



MEG'S CHILDREN TRUST CHILD PROTECTION POLICY

A. Introduction

Meg's Children Trust is established to support and enhance the lives of Nepalese children who do not have family to cater for their basic needs. In line with this mission, we will work, through the implementation of this Child Protection Policy (CPP), to address the denial of children's rights and ensure that children are not harmed in any way as a result of their involvement in our work.

Meg's Children Trust is fully committed to abide by all applicable Australian Laws, local laws in Nepal, where our development program is located, and other applicable international legislation.

Meg's Children Trust has a zero-tolerance approach to all forms of child abuse.

B. Statement on commitment to child protection

Meg's Children Trust is committed to the safety and wellbeing of all children. We support the rights of children and will act to ensure a child safe environment is maintained.

Meg's Children Trust is committed to the protection of children from harm, abuse and exploitation. Children have a right to survival, development, protection and participation as stated in the United Nations Convention on the Rights of the Child. The Meg's Children Trust will uphold these rights.

Meg's Children Trust takes its duty of care seriously and will aim at all times to provide the safest possible programs and environments for children. This will be achieved by identifying and managing risks that may lead to harm of children.

Meg's Children Trust is committed to taking all necessary steps to ensure that all children and young people with whom we work are provided a child safe environment at all times.

This Child Protection Policy demonstrates our commitment to ensuring the protection of children and young people at all times. This will be realised by providing all personnel who have contact with children the necessary training and skills to implement this policy. It is the responsibility of the Meg's Children Trust Committee and management team to ensure the policy and related procedures are implemented and enforced.

C. Purpose of the policy

This Child Protection Policy has been developed to provide a practical guide to prevent child abuse in Meg's Children Trust's programs. It also makes reference to and includes a copy of the Child Protection Policy and procedures of Siddhi Memorial Foundation, a Nepalese organisation that Meg's Children Trust works closely with to deliver its programs in Nepal.

The policy will demonstrate Meg's Children Nepal's commitment to protect children from harm and abuse. The policy aims to educate staff and others about child abuse and promote a child safe culture where everyone is committed to keeping children safe.

The policy aims to create an open and aware environment where concerns for the safety and wellbeing of a child can be raised and managed in a fair and just manner, which protects the rights of all.

The policy will provide guidance on how to respond to concerns and allegations of child abuse. It provides guidance to staff and associates on how to work respectfully and effectively with children. This will provide all stakeholders, including staff and associates with a safe working environment.

Meg's Children Trust is obliged to adhere to national, local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include local laws in Nepal, where Meg's Children Trust's programs exist, and international laws and Conventions in relation to all forms of child abuse and child exploitation, including child sex tourism, child sex trafficking, child labour and child pornography.

D. Guiding principles

Meg's Children Trust believes that any form of child abuse and exploitation is unacceptable and will not be tolerated.

The United Nations Convention on the Rights of the Child is the universal foundation for child protection. The fundamental principle of the Convention is that children have their own indivisible rights.

Meg's Children Trust believes that all children should be equally protected regardless of their gender, nationality, religious or political beliefs, age, sexual orientation, family and social background and culture, economic status, physical or mental health and criminal background.

Meg's Children Trust recognises its duty of care to take all reasonable steps to ensure that children are safe from harm.

Meg's Children Trust believes that all children have the right to be safe at all times. We will proactively work to provide safe and protective programs, activities and environments.

All decisions regarding the welfare and protection of children will be made based on the best interests of the child principle¹.

Meg's Children Trust takes seriously our duty of care and legal obligations to protect children.

The protection of children is the responsibility of all staff, committee members and associates of Meg's Children Trust.

Adherence to this policy is a mandatory requirement for all staff, committee members and associates of Meg's Children Trust.

Meg's Children Trust will ensure that all staff and relevant stakeholders are made aware of the policy and their responsibilities.

¹ Best interests principle deriving from Article 3 of the [UN Convention on the Rights of the Child](#), which says that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

E. Definitions

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| Child protection | The term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated. |
| Child safeguarding | Actions, policies and procedures that create and maintain protective environments for children including to protect them from exploitation and abuse of all kinds. |
| Child abuse | Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Child abuse includes physical, sexual, emotional, neglect, bullying, child labour and family violence. Abuse can be inflicted on a child by both men and women, as well as by young people themselves and in some cases; professionals and other adults working with children in a position of trust also abuse children. |
| A child or young person | Any person under the age of 18 years. |
| Duty of care | A common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the organisation to protect children from all reasonably foreseeable risk of injury. |
| Physical abuse | Occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures. |
| Emotional abuse | Occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or care giver; to the extent that it affects the child's physical and emotional growth. |
| Neglect | Is the persistent failure or the deliberate denial to provide the child with clean water, food, shelter, sanitation or supervision or care to the extent that the child's health and development are placed at risk. |
| Sexual abuse | Occurs when a child or young person is used by an older or bigger child, adolescent or adult for his or her own sexual stimulation or gratification - regardless of the age of majority or age of consent locally. These can be contact or noncontact acts, including sexualized language, voyeurism, fondling genitals or breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object and exposing a child to, or involving a child in pornography. |
| Exploitation | Commercial or other exploitation of a child refers to the use of the child in work or other activities for the benefit of others that are to the detriment of the child's physical and mental health, education, or moral and social-emotional development. It includes, but is not limited to, child labour, child trafficking and child sexual exploitation. |

F. Scope of the policy

The policy applies to all personnel engaged in our work. Personnel includes all employees, volunteers and contractors, and extends to members of the Meg's Children Trust Committee and visitors to our operations in Nepal. It also applies to implementing partners. Both personnel and partners are required to take a zero-tolerance approach to child exploitation and abuse and apply a risk-based approach to assess and manage child protection.

G. Risk assessment

The Meg's Children Trust recognises that there are potential risks to children in the delivery of our programs. In recognising these risks, the Meg's Children Trust proactively assesses and manages risks to children in order to reduce the risk of harm. This is achieved by examining our programs and activities and the potential impact on children.

Risk management is an ongoing part of all of our work involving and affecting children. The Meg's Children Trust conducts a child protection risk assessment on every activity and project involving and affecting children prior to commencement. Mitigation strategies are put in place for any risk identified and these (and any emerging risks) are actively monitored throughout the activity/program cycle. Risk assessments are conducted with reference to the risk management approach used by Siddhi Memorial Foundation, an organisation that Meg's Children Trust works closely with to deliver its programs in Nepal. A copy of the Siddhi Memorial Foundation Child Protection Policy (including risk management approach) is at **Annex B**.

Staff and associates (as relevant) are trained in child safeguarding and risk assessment. They are expected to be continually aware of potential risks to children as well as to be actively minimising opportunities and situations where children can be harmed. Training and education programs for Meg's Children Trust staff in Nepal are outlined in the Siddhi Memorial Foundation Child Protection Policy at **Annex B**.

The Meg's Children Trust uses child friendly methods to involve children in helping us to identify potential risks to their safety when they are participating in or affected by our work, and we are committed to a culture of continuous improvement in our practices. The Meg's Children Trust Committee has established protocols to manage child safety risks, including:

- An agreed framework for communication by Australia-based personnel with children in the care of Meg's Children Trust. Direct contact from Australia is limited to the Australia-based Child Protection Officer (CPO) and Founder, Mrs Trish Ryan.
- When Meg's Children Nepal Committee members visit Nepal, they are required to meet with Siddhi Memorial Foundation to review records for Meg's Children Trust's operations and discuss and agree on improvements to how child safety is managed. Siddhi Memorial Foundation is required to report any breaches directly to the Australia-based CPO.
- Committee members visiting Nepal review relevant arrangements including child accommodation and education and identify and work to rectify issues.

H. Communication and use of children's images

Meg's Children Trust will at all times portray children in a respectful, appropriate and consensual way. A child should always be portrayed 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.

Images should be an honest representation of the context and the facts.

Children should not be portrayed as weak, isolated and vulnerable.

Permission must be sought for the use of a child's story or image, and details should be given as to how, where and for how long the story, information and /or image will be used.

There should be no identifying information of the child used in the publication of images.

Images of children should portray them as resilient human beings and as partners in the development process. All images and information about children will be stored safely and will only be accessed by authorised personnel.

I. Personnel recruitment and selection

Meg's Children Trust is committed to child safe recruitment, selection and screening practices.

Meg's Children Trust does not directly recruit and manage staff in Nepal. This is the responsibility of our in-country partner, Siddhi Memorial Foundation, with terms of the arrangement set out in a memorandum of understanding.

Siddhi Memorial Foundation is committed to child safe recruitment, and as per the *Recruitment and reference checking* section of their Child Protection Policy at **Annex B**:

***Siddhi Memorial Foundation** will not knowingly permit any person to be employed or engaged as a volunteer if they pose an unacceptable risk to children.*

"Siddhi Memorial Foundation are a child safe organisation and will ask all applicants to undergo our child safe recruitment procedures and sign our Child Protection Policy/Safeguarding Children Policy. All staff and volunteers must sign and agree to conform to the Safeguarding Children Policy and Code of Conduct as a condition of employment/engagement with the organisation."

In addition:

- All new **Siddhi Memorial Foundation** personnel are required to provide an appropriate current police check (criminal record check). They must include police checks for overseas countries if they have worked or lived overseas for any period longer than one year in the last ten years.*
- At least two verbal reference checks with former employers / referees will be conducted. Verbal referees cannot include partners, spouse and/or other relatives. Referees will be asked about the applicant's suitability for the role to work with children and/or to have regular unsupervised contact with children. Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with working or having contact with children.*
- New personnel will be required to provide written disclosure regarding whether they have been charged with child exploitation offences in the past.*
- Applicants are required to provide documentation to prove their true identity.*

- *The interview process for candidates at **Siddhi Memorial Foundation** should include behaviour-based interview questions that relate directly to working with children to probe the applicant's attitude, experience and approach to working with children relevant to the post applied for.*

Meg's Children Trust communicates regularly with Siddhi Memorial Foundation during recruitment of new staff, and has in place the following additional practices to ensure child-safe recruitment:

- Promoting our child safe commitment on our website.
- Job descriptions are required for all positions, which describe key selection criteria and outline tasks and accountabilities.
- All positions will be subject to a probationary period.
- All Meg's Children Trust personnel, staff, committee members, partners and project visitors will be required to read and acknowledge Meg's Children Trust's Child Protection Policy and read and sign our Child Protection Code of Conduct (**Annex A**).
- Meg's Children Trust reserves the right to refuse employment or terminate any person's employment that may pose a risk to children.

Visitors

Meg's Children Trust does not offer positions for volunteers visiting Nepal. Members of the Meg's Children Committee and associates of the committee do visit Nepal regularly however, and those visitors are required to read and sign on to the Child Protection Policy and Child Protection Code of Conduct (**Annex A**). In addition, visitors to our children's home must be accompanied by one an employee of Siddhi Memorial Foundation for Meg's Children Trust, such as the house mothers or the in-country coordinator.

J. Educating the organisation on child abuse and the Child Protection Policy

Meg's Children Trust is committed to educating personnel and associates about child protection and abuse and how to reduce risks and create child safe environments. We will promote child safe practices that keep children safe in the organisation and in their own community.

This information will include reporting child abuse if they have concerns about a Meg's Children Trust staff member or other representative in the organisation. Personnel and associates including committee members and visitors to our organisation in Nepal will be required to participate in child protection training as part of their induction, refresher training and targeted training depending on their role or contact with children.

Meg's Children Trust commits to undertake capacity building and training in child safeguarding with our partner Siddhi Memorial Foundation, for programs that involve contact with children.

K. Working with partners

Meg's Children Trust ensures that any implementing partner is a child safe organisation by including partners in the scope of our Child Protection Policy and procedures. The primary implementing partner in Nepal is Siddhi Memorial Foundation.

Meg's Children Trust's Child Protection Policy and Child Protection Code of Conduct will be included in all partnership agreements and contracts.

Meg's Children Trust determines a partners' status as a child safe organisation by including child safeguarding in our partner appraisal process and commits to strengthening our partners ability to protect children in our programs including socialising the expectations extended to partners with regards to implementation of child safeguarding behaviours.

Meg's Children Trust works with partners to undertake a child protection risk assessment for all programs and activities involving or affecting children, this is monitored throughout the life of the project cycle.

Meg's Children Trust has an agreed reporting mechanism in place with its partners for concerns regarding child abuse or a breach of the CPP.

L. Responding to and reporting child protection concerns

Meg's Children Trust considers the abuse and exploitation of children to be completely unacceptable. We will take all concerns and reports of child abuse seriously and act on these reports immediately.

Meg's Children Trust is committed to a reporting process which is truthful, fair and professional. It is mandatory for all of our personnel and associates to report any witnessed, suspected or alleged incidents of child exploitation or abuse or any breach of the Child Protection Policy and / or Code of Conduct.

These concerns may relate to a child or a staff member involved in the organisation or a concern about a child or person/s outside of the organisation's programs. If you do have a concern you should immediately follow Meg's Children Trust's child abuse reporting procedures.

Who should report?

All Meg's Children Trust staff in Nepal, committee members and associates including people in the community and partner organisations.

What should be reported?

Any disclosure, concern or allegation from a child, community member, staff or associate regarding the safety, abuse or exploitation of a child (this includes actual, suspected, or risk of abuse or harm to a child).

Any observation or concerning behaviour exhibited by a Meg's Children Trust staff member, visitor or other associate that breaches the Meg's Children Trust Child Protection Code of Conduct.

When to report?

Child abuse concerns should be raised immediately.

Who to report to?

In Nepal: Child abuse reports should be made to the Child Protection Officer Mr Shyam Dhaubhadel, Founder and President of Siddhi Memorial Foundation, and Mr Sagar Magar, the in-country Coordinator for Meg's Children Trust. Contact details below.

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| Name: | Mr Shyam Dhaubhadel |
| Contact details: | founder@smf.org.np / |
| Name: | Mr Sagar Magar |
| Contact details: | sagarbmagar2011@gmail.com / +977 981-8473928 |

Reports may also be made to Mr Hari Prasad Adhikari, Administrative Director at Spinal Injury Rehabilitation Center Bhaktapur, and advisor to Meg's Children Trust.

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| Name: | Mr Hari Prasad Adhikari |
| Contact details: | hariadhikari@gmail.com / +977 985-1242618 |

If this is not possible reports can be made directly to the Australian based Child Protection Officer, Mrs Trish Ryan, Founder, Meg's Children Trust.

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| Name: | Mrs Trish Ryan |
| Contact details: | wirrianda@gmail.com / +61418999917 |

The Nepal-based Child Protection officer (CPO) is required to report any incidents to the Australia-based CPO, including details of the incident, the wellbeing of the child and any initial action taken.

What will happen next?

The Nepal-based Child Protection Officer (CPO) in consultation the Australia-based CPO will discuss the allegations and then decide upon the next steps. This will involve one or more of the following:

- Interviewing the person/persons who made the allegations and/or other witnesses to gather more information with which to make a decision about the allegation.
- Reporting to local police and or child protection authority when it is suspected or becomes clear that a crime has been committed.
- Reporting to the Australian Federal Police when it is suspected or becomes clear that a crime has been committed regarding child sex tourism, child sex trafficking and child pornography.
- Handling the concern internally if it is not a criminal matter.
- No further action taken.
- Providing support to all stakeholders (including reporter) as necessary.

Confidentiality

Confidentiality is a key principle of reporting and managing child protection concerns. All information regarding a child protection concern must only be shared with the designated Manager or CPO. The names of people involved, and the details of the report will remain confidential. Information will only be released on a "need to know" basis or when required by Australian or Nepalese law or when a report to police or child protection authorities is made.

Disciplinary action

Disciplinary action will be taken against any personnel or associate found to:

- Have failed to report a child protection concern.
- Have intentionally made a false allegation.
- Have made a serious breach of the CPP and/or COC (minor breaches may result in action such as refresher training or increased supervision).

Disciplinary action may include the following sanctions:

- Meg's Children Trust personnel – disciplinary action / dismissal.

- Meg's Children Trust associates – up to and including termination of all relations including contractual and partnership agreements.
- Where relevant – reporting to authorities.

General statements

Meg's Children Trust will treat all concerns raised seriously and ensure that all parties will be treated fairly, and the principles of natural justice will be a prime consideration. All reports will be handled professionally, confidentially and expediently. All reports made in good faith will be viewed as being made in the best interests of the child regardless of the outcomes of any investigation.

Meg's Children Trust will ensure that the interests of anyone reporting child abuse in good faith are protected. The rights and welfare of the child is of prime importance. Every effort will be made to protect the rights and safety of the child throughout the investigation.

Children and community members with whom Meg's Children Trust works will be provided with information about how to report any child protection concerns about staff members and associates.

Annexes

A: Child Protection Code of Conduct for Meg's Children Trust

B: Siddhi Memorial Foundation Child Protection Policy

CHILD PROTECTION CODE OF CONDUCT FOR MEG'S CHILDREN TRUST

I [*insert name*], in my role with the Meg's Children Trust, agree that I will:

- Conduct myself in a manner that is consistent the values of Meg's Children Trust.
- Provide a welcoming, inclusive and safe environment for all children and young people.
- Respect all children and treat them equally regardless of gender, race, religious or political beliefs, age, physical or mental health, sexual orientation, family and social background and culture, economic status or criminal background.
- Encourage open communication between all children, young people, parents, staff and associates and have children and young people participate in the decisions that affect them.
- Immediately report any concerns of child abuse or breach of the Child Protection Policy or this Code of Conduct according to the guidelines outlined in the Child Protection Policy.
- Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before, or during my association with Meg's Children Trust.
- Take responsibility for ensuring that I am accountable and do not place myself in positions where there is a risk of allegations being made.
- Self-assess my behaviours, actions, language and relationships with children.
- Comply with all relevant Australian, Nepalese and relevant international child protection legislation, including labour laws in relation to child labour.
- Consult with the Child Protection Officer or other relevant staff if I have any questions regarding child protection and how it relates to my work/relationship with Meg's Children Trust.
- Comply with the Meg's Children Trust Child Protection Policy and Procedures.
- Whenever possible, ensure that another adult is present when working near children.
- Be a positive role model for children.

I agree that I will NOT:

- Engage in behaviour that is intended to shame, humiliate, belittle, degrade or exploit children.
- Use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, discriminatory, demeaning or culturally inappropriate.
- Do things of a personal nature that a child can do for him/herself.
- Invite unaccompanied children into my home/hotel or other private location, unless they are at immediate risk of injury or in physical danger.
- Sleep close to unsupervised children unless absolutely necessary.
- Smack, hit or physically assault or physically punish children.
- Involve children in sexual relationships or any form of sexual activity, including paying for sexual services.
- Develop relationships with children that may be deemed exploitative or abusive.
- Give or provide children with alcohol or illegal drug.
- Show favoritism through the provision of gifts or inappropriate attention.
- Behave provocatively or inappropriately with a child.

- Condone or participate in, behavior of children that is illegal, unsafe or abusive.
- Use any computers, mobile phones, video and digital cameras, or social media inappropriately, nor use them for the purpose of exploiting or harassing children.
- Hire minors for domestic or other labour.

I understand that breach of the Meg's Children Trust Child Protection Code of Conduct may result in the termination of my employment (for employees).

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| Name: | |
| Signature: | |
| Date: | |

Siddhi Memorial Foundation

Nepal



Child Protection Policy and Procedures

Protecting children and vulnerable people

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|---------------------|--------------------------------|
| Policy Owner | General Manager |
| Approved By | Chair Person |
| Issue Date | |
| Review Date | 24 th November 2016 |

Introduction

Host Organisation to include a description of the organisation’s mission, vision, purpose and nature of programs. An explanation of why the organisation developed a Child Protection Policy also to be included.

Siddhi Memorial Foundation Bhaktapur Nepal is registered as a non-governmental and not-for-profit organization (NGO). SMF have been dedicated to delivering healthcare services to women and children since 1997 through the Siddhi Memorial Hospital (SMH), and additionally since 2005 have been providing care and services to elderly people in need through Siddhi Shaligram Senior Citizens' Home (SSSCH) a senior citizen’s home. Recently SMF has started children home naming Siddhi Memorial Children Home (SMCH). SMH, SSSCH and SMCH are running under the management of SMF.

Siddhi Memorial Foundation (SMF) understands that it has a fundamental duty of care towards protecting children engaged within its programs and activities. The nature of the programs at Siddhi Memorial Foundation is required direct interaction with children, when children are visiting at hospital for the treatment and children who are living at Siddhi Memorial Children Home.

Siddhi Memorial Foundation is committed to protecting the safety and wellbeing of children.

We uphold the rights and obligations of the United Nations Convention on the Rights of the Child and are dedicated to protecting children from harm, exploitation and abuse. Through the identification and management of risks that may lead to harm of children, *Siddhi Memorial Foundation* aims to provide the safest possible environments for any children with whom it works. We encourage child-safe practices within our organisation with the aim of children experiencing zero harm as a result of our programs

1. Policy Overview

Siddhi Memorial Foundation understands that it has a fundamental duty of care towards protecting children engaged within its programs and activities and is committed to the safety and protection of children from all

forms of abuse and exploitation. This Child Protection Policy recognises that children can be extremely vulnerable, especially in situations of poverty and/or humanitarian crisis or conflict and need to be protected.

Siddhi Memorial Foundation will use a risk management approach to minimise the likelihood of child abuse and provide clear and practical guidelines for staff and representatives responding to child abuse and managing complaints.

This Policy has been developed to adhere to international standards such as the United Nations Convention on the Rights of the Child as well as the Australian Government's Child Protection Policy to the AVID Volunteer Program (2016). This Policy operates in conjunction with common and statute law and does not exclude or replace the rights and obligations of any individual under the Child Right Act. 2048 BS (1992) of Nepal. This Policy should be seen as a component of the broader ethical framework and Code of Conduct of **Siddhi Memorial Foundation**. Disciplinary processes are a means to establish and maintain an ethical, efficient and effective organization and should not be seen in isolation from the overall goals of the organization.

2. Purpose

This Child Protection Policy aims to achieve the following:

To protect children from harm, exploitation and abuse, by adopting a goal of children experiencing 'zero harm' as a result of our programs. This will be achieved by identifying and managing the risks associated with working with children, and ensuring that internal procedures are in place and known by staff for handling complaints related to child protection;

To protect **Siddhi Memorial Foundation** staff and representatives from undue suspicion or incorrect allegations by having a clear and transparent reporting system; and

To protect **Siddhi Memorial Foundation's** organizational integrity and reputation, as well as that of its partners, by deterring child sex offenders with a sound Child Protection Policy and related procedures.

This policy outlines

- Definitions of child abuse and other relevant terms;
- Outline child protection legislation, conventions and guidelines;
- Siddhi Memorial Foundation's** set of commitments to child protection;
Siddhi Memorial Foundation's risk management approach to minimizing the likelihood of child abuse and exploitation;
- Siddhi Memorial Foundation's** Code of Conduct governing interaction with children
- Siddhi Memorial Foundation's** practical reporting procedures and response mechanisms.

This Child Protection Policy aims to achieve the following:

To protect children from harm, exploitation and abuse, by adopting a goal of children experiencing 'zero harm' as a result of our programs. This will be achieved by identifying and managing the risks associated with working with children, and ensuring that internal procedures are in place and known by staff for handling complaints related to child protection;

3. Scope

This Policy applies to:

Siddhi Memorial Foundation which any staff member located in, on or offshore (including those attached to other organizations), contractors, sub-contractors, travelling board members, programme participants (i.e. volunteers, scholarship holders, trainers, group leaders and facilitators) and/or any accompanying dependants and other family members.

4. Definitions

Child means every person below the age of 18.²

Child abuse is the physical, sexual, emotional mistreatment or neglect of a child 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.

Child protection is an activity or initiative designed to protect children from any form of harm, particularly harm arising from abuse, neglect or exploitation.

Physical abuse of a child is when a person purposefully injures or attempts to injure a child from an interaction or lack of interaction which is reasonably within the control of a person in a position of responsibility, power or trust over the child. This may take the form of slapping, punching, shaking, kicking, burning, shoving, grabbing or choosing not to assist a child when a situation is causing them physical pain. There may be a single incident or repeated incidents.

Emotional abuse of a child is any action that is not physical but that has a negative effect on the social, intellectual or emotional development of a child. Emotional abuse is categorised loosely as the chronic behavioural pattern directed at a child whereby a child's self-esteem and social competence is undermined or eroded over time. It can take the form of name-calling, threatening, belittling, ridiculing, intimidating, isolating, ignoring or other non-physical forms of hostile or rejecting treatment towards the child.

Neglect of a child is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, education, supervision, emotional development and/or protection from foreseeable harm in the context of resources reasonably available to the family or caretakers of the child and to the extent that the child's health and/or development are at risk.

Sexual abuse of a child is when a person who is in a position of responsibility, trust or power over a child involves the child in sexual activity which is intended to gratify or satisfy the needs of the other person and which the child does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared and cannot give consent. This can include contact acts (such as rape or sexualized touching) or non-contact acts (such as exposure to pornography or taking sexualized photographs of the child).

²As defined by the **Convention** on the Rights of the Child (United Nations, Article 1).

Domestic violence is a pattern of assaultive and/or coercive behaviours conducted within the family environment or domestic (home) environment which can include physical abuse, sexual abuse, emotional abuse and/or economic coercion.

Child Exploitation is when a child is used in work or other activities for the benefit of others. This includes, but is not limited to, the **commercial sexual exploitation of children** whereby a child is sexually abused in return for cash or for kind and **child labour** whereby a child is forced to work or perform other acts to an extent detrimental to the child's physical, social or mental development.

Guiding Principles of this Policy

This Policy is based upon the following guiding principles:

- Zero tolerance** of child abuse;
- Recognition and promotion of children's **best interests**;
- Sharing **responsibility** for child protection;
- Use of a **risk management** approach to prevent child abuse; and
- Report and respond** to all incidents of child abuse.

5. **Siddhi Memorial Foundation's Commitments**

Siddhi Memorial Foundation is committed to implementing and maintaining child protection measures to the highest standard. These include:

- In all contracts involving **Siddhi Memorial Foundation**, all parties agree to abide by the requirements of this Policy;
- Child protection risks are included in all project and activity risk assessments;
- Culturally specific issues relevant to child protection will be incorporated into project specific risk management strategies, training and response procedures;
- Preventative child protection measures are implemented to the highest standard;
- Comprehensive child-safe recruitment and screening processes are employed;
- Child protection training is regularly provided to relevant **Siddhi Memorial Foundation** employees and representatives;
- A child protection Code of Conduct exists and is understood and signed, wherever applicable, by all **Siddhi Memorial Foundation** employees and representatives that are bound by it;
- Clear and current reporting procedures exist and are known by **Siddhi Memorial Foundation** employees and representatives;
- National laws and processes and local resources are taken into account within reporting and response mechanisms;
- No person is permitted to work with children if they pose an unacceptable risk to children's safety or wellbeing;
- All employment contracts involving **Siddhi Memorial Foundation** outline that **Siddhi Memorial Foundation** has the right to dismiss, suspend or transfer to other duty personnel who breach the child protection code of conduct; and
- The highest levels of confidentiality and sensitivity are employed pending an official investigation of an incident.

6. **The Child Protection Code of Conduct**

Acceptable Behaviours

Siddhi Memorial Foundation personnel shall:

- Treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts;
- Wherever possible, ensure that another adult is present when working in the proximity of children
- Not invite unaccompanied children into my home, unless they are at immediate risk or injury or in physical danger;
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible;
- Use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium;
- Not use physical punishment on children
- Not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour;
- Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures;
- Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with [insert name of organisation] that relate to child exploitation and abuse;
-
- Conduct themselves in a manner appropriate with their position representing **Siddhi Memorial Foundation** in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with **Siddhi Memorial Foundation's** Reporting Procedures and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them;
- Comply with all relevant **Nepal** 's legislation and legislation of the host country, including labour laws in relation to child labour; and/or
- Follow organisational policy and guidelines regarding the safety of children.
- Add in some acceptable behaviours that are relevant to your organisation

Unacceptable Behaviours

Siddhi Memorial Foundation personnel shall not:

- Use language or demonstrate behaviour towards children that is inappropriate, harassing, abusive, demeaning, sexually provocative, or culturally insensitive;
- Engage children in any form of activity that is demeaning, offensive, sexually provocative, abusive or culturally inappropriate or insensitive;

- Engage children in any form of sexual activity or acts, including paying for sexual services or acts;
- Invite unaccompanied children into their home, unless they are at immediate risk of injury or in physical danger;
- Access child pornography through any medium;
- Sleep in close proximity to unsupervised children;
- Hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- Exclude or favour a particular child;
- Touch a child in an inappropriate or culturally insensitive manner. Personnel in direct medical care positions are to follow Australian and/or overseas industry best practice guidelines.

7. The Photograph Policy for Using Children’s Images

When photographing or filming a child for work related purposes, **Siddhi Memorial Foundation** personnel must:

- Assess and comply with local traditions or restrictions for reproducing personal images;
- Obtain legitimate consent from the child or a parent or guardian of the child. As part of this an explanation as to how the photograph or images will be used must be given;
- Ensure photographs, films, videos and DVDs 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;
- Ensure file labels do not reveal identifying information about a child when sending images electronically; and/or
- Ensure images of children available for public use do not reveal any identifying information.

8. Reporting and Incident Response

Reporting Child Abuse

Any suspicion or disclosure of child abuse must be immediately reported to the relevant Manager and **Siddhi Memorial Foundation Manager/Child Protection Officer**. All incidents will be reported and managed in accordance with the **Siddhi Memorial Foundation’s** Child Protection Incident Reporting Process. **(Refer to Appendix 2)**.

Guidelines to responding to Child Abuse Allegations

1. **Siddhi Memorial Foundation** takes all allegations of child abuse by **Siddhi Memorial Foundation** personnel, seriously;
2. All allegations will be thoroughly investigated; and
3. Where an incident has been reported the following procedures will be followed:

For non-critical incident allegations

A non-critical allegation of child abuse is one which does not pose immediate risk to a child supposing the allegation was true. These incidents may well be critical in nature but the time frame for responding is not as immediate; an example is accessing child pornography.

1. The incident will be documented and investigated in accordance with the **Siddhi Memorial Foundation** Incident Reporting and Response Procedure;
2. the incident will be investigated with full respect for the privacy of the accused and the alleged victim and information will be dispersed on a “need to know” basis with the primary concern being the rights and welfare of the people involved;
3. the accused person will be given an opportunity to express their views/opinions/version of facts;
4. the views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse; and
5. where the incident is reasonably proven to have occurred, appropriate disciplinary measures will be taken, including, but not limited to:
 - Warning; and/or
 - Suspension; and/or
 - Dismissal.

The disciplinary measure will depend on the nature and severity of the offence and will be at the discretion of the relevant Manager/Head Of Department (HOD) and will be fully documented and reported to **Siddhi Memorial Foundation’s Head Office**.

For critical allegations

A critical allegation is an allegation whereby there may be an immediate risk to the welfare of a child should the allegation be found true – an example is inappropriate sexual activity.

1. Where the allegation involves a violation of either the laws of the country in which the incident occurs, or the laws of **Siddhi Memorial Foundation**, the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation;
2. All efforts will be taken to ensure the confidentiality and rights of the accused person and information related to the incident will only be shared on a “need to know basis”;
3. If the incident involves a breach of the Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation;
4. where a breach of the Code of Conduct is found to have occurred, all circumstances will be considered and the appropriate action will be taken;
5. where an allegation is found to be false or unfounded, all efforts will be taken to ensure the rights of the accused person is upheld;
6. Where allegations amount to a violation of laws of **Nepal**, privacy will no longer be applicable unless deemed necessary to uphold the rights of the victim.
7. Where appropriate in investigations, **Siddhi Memorial Foundation** will consider and take into account legal advice as well as advice from any responsible authorities.

9. Recruitment and Reference Checking

Siddhi Memorial Foundation will not knowingly permit any person to be employed or engaged as a volunteer if they pose an unacceptable risk to children.

"Siddhi Memorial Foundation are a child safe organisation and will ask all applicants to undergo our child safe recruitment procedures and sign our Child Protection Policy/Safeguarding Children Policy. All staff and volunteers must sign and agree to conform to the Safeguarding Children Policy and Code of Conduct as a condition of employment/engagement with the organisation."

In addition:

- All new **Siddhi Memorial Foundation** personnel are required to provide an appropriate current police check (criminal record check). They must include police checks for overseas countries if they have worked or lived overseas for any period longer than one year in the last ten years.
- At least two verbal reference checks with former employers / referees will be conducted. Verbal referees cannot include partners, spouse and/or other relatives. Referees will be asked about the applicant's suitability for the role to work with children and/or to have regular unsupervised contact with children. Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with working or having contact with children.
- New personnel will be required to provide written disclosure regarding whether they have been charged with child exploitation offences in the past.
- Applicants are required to provide documentation to prove their true identity.
- The interview process for candidates at **Siddhi Memorial Foundation** should include behaviour based interview questions that relate directly to working with children to probe the applicant's attitude, experience and approach to working with children relevant to the post applied for.

10. Child Protection Education and Training

Child Protection training, including topics such as awareness raising and reporting processes will be provided to all **Siddhi Memorial Foundation** personnel on an annual basis.

1. The training will cover the following areas/ topics:

- International standards of child protection policies;
- Nepal's child protection policy standards/rules/regulations;
- Child protection procedures;
- Familiarization of nature and type of child abuses;
- Experience sharing;
- Discussion on the consequence of looking at the other way when children rights are violated;
- Child abuse reporting procedure.

The Child Protection Policy will be organized by General Manager and Training and Curriculum Expert. SMF staff and board members are required to attend the training.

All new **Siddhi Memorial Foundation** personnel will receive:

- A Child Protection Policy induction by their **supervisor**. The induction should include a discussion regarding the responsibility of **Siddhi Memorial Foundation** and the individual, to build and maintain a child-safe organization, and appropriate behaviour when interacting with children or child-sensitive material.
- A copy of **Siddhi Memorial Foundation's** Child Protection Policy and associated procedures.

Declaration of Commitment

All current staff are required to sign this Declaration of Commitment by 1 August 2016. The signed copy will be filed with the administration and Finance Officer. A copy of this document will be filed with the Program Manager.

By signing this document, I indicate my understanding and acceptance of the provisions outlined within the document. I understand my legal and ethical obligations as detailed within the document. I understand that a breach of this Policy and/or Code of Conduct may provide grounds for my employment with **Siddhi Memorial Foundation** to be terminated. I also understand that a breach of this Policy and/or Code of Conduct could result in criminal prosecution.

I declare that:

- I have read and understand **Siddhi Memorial Foundation's** Child Protection Policy.
- I will work within the procedure as laid out in **Siddhi Memorial Foundation's** Child Protection Policy.
- I will report any suspected child abuse by others immediately
- I have not been accused or convicted of any offense involving physical or sexual abuse of children or young people.
- I understand that if a complaint is brought against me regarding the abuse of children whilst I am engaged in **Siddhi Memorial Foundation** activities, the allegation will be thoroughly investigated in cooperation with the appropriate authorities.
- I understand that it is my responsibility as a person engaged by **Siddhi Memorial Foundation** to avoid actions or behaviours that are abusive or exploitative of children or actions that could be construed as such.
- I authorise **Siddhi Memorial Foundation** to undertake any necessary inquiries, including criminal record checks and reference checks as part of my appointment and recruitment process.
- I confirm my willingness to participate in **Siddhi Memorial Foundation** training sessions on child protection.

| Date | Name | Position | Signature |
|------|------|----------|-----------|
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NB: All staff are to sign to abide by the policy in the spaces provided above

Appendix 1: Statutory Declaration of Criminal Record Form

Statutory Declaration of Criminal Record Form

| | | | |
|---|--|------------------------------|-----------------------------|
| Applicant's Name: | | Role applying for: | |
| Have you ever been charged or convicted of any offence? | | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, please provide details: | | | |

Please note: if you are applying for a position where you will have regular contact with children, (this may be frequent or infrequent), you are required to give details of **all** convictions or criminal offences and cautions, or pending prosecutions.

| | | |
|---|------------------------------|-----------------------------|
| Have you ever been dismissed from employment or had any disciplinary action taken against you which may be related to work with a child/children under 18 years of age? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, please provide details: | | |
| Have you received any formal reprimands, final warnings, or cautions from the police? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, please provide details: | | |
| Is there any other information which may be relevant to your application e.g. pending prosecutions | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, please provide details: | | |
| Signature: | Date: | |

Appendix 2: Child Protection Incident Reporting Sheet

CHILD PROTECTION INCIDENT REPORTING SHEET

Please fill out as many sections as possible with as much detail as you can. This form is confidential.

| |
|--|
| Location: |
| Your name: |
| Your position: |
| Child's name: |
| Age/date of birth: |
| Child's address (if known): |
| Name of Parents/guardians/carers and addresses (if known): |
| Date and time of incident: |
| Member of staff involved in incident (if any): |
| Place where incident occurred: |
| Your observations: |
| Details of Concern/ Suspicion/ Incident: Describe what happened: time, dates, names of person(s) involved, behaviour or physical signs observed, any other details: |
| Details of any conversation with the child: |

| | |
|---|--|
| Action taken so far (if any): | |
| External agencies contacted (date and time) | |
| Police Yes/no | If yes – which station: Name and contact number: Details of advice received: |
| Social services Yes/no | If yes – which one: Name and contact number: Details of advice received: |
| [insert name of organisation] 's child protection officer or child focal point person/manager: | Name and contact number: Details of advice received: |
| Local authority: | If yes – which authority: Name and contact number: Details of advice received: |
| Other: | Which organisation: Name and contact number: Details of advice received: |
| Signature: | |
| Print name: | |
| Date: | |

Siddhi Memorial Foundation

Child Protection Risk Register

Identify and manage the risks and dangers to children in your programs and activities

| | |
|----------------------------|----------------------------------|
| Risk Register Owner | Hari Prasad Adhikari |
| Approved By | Shyam Sundar Dhaubhadel |
| Issue Date | November 2016 |
| Review Date | Annually, by the end of the year |

Child protection risk management is child abuse prevention. You need to identify potential risks and ways children can be harmed in your organisation. Only by identifying risks can you develop strategies to minimise and prevent child abuse.

Risk means the potential for something to go wrong. Risk management means identifying the potential for an accident or incident to occur and taking steps to reduce the possibility of it occurring.

Work with your staff and participants to ask (some examples are provided below to give you an idea of how to approach this task).

| Activity Type | Risks to Children | Protocols/procedures to reduce risks to children | Who will be responsible for strategies/action taken? By when? |
|---|--|---|---|
| Picture of during the Doctor consultation and treatment | Children's identify and ability to say no may be violated | <ul style="list-style-type: none"> <input type="checkbox"/> Consent must be taken with the parents or their responsible person. <input type="checkbox"/> Pictures should be taken of children only when absolutely. <input type="checkbox"/> As much as possible, pictures should not have children's faces. <input type="checkbox"/> If any child is uncomfortable with being photographed, any photograph taken of the child should be deleted, and no more photographs should be taken. <input type="checkbox"/> Ensure that a guardian or responsible person is present in the doctors consultation room, treatment ward, x-ray when pictures are being taken. | Doctors, nurses and on duty staff team In every visit |
| X-ray and ultrasound scan | Children may not be comfortable with the kinds of questions asked and how the radiologist and radiographer interacts with children | <ul style="list-style-type: none"> <input type="checkbox"/> At least two people need to be in the ultrasound room when the Ultrasound is conducted. <input type="checkbox"/> The main door must be kept open at all times. <input type="checkbox"/> No sexually implied or explicit questions may be asked. <input type="checkbox"/> Radiologist and radiographer must maintain a respectful distance with the children. | Radiologist and radiographer team In every visit |

Once your organisation has identified risks to children in your care you need to implement policies and procedures to address and minimise those risks. The framework is a Child Protection Policy. All issues identified above will need to be included in your organisation's child protection policy.

Instructions:

1. It is suggested that the Organisation's President/CEO, managers and administrators come together as a team to work through this risk register.
2. Write down the activities your organisation provides.
3. For each activity that involves contact with children and young people use the table below to look at the different child protection factors (using the examples as a guide).
4. You can use this information to help write your Child Protection Policy and Code of Conduct as it will highlight areas you will need to provide procedures for. Some of the areas you identify will already be covered by the standards in the Australian Government's Child Protection Policy for the aid program – see: <http://aid.dfat.gov.au/aidissues/childprotection/Pages/home.aspx> but others will be unique to your organisation.
5. You can also decide who will be responsible for actions taken and a time frame.

Example Child Protection Factors to be considered:

Children and Young People:

- Age of children involved (young/adolescent)
- Children with disabilities
- Gender
- Children who have been in conflict with the law
- Children living in institutions/orphanages
- Children not used to having a say/opinion

Staff and Volunteers:

- Level of experience, skills, community leadership
- Previous experience working with children
- Ratio of children to adults
- Level of supervision
- Training provided

Policies and Procedures:

- What is already in place?
- What are the gaps in this area?
- Are staff and volunteers aware of existing policies and procedures?
- How can children, staff, volunteers, parents, community members report a concern for the safety of a child involved in your program?

Program activities:

- Do children generally participate in groups or one on one with an adult?
- Amount of physical contact required in delivering services
- Are there any physical dangers in the environment where the activity takes place i.e. water, traffic, building site?
- Do activities occur during the day or evening?
- Risk of injury to a child
- What methods of discipline are used by the staff/volunteers?
- Travel to attend events which may involve overnight stays

Community factors:

- Are parents/carers involved in the program activities?
- Are community leaders involved?
- What formal and informal systems exist to protect children locally?
- Local risk factors to children in the community i.e. risk of violence when walking home late at night

Appendix 1: statutory declaration of criminal record form

Appendix 2: child incident reporting form

Appendix 3: child protection risk register