

Sparsha Charitable Trust
Child Safeguarding Policy
September 2019

1. Policy Overview

Sparsha Charitable Trust is committed to protecting the rights of children by safeguarding them from all forms of harmful influences, abuse and exploitation. Sparsha Charitable Trust will make necessary arrangements to prevent or minimise any harm to children who come in contact with the organisation and will take measures to respond to any concern raised within the organisation or its programmes as outlined in the policy.

A 'duty of care' exists for all stakeholders who come into contact with children. This means they should not only apply the principles of good practice in their work but also that they have a responsibility and a legal duty to ensure the protection and safety of children in their care or any child they are in contact with.

Sparsha Charitable Trust will:

- strive to understand children within the local context in which they live
- work with children in a spirit of cooperation and partnership based on mutual trust and respect
- work with children in ways which enhance their capacities and capabilities and develop their potential
- treat children with respect and recognise them as individuals in their own right
- regard children positively and value them as individuals with specific needs and rights
- value the views of children and take them seriously
- strive to ensure a safe environment with minimised risk to any harm for the children who come in contact with Sparsha Charitable Trust

This policy is endorsed by Sparsha Charitable Trust Board of Trustees.

The implementation and ongoing monitoring of the policy in both specifics and spirit is the responsibility of the Sparsha Charitable Trust Leadership team.

2. Purpose

Sparsha Charitable Trust will endeavour to ensure all Employees:

- Are aware of the problem of child abuse and the risks to children
- Are aware of and are committed to the policies and procedures set out in this policy document
- Safeguard children from any harm, also including abuse through following a Code of Conduct and other necessary procedures in place
- Report where possible breaches are observed in the Code of Conduct
- Respond appropriately when the Code of Conduct is breached

3. Scope

These guidelines are applicable to Sparsha Charitable Trust, including the following situations and contexts, as defined herein.

- a. Within premises of Sparsha Charitable Trust or any of the associated partner NGO, during all hours of engagement with the children, in relation to any direct or indirect activity related to Sparsha Charitable Trust or the associated partner NGO, including before and after regular working hours and on holidays.
- b. In extended environments of Sparsha Charitable Trust or the associated partner NGO if there is any link with it. e.g.: parking areas, events at Sparsha Charitable Trust or the associated partner NGO or outings and work related travel and transportation arrangements made by Sparsha Charitable Trust or the associated partner NGO for its children.

These guidelines are also applicable to all persons who come in direct or indirect contact with the child in the context of the above:

- Board and Management of Sparsha Charitable Trust
- Permanent, temporary and contract employees.
- Volunteers, consultants, experts, workers from outsourced agencies, service providers and vendors supplying services or goods to Sparsha Charitable Trust
- Any person visiting Sparsha Charitable Trust
- Any person, whose association with Sparsha Charitable Trust, provides such person authority over and/or access to a child or otherwise allows him/her to initiate, nurture and sustain a fiduciary relationship with a child.
- Any other person, who may be covered by these guidelines.

4. Policy and Procedures

Definitions:

- **Child** - In accordance to the definition used by the United Nations Convention on the Rights of the Child (UNCRC) and the Protection of Children from Sexual Offences Act 2012 (CRCPC), Sparsha Charitable Trust defines anyone under the age of 18 as a child. Sparsha Charitable Trust assumes responsibility for any child in their care.
- **Child maltreatment** - This is sometimes referred to as child abuse and neglect, includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation.
- **Child Abuse:** Child abuse has been divided into four types to assist with identifying it specifically:
 - **Physical Abuse:** The actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a person in a position of responsibility, power or trust.
 - **Sexual Abuse:** The involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws and social taboos of society. Child sexual abuse is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances, internet pictures and materials. The use of technology such as the internet by adults to entice children to meet or participate in virtual sex is also an abuse.
 - **Neglect and negligent treatment:** It is the inattention or omission on the part of the caregiver to provide for the development of the child in: health, education, emotional development, nutrition, shelter and safe living conditions, in the context of resources reasonably available to the family or caretakers and which causes,

or has a high probability of causing, harm to the child's health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible.

- **Emotional abuse:** It includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can reach their full potential in the context of the society in which the child lives. There may also be acts toward the child that cause or have a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. Acts include restriction of movement, degrading, humiliating, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile or rejecting treatment.
- **Exploitation:** Child exploitation is the act of using a minor child for profit, labor, sexual gratification, or some other personal or financial advantage.
- **Child safeguarding** refers to the responsibility of agencies working with / in contact with / impacting children, to take all reasonable measures to ensure that the risks of harm to children are minimized; and where there are concerns about the welfare of children, to take appropriate actions to address those concerns (i.e. working to agreed policies and procedures, and in accordance with local laws). Safeguarding refers to institutional / internal policies and procedures intended to ensure that children are not exposed to harm and abuse through their contact with the organization, their staff and their participation in projects and programs, and that the organization's operations do no harm to the children in any way. Child Protection is part of safeguarding and refers to activities undertaken to protect specific groups of children who are being or are at risk of being abused.

5. Child Protection Committee

To receive and effectively deal with child abuse complaints, a Child Protection Committee (CPC) has been constituted by Sparsha Charitable Trust.

The CPC consists of:

- CPC Chairperson – [Add Name, Designation]
- Child Protection Officer – [Add Name, Designation]
- A senior staff member – [Add Name, Designation]
- External NGO member committed towards the cause of children's rights and empowerment.

A panel of three (3) members is required to be present for the proceedings to take place. The panel shall include the CPC Chairperson and at least two (2) members.

Further, Sparsha Charitable Trust designates the Senior Human Resources Manager – [Enter Name] (Enter Email Id) as the Child Protection Officer (CPO) to look into overall implementation of the policy.

3. Responsibilities:

All employees at Sparsha Charitable Trust are required to:

- Be aware of situations which may present risks and appropriately manage it
- Plan and organise the work and the workplace so as to minimise risks
- Be visible to others when working with children whenever possible
- Create and maintain a non-defensive attitude and an open culture to discuss any issues or concerns
- Foster a culture of mutual accountability so that any potentially abusive behaviour can be challenged
- Develop a culture where children can talk about their contacts with staff and others openly
- Respect each child's boundaries and help them to develop their own sense of their rights as well as helping them to know what they can do if they feel that there is a problem

Anyone working for or associated with Sparsha Charitable Trust must avoid actions or behaviour that could be construed as poor practice or potentially abusive. Everyone working for with Sparsha Charitable Trust will not:

- Spend excessive time alone with children away from others
- Take children to your own home, especially where they will be alone with you
- Have a child or children to stay overnight at your home unsupervised
- Sleep in the same room or bed as a child
- Hit or otherwise physically assault or physically abuse children

- Behave physically in a manner which is inappropriate or sexually provocative towards a child or develop physical/sexual relationships with children
- Develop relationships with children which could in any way be deemed exploitative or abusive
- Act in ways that may be abusive or may place a child at risk of abuse that includes intentionally humiliating, belittling, degrading, holding, kissing, cuddling, touching a child in an inappropriate, unnecessary or culturally insensitive way.
- Use language, make suggestions or offer advice which is inappropriate, offensive or abusive
- Condone, or participate in, behaviour towards children which is illegal, unsafe or abusive or exposes the child to danger
- Discriminate against, show different treatment, or favour particular children to the exclusion of others.

The Child Protection Committee (CPC) will:

- Convene as soon as an incident is reported with periodic follow-up until closure of case
- Assess and address the impact of the incident on other children, adults working there and on the organisation as a whole.
- Discuss the concerns, record the same and give appropriate recommendations to the organisation's management for further action.
- Cooperate with the police, judiciary and local administration in investigation of the reported incident, to the extent applicable by law, while keeping in mind the safety, security, right to privacy and confidentiality in the best interest of the child.
- In the case that an allegation has been brought against any member of the CPC, that person is removed from the CPC with immediate effect. The CPC then will evaluate the situation and decide whether the existing CPC shall be dissolved and a new CPC will be formed.

The CPC Chairperson will:

- Focus only on the complaints/suggestions received on child safety violations/abuse and not on any administrative issues.
- Discuss the concerns, record the same and give appropriate recommendations to the organisation's management for further action.
- Ensure the concerns are addressed and closed within a specified time.
- Maintain all registers, files and folders and documents related to child safety and protection.
- Seek external expert help as and when required.
- Convene as soon as an incident is reported with periodic follow-up until closure of case.

- Cooperate with the police, judiciary and local administration in investigation of the reported incident, to the extent applicable by law, while keeping in mind the safety, security, right to privacy and confidentiality in the best interest of the child.
- Assess and address the impact of the incident on other children, adults working there and on the organisation as a whole.

The CPO will:

- Assist the CPC Chairperson during case proceedings.
- Receive all complaints of child safety violation including child abuse, whether verbal or written and ensure confidentiality and record it in a register.
- Maintain case files and records pertaining to the complaints/incident.
- Follow mandatory reporting in case of safety violation including child abuse wherever legally mandated and coordinate with the police and local authorities and ensure that there is no attempt to cover up the incident, or influence the child's parents/guardian or other authorities.
- Follow procedures where there are allegations of child safety violations or child abuse including against the Head of the institution/Chairperson of CPC.
- Coordinate capacity building related to CPP.

6. Communications regarding Children

- Sparsha Charitable Trust should ensure that it uses images that are decent and respectful and which do not present children as victims. In all communications, children should always be adequately clothed and poses that could be interpreted as sexually suggestive are unacceptable.
- Web sites and other promotional materials of Sparsha Charitable Trust should not use images of children without obtaining verbal permission from the child and the parent(s)/guardian(s) of the child.
- The child's personal and physical information that could be used to identify their location within a country is not used in any manner on any platform.

7. Preventive Procedures

This section is to ensure what steps should be taken if it is believed that the Child Protection Policy is being violated.

Following a thorough risk assessment of Sparsha Charitable Trust to identify the risks, the following preventive measures shall be undertaken by the organisation in order to safeguard children:

I. Risk: Physical, sexual, emotional abuse

Physical abuse could mean anything that causes physical injury to the child (hitting), restraining a child (keeping them locked or holding them against their will), depriving them of food/water/shelter, or failure to protect from physical injury. Sexual abuse includes actual or threatened acts of sexual exploitation such as rape or pornography, inappropriate touching or saying inappropriate things of a sexual nature. Emotional abuse occurs when abuse of any form takes place. It is defined as anything that causes an adverse effect on the emotional and behavioural development of a child eg. rejection, exclusion, belittling, bullying, etc.

Preventative Measures:

1. Internal Training on Child Safeguarding mandatory for all staff
2. Restroom policy allowing only one student at a time to use the restroom
3. An open-door policy must be put in place by Sparsha that ensures that no one-on-one meetings between teachers and students take place behind closed doors
4. There should be at least one adult (teacher/staff) present in the classroom with children at all times i.e. children should not be left unsupervised
5. Reporting structures must be put in place for children, parents, teachers and staff in the case of incidents violating the child safeguarding policy
6. Ensure that children are aware of their rights to safety and security through discussions about 'good touch bad touch', etc.
7. Provide training for parents regarding the safety of their children (eg. meaning of abuse, its signs, reporting procedure)

II. Risk: Lack of staff checks (eg. police checks, induction)

Preventative Measures:

1. Recruitment policy incorporating compulsory police verification and reference checks for all new staff hired
2. Child Safeguarding training incorporated into employee induction

III. Risk: Increased contact with children during external activities

Preventative Measures:

1. Policy for visitor/volunteer/external resource person(s) contact with children (eg. they are required to read and sign the Sparsha child safeguarding policy)
2. All stakeholders need to adhere to the policy terms about contact with children outside of school premises

IV. Risk: Child may be harmed physically during transit to/ from Sparsha centers (eg. abuse by the driver of the transport, bullied/physically harmed by other children, etc.)

Preventative Measures:

1. Children are not allowed to be picked up by adults other than their parents/ adults designated by the parents to Sparsha.
2. Sparsha must notify and confirm with parents if any other person comes to pick up the child.

V. Risk: Physical safety of children in school and during outdoor activities (eg. Sports, Picnics, Festival celebration, etc.) organised by Sparsha Charitable Trust

Preventative Measures:

1. One or more staff members accompanying the children must be trained in First Aid
2. Fire Safety Protocol to be put in place and staff and children must be trained through drills
3. Additional staff must be present during events such as sports events, field trips, etc.

- VI. Risk: Photographs of children can be misused (eg. for pornography, exploitation, identifying children's location, etc.)

Preventative Measures:

1. Communications policy regarding the usage of photos of children for social media, communication material, donor use, etc.
2. Informed consent from the parent/guardian is required before using their photographs.

- VII. Risk: Safety of children when using the internet (eg. vulnerable to unauthorised/ inappropriate contact with adults)

Preventative Measures:

1. Phone usage during school hours prohibited
2. Sparsha will create a cyber safety policy that must be made known to all staff and children

8. Reporting

Sparsha Charitable Trust Employees, Associates and Consultants should report their concerns to the CPO within 24 hours of observing a breach of the Child Protection Policy. All concerns or allegations should be submitted in writing. It is not the responsibility of the person first hearing or encountering a case of alleged or suspected abuse to decide whether or not abuse has taken place; it is their responsibility to immediately report the concern.

The reporting should focus on:

- Evidence that the Child Protection policy has been violated with relevant dates
- Potential / Actual Risks to the child/children
- Measures to safeguard children and minimize risk
- Action/next steps

Ensure the safety of the concerned child:

The CPO shall ensure that the child is removed from any imminent danger immediately by preventing contact with the person involved. The CPO will ensure that the child is not further questioned or interrogated. The CPO will liaise with the partner NGO to reassure the child that the problem will be attended to and he/she is safe and protected.

The CPO will within three days of receiving the complaint:

- Conduct a risk assessment of the reported concerns and inform the relevant authorities as appropriate who will ensure that child is provided care and protection.
- Put together all the evidence submitted
- Prepare and communicate an appropriate response e.g. disciplinary process or urgent action if consequences of breach of Code are severe.

Medical Intervention:

The CPO will liaise with the partner NGO to ensure that the child is provided with the appropriate medical assistance as required. The CPO will liaise with the partner NGO on the medico-legal papers which will be referred to during the

case proceedings.

Informing parents / guardians:

The CPO will liaise with the partner NGO to ensure that the parents / guardians are informed about:

- The complaint.
- The internal inquiry procedures that will be followed to address the complaint.
- The confidentiality that will be maintained.
- The relevant local authorities that will be informed about the case details.

Internal Inquiries and Suspension:

- The CPO in consultation with the Chairperson shall convene the CPC meeting within 24 hours of reporting of the incident to take further action and inform the partner NGO accordingly.
- The CPO will meet with the person who has reported the concern to ensure that facts, opinions, observations are recorded accurately and prepare an investigation report.
- The CPC will decide whether the person responding to the complaint should be temporarily suspended pending further police and social services inquiries.
- If the person responding to the complaint is at an outstation location, the CPC will decide on whether they should be asked to return to the main office.
- Based on the outcome of the internal inquiry, the CPC will refer to the Disciplinary policy to assess the appropriate disciplinary outcome that will be implemented.

Documentation:

- Written complaint submitted to the CPO should be signed and dated.
- Minutes of the meeting should be detailed and precise, focusing on what was said or observed, who was present and what happened. Speculation and interpretation should be clearly distinguished from reporting.
- All such records should be treated as confidential. It is the responsibility of each individual in possession of the information to maintain confidentiality.

External Reporting:

- If there is a suspicion about any form of criminal behaviour taking place at a programme, the CPO will assess the risk and inform the appropriate local authorities immediately. The CPO will also look into any other external bodies like the host organisation, community, etc. that need to be informed of the action and the possible risks and inform them accordingly.
- The CPO may refer to the following external redressal mechanisms as appropriate:
 - Child Welfare Committee (CWC)
 - Juvenile Justice Board
 - Child Helpline
 - The Department of Women and Child Development, Maharashtra

9. Training

The Management of Sparsha Charitable Trust shall provide the necessary resources and direction for the following capacity building programs including information for all adult stakeholders. The content of the capacity building process should include the following:

- a) Orientation on child abuse, neglect and exploitation; applicable laws, policies and guidelines, such as UNCRC, POCSO, JJ Act and ICPS to ensure they are aware of the key provisions; redressal mechanisms, media relation, confidentiality and reporting obligations
- b) CPP: Training of all personnel, contract staff on the CPP, response and redressal mechanisms set up within Sparsha Charitable Trust. Additionally, Sparsha Charitable Trust will conduct other relevant trainings (related to appropriate behaviours with children) to ensure staff are able to understand the finer aspects related to the policy.
- c) There should be a refresher course for all of the above topics.
- d) This will include signing the declaration indicating their understanding of the Policy.

10. Policy Review Schedule

The Sparsha Charitable Trust Child Protection Policy will be reviewed annually or basis management discretion to ensure the policy is updated. Sparsha Charitable Trust will also look into ensuring that all Sparsha Charitable Trust Partners have a Child Protection Policy in place and supervise an annual review and revision of the policy.

Declaration

I, _____, declare that I have read the Safeguarding Policy put in place by Sparsha Charitable Trust and fully understand that any breach or violation of the policy from my end could result in action taken against me and/or termination of my contract/working relationship with Sparsha Charitable Trust.

Signature

Date