

# Sunrise Children’s Association Inc. (SCAI) Australia



## Child Protection Policy

*“Bringing a brighter future to Nepal’s children in need”*



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## **Introduction**

### **Who we are and what we do**

Sunrise Children's Association Inc. (SCAI) is a child centric, family based community development organization, focused on breaking the cycle of poverty in the lives of disadvantaged children and families in Nepal, so that children have the opportunity to grow up in safe, nurturing family environments, where they can reach their full potential.

It is reported by Unicef that over 15,000 children in Nepal reside in orphanages, yet up to 85% are not orphans. The trend of children being sent to such institutions for a better life and education continues, and research shows that this can cause long-term psychological damage to a child.

SCAI was registered as a charitable association in Australia in 2005 and as an International Non-government Organisation (INGO) in Nepal in 2007. Since then, SCAI has been focusing on prevention of separation of children from their families, through providing education scholarships and other support to hundreds of at-risk children and their families.

SCAI also supports children rescued from corrupt, abusive, illegally run orphanages and other situations of high risk and provides them with temporary, safe, nurturing, family-based care. We trace lost their families, restore family connections and reintegrate the children back into their families and communities as soon as is the child's best interest, with ongoing support as needed to ensure their safety and basic needs are met.

All of SCAI's projects are implemented through local Nepalese NGO partners, to encourage the exchange of skills and knowledge with local groups working in affiliated areas. Both SCAI and its NGO partners are non-political and non-religious.

SCAI is fully committed to our Child Protection Policy, which is based on our Vision, Mission, Beliefs and Values, and strongly aligned to The United Nations Convention on the Rights of the Child (UNCRC). This Policy acknowledges the guidelines set out in the legal national and international legal instruments relating to child rights, including Government of Nepal's National Child Policy 2012 and the Standards for Operation and Management of Residential Child Care Homes 2012.

### **1. Our Vision**

#### **What we want for the children of Nepal**

All children living in an environment where they are protected, nurtured, valued and respected, and have an opportunity to reach their full potential, free from discrimination, violence, abuse, neglect, exploitation and poverty.

### **2. Our Mission**

#### **What We Aim to Do**

We aim to empower families so they can provide adequate parental care and create safe, nurturing environments, where children's rights are realised and they can learn, grow and develop into happy, healthy, self-sufficient members of their local and wider community.

### **3. Fundamental Belief**

We strongly believe it is in the best interest of the child to be with their biological family, extended family and community wherever possible. A better life and a better education should not be the reasons for separation of children from their families and communities. Children should not grow up in orphanages, children's homes,

residential child-care homes or any other similar institutions and should only go into a residential child-care home as a very last resort. Where that it is the case, every effort should be made to trace, re-connect and reintegrate the child back into family and community as soon as possible, providing it will not be harmful for the child.

## **Our Values**

### **The principles that guide everything we do**

**Zero tolerance of child abuse** – We firmly believe that every child has the right to be protected against any form of abuse, physical or emotional, whether it be in the family, school or wider community.

**Non-discrimination** – We do not discriminate against any child or their family based on their religion, gender, ethnic group, background, language, abilities, physical status, economic status, political preference or any other factor.

**Child focused** – We ensure all policies, guidelines and programs have the **best interest of the child** at heart, to ensure their rights are realised, and they have an opportunity to reach their full potential.

**Empowerment** - We help children and their families build confidence, skills and resources to help them take control of their lives, develop independence and long-term economic security. We aim to empower families and communities, so they can fulfil the essential role of protecting, nurturing and providing for the children’s physical and emotional needs, and provide an environment in which they can thrive.

**Active participation** – We encourage children and their families to participate in decisions that affect them and take on active roles within their communities to help bring about positive change.

**Partnership** – We take a community led approach and work collaboratively with the children, families and community members to minimise risk and maximise resources, accountability, inclusiveness, efficiencies, effectiveness and impact.

**Sustainability** - We provide training and support to help families develop the knowledge and skills needed to strengthen their economic situation and bring positive change to their families and communities, which will be ongoing after our involvement has ended.

## **4. Purpose of this Policy**

This Child Protection Policy documents a clear set of rules and procedures that are to be followed by all staff, committee, visitors, volunteers and NGO partners, which aim to protect children from all forms of child abuse, exploitation and neglect whilst engaged in our programs, and where possible, in the wider community.

Further this Policy aims to:

- Explain what child rights and child protection mean and other key terms, including survival, participation and development of the children;
- Identify the various types of child abuse;
- Outline the Risk Management Procedures and steps that will be taken to meet our commitment to protect children whilst engaged in our programs, and where possible, in the wider community;
  1. Awareness
  2. Prevention
  3. Reporting
  4. Responding

- Provide a basis for developing Guidelines for all staff, committee members, sponsors, donors, volunteers and visitors for their respective levels of involvement in our work;
- Provide a tool for building awareness and fostering open communication about child rights, child protection and SCAI's commitment within project communities. Where possible this will include the various roles and responsibilities families, schools, community members and other stakeholders play as our partners in child protection;
- Provide a tool for making children aware of their rights and their active role in child protection;
- Help staff and other stakeholders identify gaps in their skills, knowledge, or working environment that may prevent them from fully implementing this policy effectively, so the organisations can work together to address these;
- Outline action that will be taken against SCAI or NGO partner associates anyone found in breach of this Policy.

SCAI will consistently monitor all risks concerning the children in our programs and make any necessary changes to the Child Protection Policy, in consultation with relevant stakeholders as appropriate.

## 5. Definitions

**At Risk:** An 'at risk' child is any child who is vulnerable to abuse and exploitation. This generally includes children from poor families, children who live or work on the street, children who have been orphaned, abandoned, displaced or missing, mentally or physically disabled, or any other child who does not have the same access to protection as those from wealthier environments, or children with constant adult supervision.

**Beneficiary:** Any person who receives a benefit from SCAI, not including staff. This can be both a financial and non-financial benefit, and may cover children, young adults, families, schools or wider community.

**Child:** The United Nations Convention on the Rights of the Child, defines a 'Child' as a person below the age of 18 years, unless the laws of a country set the legal age for adulthood younger. Under the law of Nepal, the term 'Child' refers to any person under the age of 16 years.

**Child Labour:** Work undertaken by a child. Children should be protected against work that is harmful or exploitive or that jeopardises their rights, including the right to education, relax and play. The UNCRC does not however prohibit parents from expecting their children to help with work in the home that are safe and appropriate to their age, including a family farm or business.

**Child Rights:** As outlined in the UNCRC, Child's Rights include Non-discrimination; Best interests of the child being the primary concern in all decisions relating to the child; Protection of rights; Parental guidance; Right to life, survival and development; Preservation of identity - registration of name, nationality; Parental care where possible, and where not special care and contact with parents and family; Participation and respect for expression, views and thoughts of the child; Freedom of association; Right to privacy; Access to information; Protection from violence, abuse and exploitation; Adequate standard of living and health care; Education, including learning about own culture, language and religion; Relax, play and social activities; Protecting children against child labour, from work that is dangerous or might harm their health or their education, Protection against abduction, sale, trafficking, harmful detention or punishment, recruitment in armed conflict; Rehabilitation of child victims and juvenile justice. *See Appendix 2 for Summary of UNCRC.*

**Child Protection:** Child protection refers to the various methods, such as policies, guidelines, procedures, used to prevent and respond to actual or potential abuse, exploitation or harm against children – whether it be intentional or unintentional.

**Code of Conduct:** A code of conduct is a set of guidelines deemed to be appropriate and proper behavior for SCAI and implementing partner associates when interacting with children or any beneficiaries or stake holders in SCAI's projects. The code of conduct is designed to protect children but is also intended to protect SCAI and implementing partner associates from false accusations of inappropriate behavior or abuse.

**Child Development:** Refers to the biological, psychological, and emotional changes that occur between birth and the end of adolescence, as the individual progresses from dependency to increasing autonomy.

**Juvenile delinquency:** Acts by adolescents that violate the law. These acts aren't called crimes, but rather delinquent acts.

**Participation:** UN Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard—within the family, the school or the community. This includes freedom of association, expression and opinions affecting their social, economic, religious, cultural and political life, and the right to be heard. Participation can be facilitated through establishing child clubs or other child friendly environments.

**Privacy:** Privacy means handling a child's identity, including personal data, information, background, expression, and feelings with discretion and not making certain information public. If any information or images of the child may cause the child any embarrassment, discomfort or put the child at risk in any way, it should be kept private and confidential with nominated staff.

**Stakeholders:** Includes children, young adults (18 years or over), anyone previously a beneficiary of any of SCAI's programs, families, carers, administration and project staff of any program, child development workers (teachers, social workers, psychologists), government officers, community members, board or committee members, sponsors, donors, journalists, visitors, volunteers or contractors and consultants who provide any service relating to our programs.

**Right to Survival and Development:** Rights to the resources, skills and contributions necessary for the survival and full development of the child. They include the rights to adequate food, shelter, clean water, formal education, primary health care, leisure and recreation, cultural activities and information about their rights.

## 6. Types of Child Abuse

**Child Abuse:** All forms of physical abuse, emotional abuse, sexual abuse, neglect and exploitation, commercial or otherwise, that result in actual or potential harm to a child. Child abuse may be a deliberate act, or it may be failing to act to prevent harm. Child abuse consists of anything which individuals, institutions or processes do or fail to do, intentionally or unintentionally, which harms a child or damages their well-being, dignity and prospect of safe and healthy development into adulthood.

It is important to note that abuse can happen to any child, of either gender, and of any age, and that abuse can be perpetrated not only by adults, but also by other children and young people. This situation must be dealt with very carefully and differently to adults, as a child may not fully understand why he/she has committed an act of abuse or may not even be aware that they have. Therefore, in this case both children's situations and interests need to be kept in mind.

**Physical abuse:** the use of physical force that results in actual or potential harm to a child. Physically abusive behaviour includes, but is not exclusive to shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. It can also mean causing physical harm to a child by deliberately causing ill health to a child, or lack of action to prevent this. The incidents may be single or repeated.

**Emotional abuse:** Inappropriate verbal or symbolic acts toward a child, or a pattern of failure over time to provide a child with adequate verbal and emotional support. Such acts have a high probability of damaging a child's self-esteem, social competence and development. It may involve:

- Telling a child, or causing a child to feel that they are worthless, unloved, inadequate, or that they are only there to meet the needs of another person;
- Imposing inappropriate expectations upon him/her (especially for his/her age)
- Exposing a child to the ill-treatment of another
- Bullying (including cyber bullying)
- Threatening to harm, or to remove something from his/her life, or deliberately causing unjustified fear
- Discriminating, blaming, degrading, humiliating, (e.g. asking potentially embarrassing questions, demanding potentially embarrassing action or answers)
- Teasing, making fun of what of what a child says, does or how they communicate
- Not giving the child opportunities to express their views, or silencing a child who is trying to express their opinions
- Preventing the child participating in normal social interactions
- The exploitation or corruption of a child

**Sexual Abuse:** Sexual abuse occurs when a person uses his or her power to force, entice or involve a child in sexual activity, whether the child is aware of what is happening or not. The term sexual abuse not only includes acts with contact like fondling genitals or breasts, masturbation, oral sex, vaginal or anal penetration by or with any object, but also includes non-contact sexual acts, such as voyeurism, exhibitionism, as well as exposure to pornography. Sexual abuse also includes sexual exploitation, which involves children engaging in sexual activity in exchange for things like drugs, food, shelter, protection, or money.

**Exploitation:** Exploitation may fall under physical, emotional or sexual abuse. Exploitation is the use of children for someone else's advantage, benefit or profit, often resulting in unjust, cruel and harmful treatment of the child. These activities may be to the detriment of the child's physical or mental health, education, moral or social-emotional development. This includes, but is not limited to, child labour, child bondage, prostitution or the use of children in criminal activities.

**Neglect:** Neglect is the failure to provide a child with basic care (where the person can do so) for physical, emotional and social development and well-being. Physical neglect includes a lack of adequate food, water, shelter, clothing and supervision to the extent that a child is placed at risk. Emotional neglect is failure to provide a child with the attention and care that they need, which can seriously impact upon a child's development. Social neglect includes isolation and not allowing the child to interact in regular social activities.

**Historical Abuse:** Abuse is often not reported by children as they may not fully understand that they have been abused at the time it happened. Sometimes children are only aware that they were abused and feel the negative effects of it as they move into adolescence or adulthood. For the long-term mental health, it is also important to take cases of historical abuse seriously and provide them access to psychological care.

## **7. Risk Management Procedures**

We will meet our commitment to protect children from abuse through the following procedures:

## **7.1 Raising Awareness**

We commit to raising awareness about child rights, the problems of child abuse and the risks to children, including juvenile delinquency, drug abuse, early marriage and teenage pregnancy, harmful superstitions, customs or practices, abduction and trafficking and child labour to staff, children, families, and other stakeholders, as well as the various roles and responsibilities that they all play. We will facilitate training, forums for open communication and information sharing, as well as discussions with children, families or staff to voice their concerns confidentially, so we can learn as much as possible about what are often considered taboo subjects, break the silence and give people the opportunity to be heard.

## **7.2 Prevent abuse through creating safer environments**

We commit to providing trained personnel that are equipped to provide guidance to families and schools for creating safe practices and environments for children within the communities we operate. We commit to working in close cooperation with stakeholders at all levels, and to providing children opportunities where they can freely discuss child protection issues, their worries, concerns, fears, and dedicated confidants they can share any confidential matters with.

SCAI will conduct regular risk assessments at all project sites in cooperation with the specific Program Manager(s) from the implementing NGO partner to ensure the below and all Operating Guidelines are relevant and effective at minimizing any risks.

### **8.2.1 Code of Conduct**

All SCAI and implementing NGO associates are required to adhere to the below general Code of Conduct, which outlines the appropriate behavior and manner to be used when dealing with any of SCAI's beneficiaries or stakeholders and visiting any project sites.

- Must introduce themselves and make their purpose known when visiting any of the project sites or beneficiaries;
- Must pre-inform with reasonable time if anyone outside of the usual program staff will be accompanying them;
- Must show respect in the way one speaks, dresses and communicates, and behave in a professional manner that is representative of SCAI and its partners;
- Must respect the beneficiaries' privacy, including timing of calls or visits, to not cause avoidable inconvenience or discomfort;
- Must treat everyone equally, with respect and dignity, regardless of religion, gender, ethnic group, background, language, abilities, physical status, economic status, political preference or any other factor. Must not display any signs of favouritism, or make comparisons to others;
- Must communicate openly, honestly and transparently always, and not make false promises, threats or give intentionally misleading information;
- Must not give advice or suggestions which are intentionally inappropriate, insensitive, embarrassing, humiliating, belittling or careless;
- Must not engage in any physical, emotional, sexual abuse or exploitation (see Types of Abuse), including yelling, or inappropriate physical contact which may make the beneficiary uncomfortable in any way. This includes wherever possible not frequenting places where there is evidence of child labour, such as local restaurants and tea shops. Abuse of children of any kind, that being under 18 years is not excused by supposed mistake or unknowing about their age.
- Must not ask beneficiaries to assist with any personal matters, including running errands, carrying bags or anything else that is not usually the beneficiary's own responsibility;

- Must not offer personal opinion as advice, or personal funds or belongings to any beneficiaries, unless in an emergency. Proper processes should always be followed, and associates should not engage in any social activities with beneficiaries outside of the standard work responsibilities with beneficiaries;
- Must maintain appropriate confidentiality and privacy of beneficiary information;
- Must not stay at the homes of beneficiaries, or vice versa, unless there is a specific need and it is pre-approved by SCAI or respective NGO partner's management (exceptions fall within the residential home's guidelines)
- Must not consume alcohol, cigarettes or any illegal or mind-altering substances when with or near any beneficiaries or project sites or during working hours;
- Must endeavor to undertake work in an open place where there is at least 1 other person, and avoid private spaces such as bedrooms and bathrooms, to avoid any misunderstanding or potential accusations against SCAI or partner associates;
- Maintain healthy professional boundaries, to avoid over-attachment to a staff, volunteers or other associates;
- Be alert at all times and be aware of any potential issues arising during any project visits and report them immediately to the designated Child Protection Team representative.
- In the case where an SCAI or NGO associate witnesses any form of abuse outside of our direct project activities, they should take all measures to report the incidence to concerned authorities, whilst ensuring their personal safety as the priority.

Inappropriate conduct toward beneficiaries, including negligence, failure to follow the behavioral standards stated above is grounds for discipline, and in severe cases may result in dismissal from employment or placement and/or police notification and legal action.

### **8.2.2 Personnel Recruitment**

Recruitment for all positions, whether staff or volunteer, local or international, must adhere to the screening procedures listed below.

- Be interviewed in person where possible, and via Skype where not, by a minimum of two staff members.
- Demonstrate their commitment to and understanding of child protection, explain thoroughly their experience working with children, and motivation for working with children.
- Provide a minimum of two professional references along with their written application.
- Local staff and volunteers must provide copies of their National Identity Card (or equivalent) and a National Police Certificate.
- International staff and volunteers must provide copies of their Passport, a National Police/Criminal Record Check or Working with Children Check from their home country, and for staff, a Nepal National Police Check.
- Undergo an orientation on the Vision, Mission, Values of the organization, this Child Protection Policy and other Guidelines relevant to their position within the first week of employment.
- Actively participate in counselling by qualified therapists, and training programs run by the organization, which will help staff understand child protection and child rights, how to identify abuse and how to handle it.
- International volunteers must be approved by the Volunteer Coordinator in Australia following a rigorous screening and verification process. In addition to providing the above, the process includes submission and review of the Volunteer Application Form, evidence they have read and understood the Terms and Conditions in the application, the Volunteering in a Developing Country document, this Child Protection Policy, the Code of Conduct, reference checks and a personal interview.

### **8.2.3 Visitors**

SCAI welcomes sponsors, donors and other SCAI associates to our projects in Nepal to learn more about what we do, and to see how their donations have been or will be spent. However, we generally limit direct contact with the children we support unless there is a specific reason to do so, and to our residential child-care/transit home and beneficiaries' homes. It is important to us that we respect their privacy and behave in ways that we would expect visitors to behave in our own homes.

Visitors to any project must be pre-approved by SCAI and the NGO partner, as well as the beneficiary/ community and be always accompanied by a SCAI or implementing partner representative. Beneficiary/ community members must be clearly and honestly briefed about the purpose of the visit, who will be visiting, duration, any expectations of them and other relevant details, before they decide about accepting the visit. All Visitors must undergo a briefing prior to their visit, provide a copy of their Passport, and adhere strictly to the Terms and Conditions in the Visitor Agreement Form (Appendix 1).

### **8.2.4 Implementing Partner NGO's**

SCAI will only partner with organisations which are fully aligned to SCAI's Vision, Mission, uphold the same Values and are committed to the protection of children. The partner organizations must:

- Have an adequate written Child Protection Policy, or be fully committed to and adhere to SCAI's Child Protection Policy in absence of their own of equivalent standard
- Be registered with the government of Nepal as an NGO, and have current and relevant Rules and Bylaws
- Provide a copy of official registration papers, identification cards and police checks of all committee and staff members to SCAI

### **8.2.5 Supervision of children**

The adequate supervision of children in SCAI's programs is essential in ensuring that children are protected from potential harm, abuse or exploitation. Many of these also serve to protect the staff against false accusations. Where not in the direct control of SCAI or NGO staff, the staff must take all measures to inform the relevant supervisors such as family members, teachers and other persons in a position of full time or temporary guardianship of the importance of adequate supervision. The below applies to the child-care/transit home and as far as is practical in the private homes of the children in the education scholarship programs.

- Children must never be left alone in the home, school or community.
- Children must never be left alone with a single staff member, unless approved by management, for example when transporting a child to the doctor.
- Bathrooms and change areas must be monitored by designated staff members to ensure that only one child goes into each cubicle or space at a time.
- No adults may enter the toilet cubicle, bathroom or change area with a child, unless otherwise agreed upon with management due to a reason such as assisting a child with a disability. Wherever possible, such as for children under 5 years old, another approved staff member should be able to easily access the point to supervise if deemed necessary.
- Rooms such as bedrooms, classrooms should be kept unlocked, unless during times of changing clothes, to allow supervising staff to freely check child's safety at any time.
- Storerooms, classrooms, toilets, office rooms should be supervised, otherwise they may pose a threat to child safety as they tend to be located away from other people, making it difficult to monitor who is in there and what they are doing.

- Children in the vicinity of ponds, lakes, rivers, water storage tanks and other large water sources should be closely observed to prevent drowning.
- Facilities such as schools and residential child-care/transit home should have a gate that can be locked, to prevent unknown outsiders from freely entering.
- Family homes should be locked from within at night to ensure that the safety of the children and women is maintained.

Please refer to the **Residential Child Care Home Operational Guidelines** for details of supervision in the home, travelling with children, whilst on community outings, excursions, field trips, and other measures of child protection.

### **8.2.6 Children in the Community - Work Experience, Vocational Training, Volunteering**

SCAI and its implementing partners must take great care to ensure that children and youth are not at risk when undertaking programs in the community. These may include work experience, vocational training, volunteering and well as excursions and field trips. For excursions and field trips, children and youth should never be left without organization staff present.

For work experience, vocational training or volunteering, staff should ensure that the place the children will be spending time in one of the above capacities is registered with the government, can provide some legal documentation such as a registration certificate, and is willing to sign this Child Protection Policy, or other appropriate Agreement approved by SCAI.

For work experience, vocational training or volunteering, where the youth will be unaccompanied by the organisation's staff, the staff must visit the placement site prior to commencement to verify it is suitable and safe. The staff must have contact details of at least 2 senior people, with whom they can liaise and arrange inspections.

The staff must monitor the youth on a weekly basis to ensure they are safe and comfortable, and at least monthly with the staff of the centre or placement site. All records of the placement site and youth's involvement there must be kept in the youth's case file.

### **8.2.7 Communications**

SCAI is committed to protecting children's privacy. All SCAI and implementing partner associates must follow the following guidelines, in order to minimize risks of harm or exploitation associated with SCAI's fundraising, promotional work, donor updates or any other form of communications that involve the beneficiaries.

#### **Permission**

- Use of images or personal information about the child must have permission from the child and his/her guardian. Special care must be taken when gaining consent from children to ensure they are not coerced by their parents, guardians or staff. A child may verbally agree or nod their head in agreement, but staff must use their discretion to decide if, despite this, the child wishes his/her image or information to be kept private.
- It must be made clear to all beneficiaries what the information will specifically be used for, and who will have access to it.
- It must be made clear to the child and their families that should they not wish for their photos or any specific personal information be shared in certain ways, that it will not impact SCAI's support of them in any way.

- It must be made clear to the child and their family that they are under no obligation to communicate directly with any sponsors or donors (including accepting Facebook friend requests or liasing on Facebook or other forms of social media). If any beneficiaries are contacted directly, they should inform SCAI and implementing partner staff.
- Children or beneficiaries should not be coerced into behaving in a certain way, portraying a false mood or scene, or share anything that makes them feel uncomfortable or on display.

#### **Use of images or personal information**

- Images should be respectful and convey the true nature or mood or scene, and not be fabricated in any way.
- Images should not be published of children or other beneficiaries in distress, or when in any situation, such as when ill, where they are not in a clear state of mind to be able to give proper permission or be seen as they'd wish to be.
- Beneficiaries should be dressed appropriately as per their comfort level and should in no way be conveyed in an aggressive or sexual or otherwise degrading or inappropriate manner.
- All images taken of children and other beneficiaries should be made available to the child and their guardian/ caretaker upon request.
- Images, names or other personal details must not be used for public use, such that anyone outside of SCAI or implementing partner would be able to personally identify them and their location.

### **7.3 Reporting**

Any breach of this Child Protection Policy or any concerns children or other beneficiaries may have should be reported immediately to the designated SCAI and implementing partner representatives, so that appropriate action can be taken.

#### **Fostering open communication and reporting of concerns**

- There must be two representatives from SCAI and two from its implementing partner organization that are the designated contact people should any child or beneficiaries wish to report any concerns. Contact numbers of these representatives must be provided to all beneficiaries. These representatives make up the official Child Protection Team.
- The children and beneficiaries must have the chance to nominate these designated representatives based on who they feel most comfortable with.
- A reporting box will also be placed at each project site that is run by SCAI and its implementing partner. This will be locked, and the designated contact people will check it at least weekly. The reporting boxes provide a safe opportunity for children to report any concerns, including any suspected or known abuse, where they do not feel comfortable making a verbal report. All letters will be collected, and kept on file, and a meeting with these representatives to discuss the appropriate course of action will be held as soon as possible.
- Depending on the project, weekly, fortnightly or monthly meetings will be held with the children by the respective program manager or coordinator, to ensure the child has an opportunity to openly express any concerns. These meetings will encourage sharing of the child's activities and news, achievements and issues they may be facing at school or at home or community. If there is suspected abuse by a family member, appropriate steps will be taken to enable the child to communicate without the presence of the suspected person or other family members that may restrict their free expression.

- All staff must encourage an environment of open communication and sharing. The children must be made clear who they can talk to about any issues they are concerned about, and that there will be no punishment or negative repercussions for them should they do so.
- It must be made clear to children who will be informed about their concern, and that they have the right to nominate if a specific person should not be informed, if that person is one of the designated contact people.

#### **Procedures for documenting concerns and action**

- The designated staff receiving the complaint must document the details on the Incident Report Form, which includes date, time, place and details. This must be shared with the Child Protection Team members within 3 days. If the allegation is severe, and particularly if of a sexual nature, it must be reported to the designated contacts as well as the managers/directors who shall lead the Child Protection Team within 24 hours.
- The information must be kept confidential between the Child Protection Team, and reported to the appointed legal advisor/authority, who will provide advice about legal procedures if deemed necessary. This may include reporting to the police or other concerned agencies such as DCWB.
- All reported concerns or allegations must be taken seriously and acted on promptly. To verify claims and to avoid any action taken on potentially false accusations, a careful and confidential investigation process will be undertaken, which may include discussions with the child expressing their concern or making an accusation, witnesses and other evidence as required.
- Action to be taken will be recorded on the case file and followed up by the Child Protection Team members.
- Any staff member who withholds information or does not report it within the given timeframe will be considered an accomplice, and disciplinary action may be taken against this person, which may include suspension or termination.

#### **7.4 Responding**

We commit to ensuring that a response is always provided to the child or beneficiary raising the concern or allegation, whether it be considered a large or small issue. What may seem like a small issue to one person may be a significant issue to another, so concerns must be received and processed without judgement. Even if the matter is deemed not serious by the child or the Child Protection Team, a response should be given and recorded. This will help the child to know he/she has a voice that will be heard, respected and taken seriously. The child may just ‘test the waters’ with a smaller issue before uncovering a more serious issue. It also ensures that there is no misunderstanding or repercussions about any false claims against any staff, other beneficiaries or other associates.

The following steps will also be taken:

- An immediate medical check-up following any claims for physical or sexual abuse
- An investigation will be undertaken by the Child Protection Team to confirm details of where, involving whom and how this incident happened
- Children who have been subject to abuse will be referred to counseling, which will last for as long as is deemed appropriate by the attending psychologist or counsellor. Every effort will be made to assist the child in coping with any physical or emotional trauma he or she may be experiencing.
- In cases of a minor offence, whether perpetrated willingly or unwillingly, the perpetrator must also undergo counselling and further training if the managers/directors deem it necessary.

- Physical safety and other preventative measures will be re-assessed and revised as appropriate to minimize risk of any further incidences.
- In the event of an allegation made in good faith, which is shown to be untrue, no action will be taken against the maker of the allegation. Any malicious allegations are not acceptable.

**8. Ensuring we meet our commitments**

- All staff and key stakeholders will receive a copy of this Child Protection Policy, Code of Conduct and relevant Operational Guidelines.
- All staff will be trained on how to ensure this policy is implemented effectively
- Regular meetings will be held with staff and all stakeholders with open, honest, transparent, mutually respectful discussion
- This Child Protection Policy will be reviewed a minimum of once a year by SCAI management, or more frequently if deemed necessary to ensure highest standards in protection. When updated, a new copy will be distributed to all staff and associates and will need to be re-signed.

**9. Declaration of Commitment**

This policy is to be signed by all SCAI associates and those of NGO partners, including staff, committee members, visitors and volunteers. A signed copy will be given to each associate, with another signed copy kept in the SCAI administrative files.

I declare that:

1. I have read and understand SCAI’s Child Protection Policy
2. I will keep a copy on hand and review it on a regular basis
3. I will comply with the policies and procedures laid out in the SCAI’s Child Protection Policy.
4. I have not been accused or convicted of any offense involving physical, sexual, or emotional abuse of children. I will provide an up to date Police Certificate as requested.
5. I understand that if a complaint is brought against me regarding the abuse of children while employed by or engaged with SCAI or any of its partner organisations, I may be suspended or terminated if found guilty through thorough investigation.

Name (Printed): \_\_\_\_\_

Signature: \_\_\_\_\_

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

## Appendix 1

### Visitor Agreement

SCAI warmly welcomes sponsors, donors and other SCAI associates to our projects in Nepal, however we generally limit direct contact with beneficiaries unless there is a specific purpose to do so. This is largely to respect their privacy. We are particularly strict on allowing visitors to meet with the children directly at our residential child-care/transit home. As we are providing family-based care, we need to ensure the children have the same right to privacy as they would in their own homes.

Safeguarding the children and their families we support in Nepal against any form of abuse or exploitation is of utmost importance to us, which also means ensuring that all visitors are aware of cultural norms, and treat all people in the same way they would expect to be treated in their own home and community. What may seem normal to foreigners, may cause discomfort, embarrassment or negative impressions in Nepalese society.

Nepalese people, both children and adults are naturally very hospitable and friendly, so if you are granted access to meet with beneficiaries, it is important that you do not become 'overfamiliar' during your visit, as this may lead to potentially harmful impacts after you leave. In accordance with this, we have clear policies and procedures that all visitors must strictly adhere to. **All visits must be pre-approved by SCAI Nepal. SCAI Nepal will also seek pre-approval from the implementing NGO partner before confirming your visit.**

We kindly request you to read thoroughly, then tick and sign the following Terms and Conditions and bring 2 printed copies with you on your visit, along with 2 copies of your passport (1 copy will be kept with SCAI Nepal, and the other with the implementing NGO partner). A separate Visitor Agreement form must be completed by each visitor over 18 years.

- I have read and fully understand SCAI's Child Protection Policy found at [www.scai.org.au](http://www.scai.org.au).
- I will show respect to the children, staff, committee and members of the local community in the way I speak, dress and behave to ensure I act in a culturally sensitive manner at all times e.g. take shoes off outside, conservative dress with skirts/shorts extending below the knee, no singlet tops, transparent or excessively tight clothing of any kind.
- I will ensure that any gifts I buy or donate for the children are pre-approved by SCAI representatives, who will pass on to local staff. All donated items will be recorded in the Donation Record Book prior to distribution.
- I understand I may not give anything directly to any children or staff at any projects, so goods can be distributed fairly and where most needed.
- I agree that financial donations must go through SCAI unless otherwise agreed by SCAI. This is to ensure effective management of financial records for both SCAI and local NGO partners, and enables SCAI to provide receipts where appropriate.
- I will not seek or accept any accommodation or gifts from any children or any families, friends or community members that SCAI works with, which has not been pre-approved by SCAI and its local partners.
- I will not provide my email address or other contact details directly to any child, staff or committee member of any of SCAI's projects, nor ask directly for any contact details. All visitors are requested to fill in the Visitor Book on arrival which includes your email address should any further communication between children and visitor be agreed upon by management.
- I agree that under no circumstances will I be alone with a child that SCAI supports, whether at Sunrise home or one of our other project sites, and that I will interact with the children only in the presence of a staff member.

I will not pick up any of the children, or show inappropriate affection to a child/carer, nor visit their bedrooms unless on a guided tour by a staff member.

I agree not to offer to take any child outside of their home, school or any other project, whether to school, hospital, shopping or any other place, and a minimum of one other adult or staff member must accompany me.

I agree that I must seek permission before taking any photos of the children, and photos may only be taken for personal use, and may not be given to any media or distributed in any public forums including social media, without prior permission from SCAI, who will seek permission from the child and family first.

I agree not to make any promises to the children or staff members with regards to future visits or communication, gifts or any other support as this may lead to disappointment for the child/ person involved.

I understand that smoking of any kind, use of drugs or consumption of alcohol is prohibited at on or near the site of any of SCAI's projects.

I agree to be responsible for getting myself to and from SCAI projects myself and will bear the travel expenses.

I agree to give SCAI a minimum of 3 days' notice if I need to cancel my visit unless in case of emergency.

I agree that if I have any children less than 18 years accompanying me on my visit, I will be fully responsible for them and ensure they always stay with me throughout the visit, and that they also adhere to all these above terms and conditions.

I understand that whilst SCAI and its partners will make every effort to provide me with a rewarding visit on the date agreed upon, they do have the right to cancel your visit at any time should any issues arise at the project site/s which must take priority.

I understand there are certain risks with travelling to and visiting the project sites and will not hold SCAI or any of SCAI's project partners responsible for any injuries, accidents or illnesses that may occur during or resulting from my visit.

I understand that in the best interest of the children and families, SCAI and its project partners have the right to cancel my visit at any time or immediately dispel me from the project site should any of the Terms and Conditions not be adhered to. In this instance, I agree that I will be fully responsible for my own expenses and travel arrangements back to my hotel or place of accommodation.

Please note, this agreement form only applies to short term visits. We do not allow volunteers in the residential child-care/transit home and to volunteer at one of the other projects requires a comprehensive application and screening process.

Name (please print): \_\_\_\_\_ Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Nationality: \_\_\_\_\_

Passport Number: \_\_\_\_\_ Expiry: \_\_\_\_\_

Contact phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name of any persons under 18 years accompanying me: \_\_\_\_\_

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

**Thank you for taking the time to complete this Visitor Agreement form. Enjoy your visit and thank you for your support!**

## Appendix 2

# FACT SHEET: A summary of the rights under the Convention on the Rights of the Child

**Article 1 (Definition of the child):** The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

**Article 2 (Non-discrimination):** The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

**Article 3 (Best interests of the child):** The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

**Article 4 (Protection of rights):** Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children's rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones. Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country. Article 41 of the Convention points out that when a country already has higher legal standards than those seen in the Convention, the higher standards always prevail.

**Article 5 (Parental guidance):** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. Article 5 encourages parents to deal with rights issues "in a manner consistent with the evolving capacities of the child". The Convention does not take responsibility for children away from their parents and give more authority to governments. It does place on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.

**Article 6 (Survival and development):** Children have the right to live. Governments should ensure that children survive and develop healthily.

**Article 7 (Registration, name, nationality, care):** All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

**Article 8 (Preservation of identity):** Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

**Article 9 (Separation from parents):** Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

**Article 10 (Family reunification):** Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

**Article 11 (Kidnapping):** Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention's Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

**Article 12 (Respect for the views of the child):** When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making -- not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with age and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal or administrative decisions. Article 12 (Respect for the views of the child): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

**Article 13 (Freedom of expression):** Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing or writing.

**Article 14 (Freedom of thought, conscience and religion):** Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should help guide their children in these matters. The Convention respects the rights and duties of parents in providing religious and moral guidance to their children. Religious groups around the world have expressed support for the Convention, which indicates that it in no way prevents parents from bringing their children up within a religious tradition. At the same time, the Convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The Convention supports children's right to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.

**Article 15 (Freedom of association):** Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights. In exercising their rights, children have the responsibility to respect the rights, freedoms and reputations of others.

**Article 16 (Right to privacy):** Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

**Article 17 (Access to information; mass media):** Children have the right to get information that is important to their health and well-being. Governments should encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children's books.

**Article 18 (Parental responsibilities; state assistance):** Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children – the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

**Article 19 (Protection from all forms of violence):** Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behaviour – ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

**Article 20 (Children deprived of family environment):** Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

**Article 21 (Adoption):** Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born, or if they are taken to live in another country.

**Article 22 (Refugee children):** Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

**Article 23 (Children with disabilities):** Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

**Article 24 (Health and health services):** Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

**Article 25 (Review of treatment in care):** Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on “the best interests of the child”. (see Guiding Principles, Article 3)

**Article 26 (Social security):** Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

**Article 27 (Adequate standard of living):** Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

**Article 28: (Right to education):** All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on

education. Young people should be encouraged to reach the highest level of education of which they are capable.

**Article 29 (Goals of education):** Children’s education should develop each child’s personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

**Article 30 (Children of minorities/indigenous groups):** Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one’s own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

**Article 31 (Leisure, play and culture):** Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

**Article 32 (Child labour):** The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age. If children help out in a family farm or business, the tasks they do be safe and suited to their level of development and comply with national labour laws. Children's work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

**Article 33 (Drug abuse):** Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

**Article 34 (Sexual exploitation):** Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 35 (Abduction, sale and trafficking):** The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 36 (Other forms of exploitation):** Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

**Article 37 (Detention and punishment):** No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.

**Article 38 (War and armed conflicts):** Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention’s Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

**Article 39 (Rehabilitation of child victims):** Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

**Article 40 (Juvenile justice):** Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.

**Article 41 (Respect for superior national standards):** If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

**Article 42 (Knowledge of rights):** Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.)

**Articles 43-54 (implementation measures):** These articles discuss how governments and international organizations like UNICEF should work to ensure children are protected in their rights.

**Source: UNICEF**

**For every child Health, Education, Equality, Protection ADVANCE HUMANITY**