understand the difference between a complaint and an allegation as our response will be different. Complaints are generally an oral or written expression of dissatisfaction or concern about facilities or services. An allegation is an oral or written declaration of wrong doing or assertion of misconduct or criminal behaviour, the validity of which has not been established yet. This section deals with a complaint about the implementation of the Child Protection Policy by TUS. There is another section in the last part of this policy for advice on how to respond to allegations of misconduct or criminal behaviour.

Children and their parents or caregivers who wish to make a complaint to express dissatisfaction or concern about how they have been treated by TUS regarding the implementation of this policy should in the first instance speak with their main contact point at the TUS, who can then arrange for the appropriate follow up actions to be taken. Alternatively, people can contact the Child Protection Focal Point of TUS.

Executive Director of TUS may decide on additional procedures for how to best handle complaints, but the key issues are that the process must be accessible and be communicated.

For staff employed by the TUS, grievance procedures already exist within 'Operation Policy' in terms of how to complain about unfair treatment.



Understanding Child Protection Issues

It is important when considering child protection that we have a shared understanding of child protection and what it means. If we do not fully understand what we are protecting children from, then it is unlikely that we will be successful in our efforts.

What are we protecting children from

In the context of this policy, when we talk about 'child protection' we do not mean preventing accidents or making sure that a child's rights (principally as defined in the United Nations Convention on the Rights of the Child) are fully implemented. Instead we are referring specifically to the protection of children from abuse.

TUS uses the definition of abuse commonly used by the World Health Organisation:

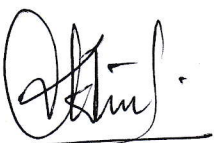
'Child abuse' or 'maltreatment' constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power'

General definitions of child abuse

Internationally, four main categories of abuse are generally recognised:

Physical Abuse: This may involve hitting, shaking, throwing, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or caregiver feigns the symptoms of, or deliberately causes, ill health to a child who they are looking after.

Emotional Abuse: This is the persistent emotional ill-treatment of a child such as to cause severe and long lasting effects on the child's emotional development. It may involve conveying to children that they are worthless and unloved, inadequate, or valued only so far as they meet the needs of another person. It can also involve age or developmentally inappropriate expectations being imposed on children, or causing children frequently to feel frightened or in danger. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.



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Neglect: This is the persistent failure to meet the child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's physical or cognitive development. For example, inadequate care and supervision which leaves a child in a dangerous situation where they could be harmed (but only where this can be avoided).

Sexual Abuse: This involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening or gives consent. The activities may involve physical contact, including penetrative (e.g. rape) or non-penetrative acts. They may also include non-contact activities, such as involving children in looking at, or in the production of, pornographic materials or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Other types of abuse commonly recognised, such as commercial sexual exploitation and trafficking, are complex manifestations of a combination of the above four categories. It is important to highlight that bullying is also a form of abuse as it is an act of aggressive behavior in order to intentionally hurt another person or persons, mentally, physically and/or sexually.

Abuse can take place in many forms and anywhere, that is, in the family, community or on the Internet. Abuse is also manifesting itself in digital and augmented technologies such as smart phones. This can be virtual or real and can take many forms including sexual harassment and child pornography. It should be remembered that although we commonly think of adults as those who abuse children, children can also be the perpetrators.

Cultural sensitivity

TUS seeks always to work in ways which are culturally sensitive and that respect the diverse nature of the people we work with. We recognise that there are many different ways of thinking and taking care of children and making sure they are protected. It is acknowledged that protecting children and being culturally sensitive can be a difficult balancing act, especially given the situation in many of the districts where we work. As a National organisation, however, we endorse the United Nations Convention on the Rights of the Child general principle that all the rights guaranteed by it must be available to all children without discrimination; and article 19 which affords equal rights to protection for children from abuse. Every child matters everywhere in the world. Culture must not be used as a reason or excuse to abuse children.



Child Protection Focal Point

In order to assist with the implementation of the Child Protection Policy Executive Director must nominate someone to act as the Child Protection Focal Point. This need not be a senior person within the organisation, but it should be someone who has the necessary skills and commitment to taking on an additional role in child sensitive manner.

Broad areas of responsibility for the Child Protection Focal Point include:

- Supporting TUS in implementing the Child Protection Policy;
- Acting as a first point of contact for staff on all child protection issues;
- Maintaining list of local specialist child welfare, health and law enforcement contacts;
- Providing advice and support to staff concerned about a child protection issue and deciding what action to take;
- Responsibility for escalating a concern to the Senior Management Team of TUS;
- Referring cases to specialist child welfare and/or law enforcement agencies as appropriate; and
- Keeping accurate records that are data protection compliant.

Preventative Actions

The most important key to child safety is prevention. It is widely recognised that organizational awareness and good practice can promote positive staff action or behaviour, reduce opportunities for offending and will enable early detection and response.

Recruitment and Employment

'Safe' recruitment and checks that are undertaken as part of the recruitment process are the organisation's first chance to deter or discourage potential offenders. TUS will take all reasonable measures to prevent unsuitable individuals from working with children. It is therefore crucial to have some sort of screening process for individuals entrusted with the care of children.

TUS will take the following measures to ensure that only those who do not pose a risk to children are employed or involved in its work:



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1. All job, contract and service advertisements must state that TUS works to protect children and that those seeking work will be assessed regarding their suitability to work with children.
2. Before employing any staff, background screening checks must be conducted to ensure their suitability. This includes independent references and other possible checks.
3. Where staffs are to work directly with children, additional care must be taken to ensure that they are suitable. This should include checking identification, qualifications and obtaining references from previous employers.
4. Staff should be asked to sign a self declaration statement confirming that they have no convictions for any offence involving any type of harm to a child or children, and should declare anything that may affect their suitability to work with children.
5. In exceptional circumstances, it may not be possible to obtain background checks and references. In these situations a careful assessment should be made as to whether it is appropriate for the person to be put in the position of working alone with child.
6. Where allegations are made about staff, careful consideration must take place about the appropriateness of the person continuing to work with TUS. This may include suspension during any internal or external investigation and dismissal if the allegation is proved.

Human Resource (HR) Head or Manager or Coordinator should be consulted and involved in all processes concerning directly employed staff to ensure that workers' employment rights are not violated. The first point of contact with HR should be the office that was responsible for appointing the staff member/where their contract was issued.

Training, supervision and support

Once staff has been recruited they need to be adequately trained and supervised to ensure that any risks to children are minimised. This will be achieved through ensuring that:

1. All staff are informed about the Child Protection Policy, and given the opportunity to discuss its implications for them with both their line manager and the Child Protection Focal Point as part of their induction / orientation.



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2. In general staffs are not allowed to work alone with a child somewhere which is secluded or where they cannot be observed. It is acceptable for staffs to work alone with a child where there are visibility panels / windows in doors.
3. All activities are supervised by staff. The number of staff will be determined according to the age and capacity of the children, and should always be sufficient with the necessary skills and qualifications consistent with the scope of work/role expected.
4. Where TUS arranges for visits, no child should be left unsupervised with a visitor to a programme or scheme.
5. No activity or programme is undertaken with children without the express written/verbal permission of their parents / guardians.
6. In the case of overnight trips, in general, no staff should stay alone in a bedroom with a child unless they are the child's parent/guardian. We appreciate that in some situations children may not wish to be alone, or it may be more culturally appropriate to share rooms. If this is the case then the situation must be discussed with the Child Protection Focal Point *before* the trip.
7. Any accommodation provided must be in single sex rooms (i.e. boys and girls not sharing rooms)
8. All staff should sign a Code of Conduct specific to the protection of children before working with any children.
9. Staff should be informed about the policy of the TUS in relation to the use of technology (such as computers and mobile phones), and understand that they must not use this technology for the purpose of accessing, producing or distributing any information or violent or sexual images that are harmful for children. This includes adult pornography.
10. Where staff are contracted by other employers, or when working with partners, TUS will ask for information on how the organisation works to protect children (such as their child protection policy).
11. Staff will have access to supervision, support and training regarding child protection and the implementation of the Child Protection Policy, via the Child Protection Focal Point and the Senior Management Team.



Professional Code of Conduct

Since ideas about child care vary, all staff should be required to sign a code of conduct regarding the protection of children, the behaviour expected of them and their responsibilities in relation to the children they come into contact with as a result of their work with the TUS. Individual partner NGO should develop this code of conduct to fit their local operating context.

The code of conduct should include:

- Agreement to work under the Child Protection Policy as a condition of involvement with TUS;
- Provisions regarding acceptable behaviour in the workplace – for example, not to use physical punishment or chastisement, however acceptable or moderate it may seem, not to use language intended to belittle or humiliate children and not to abuse children in any way (including not to engage in any sexual activity with anyone below the legal age of sexual consent);
- To report any concerns they may have about the protection of children, in accordance with this policy;
- To observe confidentiality and not talk about any situations of actual or suspected abuse that occurs except in accordance with this policy. This is necessary to protect the privacy of those involved;
- Not to pay for sexual services, of any kind, with anyone under the age of 18 years old, even if the age of sexual consent is under 18 years.

Media, communication & information

Specifically relating to child protection, we will:

1. Ensure that personal information is kept confidential unless we have the agreement of the child and their parent/guardian, except where it is necessary to pass this to a specialized child welfare or law enforcement agency in relation to a child protection incident;
2. Use images of children which are respectful (not degrading, or showing sexual images of children naked or partially clothed);
3. Reproduce images of children only where we have the written permission of their parents/guardians.



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4. Make clear to children and their families that agreement to providing information or images is not a condition of involvement in TUS activities and programmes.

Before photographing or filming a child for work related purposes, TUS and partner NGOs will:

- Assess and endeavour to comply with local traditional restrictions for reproducing personal images;
- Obtain consent from the child or a parent or guardian of the child and explain how the photograph or film will be used;
- Ensure photographs, films, videos and DVD's present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
- Ensure images are honest representations of the context and the facts; and
- Ensure file labels do not reveal identifying information about a child when sending images electronically

Reporting – Responding to Allegations & Concerns

It is anticipated that, if this policy is properly implemented, the chances of an actual situation of abuse occurring from within the organisation will be reduced. Even so, incidents may still arise or information comes to light about the behaviour of another staff member which creates cause for concern. We may also become aware of situations of actual or suspected abuse from outside the organisation.

Child protection is a tricky and complex area. Speaking out when there is child abuse can be difficult. The nature of child abuse means that it is hard to acquire concrete evidence. Staff is more likely to be faced with indirect statements from children, non verbal clues and signs which can be inconsistent. When actual disclosures of abuse are made they are often retracted. For this reason, when faced with child abuse, staffs are more likely to have feelings of concern; an intuition or suspicion that something is happening but doubt their judgment and/or feel uncomfortable about saying anything or raising the concern as they do not believe they have enough evidence. Because of the often secret and intimidating nature of abuse and the severe impact it can have on children, however, it is essential that people speak out.



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It is not the responsibility of staff to decide whether or not child abuse has taken place. All staff, however, have a responsibility to act on any concerns by reporting these to the Child Protection Focal Point and/or Senior Management Team.

To ensure that all such situations are handled appropriately and effectively, a reporting mechanism has been created:

1. All allegations and concerns of abuse must be taken seriously, irrespective of the identity of the alleged perpetrator and victims, and regardless of how 'unbelievable' the situation may seem;
2. All staff must report any of the following situations in relation to:
 - Any allegation of or concern about actual or suspected situations of abuse involving a child or children known to TUS;
 - Any allegation of or concern about actual or suspected staff misconduct and/or criminal activity involving the abuse of a child or children whether or not they are known to TUS.
3. No staff member can agree to keep information regarding actual or suspected abuse 'private' as a personal confidence. In general, TUS will seek to discuss our concern with the child in a way that is appropriate to the child's age and understanding, and with their parents/guardians, and seek their agreement if making a referral to a specialist agency.
4. Reports must be made, and decisions and actions taken, according to the Child Protection Policy;
5. TUS is not an investigative authority. In essential cases, it is essential that referrals be made to the relevant child welfare and law enforcement agency to ensure that appropriate protection and support is given to the child, and that any evidence is collected in accordance with the law;
6. A written record of all child protection reports, including any decisions made, must be kept up to date by the Child Protection Focal Point. This should include details of any referrals made to specialist agencies;
7. All sensitive and personal data must be kept confidential (including the names of anyone who makes a report of abuse), and be shared on a strictly '*need to know basis*', that is, access must be necessary for the conduct of one's official duties;
8. Referrals must be made to a specialist child welfare and law enforcement agency when sufficient evidence exists that an allegation or concern is a serious welfare



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and/or criminal matter. Apart from referrals to child welfare and law enforcement agencies, no details regarding the circumstances of children and their families will be passed to other individuals or organisations without the express permission of the child and their parents / guardians;

9. Names of those who are alleged to be a risk to children will also be passed on to law enforcement agencies where it is suspected that a crime may have been committed, for investigation in accordance with relevant legislation.
10. Where a member of staff is the subject of an investigation (but not when making a report), an Internal Child Protection Investigation Panel will be convened by the TUS nominated person. The panel will work alongside any formal police investigation. The composition of the panel depends on the nature of the allegation or concern but will routinely consist of persons from different team.
11. Where abuse is sent or received via the Internet or other technologies (such as child pornography images), even if this is received in the form of 'Spam' or passed on to TUS from another organisation, the images MUST NOT be sent via the Internet to law enforcement agencies or to any other person working for TUS or its partner NGOs. Instead they should be contacted and asked to advise how to send the information. This is because the distribution of child abuse images (i.e. child pornography) is illegal under international and domestic law. Links to websites can be sent to law enforcement agencies by email.
12. When a child protection investigation involving a staff member concludes, decisions and actions must be taken in accordance with the Policy and legal provisions.
13. If a report of abuse is made, or concerns are raised, even if the situation is ultimately found to be untrue, no retaliatory action will be taken against the person making the report. If, however, the report is found to be malicious, the staff member will be offered support and Human Resources department will decide on the course of action relating to disciplinary and suspension issues.
14. It is understood that there will be unanticipated situations where staff will have to apply their independent judgment. They should do so in a way that is consistent with the principles of the policy and in consultation, when possible, with the Child Protection Focal Point and an available senior staff. Where staffs do have to apply their own judgment in relation to a child protection issue, and it is not possible to consult with the Child Protection Focal Point, the Child Protection Focal Point should be advised of the situation as soon as possible.



Child Protection Code of Conduct for Individual

This Code of Conduct provides guidance to staffs, consultants, visitors and volunteers on acceptable behaviours and appropriate boundaries when working with children.

TUS staff, consultants, visitors and volunteers will:

1. Act in the best interests of all children;
2. Treat every child with dignity and respect, regardless of differences of ethnicity, religion, age, ability, gender, language, culture and economic status;
3. Respect the special relationship between children and their families and incorporate this perspective in all interactions with children;
4. Conduct themselves in a manner consistent with their position as a positive role model to children and as a representative of TUS;
5. Be alert! Be sensitive to children and signs that may indicate abuse;
6. Listen to children, take their concerns seriously and allow them to have a say in the decisions that affect them;
7. Be visible when working with children;
8. Avoid being alone with children where possible and try to ensure that other adults are present when working with children.

TUS staffs, consultants, visitors and volunteers will not:

1. Engage in any behaviour that is intended to shame, humiliate, belittle or degrade children;
2. Use language, make suggestions or offer advice that is inappropriate, offensive or abusive;
3. Act in ways that may be abusive or place a child at risk of abuse;
4. Condone, or participate in, behaviour of children which is illegal, unsafe or abusive;
5. Act in a way that shows unfair differential treatment, or favouring particular children to the exclusion of others;
6. Photograph or video a child without the consent of the child and his/her parents or guardians.



Annexure 01

Declaration of Code of Conduct to Sign by every staff, volunteer or visitor of TUS before come into contact of any child of project and programme:

1. I will think about how my decisions and actions will affect children, and I will always base these decisions and actions on what is in the best interest of the child;
2. I will treat all children and adults with respect regardless of age, gender, ethnicity, social background, religion, political beliefs, disability, or any other status. I won't favour, belittle or exclude any child for any reason;
3. I understand that I may be working in positions of power and trust in relation to children. I will never abuse this power or do anything that might endanger this trust. I will do my best to empower children, and to cultivate a culture of openness and security where children feel comfortable asking questions and seeking help;
4. I will never act in ways that are abusive, exploitative, physically or emotionally harmful, and I will work to protect children from situations where they may be at risk for this from others, including from their peers;
5. I won't behave in a way that is physically inappropriate. I won't fondle, hold, hug, kiss or touch children in a culturally insensitive way, and I will never behave sexually;
6. I will not spend time alone with children away from others; if privacy is needed, I will ensure that a staff member is aware and I will leave a door open or in some way maintain visibility;
7. If I am not a member of TUS staff, I will always work in the company of an TUS/Partner NGO staff member. As a staff member, I will ensure that any non-staff member is accompanied by a staff member at all times;
8. I will obtain consent from each child and his/her parents or caretakers before taking any photographs or videos. I will ensure any images I take are respectful and empowering, and that they do not present children as victims, vulnerable or submissive. I will protect the safety and privacy of children by not publishing identifiable images in the media or on the internet, or use them in a way that reveals their location.
9. I have a responsibility to report any incidents of child abuse or mistreatment that I observe, or that are reported to me, to a designated Child Protection Focal Point or the senior person responsible for child protection at TUS or partner NGO.

I have read TUS's Child Protection Policy and I will comply with all aspects of it.

Name

Signature with Date


General Secretary
Trinamul Uthayan Sanastha


Chairperson
Trinamul Uthayan Sanastha