



## **Kinia's Child Protection Policy**

Kinia's Child Protection Policy is applicable to all Kinia Staff and volunteers. Such Staff and Volunteers will hereby be referred to as 'Kinia Personnel' throughout this document. This policy should be read in conjunction with other Kinia policies on Safeguarding, including but not limited to Whistleblowing, E-Communications, Self Conduct, Grievance Policy and Procedure, Dignity at Work, Disciplinary Policy and Procedure and Security Procedure Policy.

### **Introduction**

Kinia's Child Protection Policy was established to demonstrate the strong commitment of Kinia Personnel to child safety and to ensure and maintain a child safe and friendly environment at all times.

Kinia is aware that the goods and services provided through our development programmes can create a power differential between Kinia personnel and the programme participants. We acknowledge that there is potential for this power imbalance to be exploited by Kinia personnel to acquire bribes, payments, gifts, and/ or sexual favours. Kinia's Child Protection Policy has been developed to ensure the maximum protection of young programme participants from exploitation and to clarify the responsibilities of Kinia Personnel and the standards of behaviour expected of them.

Abuse of power has, in the past, led to many forms of exploitation, both within the development sphere in developing countries, and in social institutions in Europe and America. The HIV/AIDS pandemic has added to the vulnerability of children who are increasingly targeted for unprotected sex because of the greater likelihood that they are uninfected, or in some cases, because the belief may persist that having sex with a virgin is a way of curing AIDS. Kinia condemns any such exploitation and is committed to the protection of programme participants.

Kinia's Code of Conduct on Child Protection Policy, see page 4 of this document, has been developed to reflect this policy.

Acceptance of this policy and Kinia's Code of Conduct on Child Protection is a prerequisite for anyone who wishes to work / volunteer with the organisation.

Such acceptance should also be a requirement of any partnership agreement that Kinia enters into



## The Rights of the Child

A child is defined in the United Nations Convention of the Rights of a Child (UNCRC) as a person under the age of 18 years.

The UNCRC 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.

The UNCRC reflects a new vision of the child. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual *and* as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child.

The Convention and its acceptance by so many countries has heightened recognition of the fundamental human dignity of all children and the urgency of ensuring their well-being and development. The Convention makes clear the idea that a basic quality of life should be the right of all children, rather than a privilege enjoyed by a few.

As outlined in the Convention:

- **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.
- All children have the right to **participation**. Children are entitled to the freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural and political life. Participation rights include the right to express opinions and be heard, the right to information and freedom of association.



- All children have the right to **life, survival and development**. Children have the right to the resources, skills and contributions necessary for the survival and full development of the child. This includes the right to adequate food, shelter, clean water, formal education, primary health care, leisure and recreation, cultural activities and information about their rights. These rights require not only the existence of the means to fulfil the rights but also access to them. Governments should ensure that children survive and develop healthily.
- All children have the right to **protection**. All children have the right to protection from all forms of child abuse, neglect, exploitation and cruelty, including the right to special protection in times of war and protection from abuse in the criminal justice system.

### **Kinia's Commitment to Child Safety**

It is Kinia policy to take all steps that are reasonably possible to protect children coming into contact with the organisation or otherwise from harassment and abuse perpetrated by Kinia Personnel. All children who come into contact with Kinia have a right to feel safe and to be safe. Kinia is committed to the safety and well being of all children and young people accessing our services and the welfare of the children in contact with the organisation remains our number one priority.

### **Incidents of Child Abuse and Neglect:**

The following is a list, but not exhaustive, of potential acts of child abuse & neglect.

- **Physical abuse** – physical abuse of children is defined as excessive intentional physical injury to a child or excessive corporal punishment of a child. Torture, beatings, and assault of children are obvious forms of physical abuse.
- **Emotional abuse** – emotional abuse constitutes an attack on a child or young person's self-esteem ie: through bullying, harassment, threatening, ridiculing, intimidating or by isolating the child.
- **Sexual abuse** – sexual abuse constitutes any sexual act or sexual threat imposed on a child or young person.
- **Neglect** – child neglect in any form, when it concerns a child's welfare, is generally considered to be criminal behaviour. Neglecting a child results in the young person being harmed by the failure to provide the basic physical or emotional necessities.



## **Kinia's Code of Conduct on Child Protection**

Kinia personnel have a responsibility to the organisation to strive for and maintain the highest standards in the day to day conduct of their work in accordance with Kinia's core values and mission. As such, the following Code of Conduct on Child Protection should be adhered to at all times.

Kinia's Code of Conduct on Child Protection is considered a key tool for the prevention of harassment, exploitation and inappropriate behaviour by Kinia personnel. The Code of Conduct describes acceptable standards of behaviour and promotes good practice.

It is the responsibility of all Kinia Personnel to adhere to the Code of Conduct.

### **Sexual Relationships with Children**

Sexual activity between a Kinia staff or volunteer and a child (person under the age of 18) is strictly forbidden. Mistaken belief in the age of a child is no defence.

Any efforts to seduce a minor into a sexual relationship, whether the act is accomplished or not, will likewise be considered a form of child sexual abuse and will result in severe legal consequences. Inappropriate intimacy with children will also be regarded as child sexual abuse.

### **Harassment, Exploitation and Abuse**

Kinia recognises that all Kinia Personnel have a right to be treated with dignity and respect. Therefore, any proven instance of harassment, exploitation or abuse will be treated as gross misconduct and as such, will result in appropriate disciplinary action being taken, up to and including dismissal or possible criminal prosecution.

#### **Kinia personnel must:**

- Establish and maintain a child safe environment in the course of their work (ie: when conducting activities related to the aim and purpose of Kinia).



- Treat children and young people with respect, listen to and value their ideas and opinions and do everything in their power to protect their wellbeing.
- Respect the privacy of children and their families and only disclose information to people who have a need to know.
- Operate within the rules of Kinia policy guidelines and procedures and comply with specific guidelines on physical contact with children.
- Be professional in their actions through their use of language, presentation, manner and punctuality.
- Aim to resolve conflicts fairly and promptly by reporting any breaches of Kinia's standards of behaviour through the established reporting mechanism.
- Maintain strict impartiality.
- Kinia personnel must notify the Global HR Manager/Country CEO/ Head of Africa Operations (as applicable) as soon as practicable if they have a reasonable suspicion that a child has been or is being abused or neglected.

**Kinia Personnel must not:**

- Use prejudice, oppressive behaviour or offensive language with children.
- Discriminate on the basis of age, gender, race, culture, vulnerability or sexuality.
- Initiate unnecessary physical contact with children or do things of a personal nature that children can do for themselves.
- Develop 'special' relationships with specific children for their own needs.
- Show favouritism through the provision of gifts or inappropriate attention.
- Have any inappropriate contact with children.

Kinia personnel should conduct themselves at all times in a manner that avoids suspicion of such behaviour.



**Any breach of Kinia’s Code of Conduct will result in disciplinary action up to and including dismissal and possible criminal prosecution**

## **Children First Legislation**

The **Children First Act 2015** (the Act), which was signed into law on 19 November 2015, puts elements of the Children First: National Guidance for the Protection and Welfare of Children (2011) on a statutory footing. The legislation was a key Programme for Government commitment, and forms part of a suite of child protection legislation which includes the National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012-2016 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

The Act provides for a number of key child protection measures, as follows:

- A requirement on organisations providing services to children to keep children safe from harm and to produce a Child Safeguarding Statement;
- A requirement on defined categories of persons (mandated persons) to report child protection concerns over a defined threshold to the Child and Family Agency;
- A requirement on mandated persons to assist the Child and Family Agency in the assessment of a child protection risk, if requested to do so by the Agency;
- Putting the Children First Interdepartmental Implementation Group on a statutory footing.

## **Obligations on Organisations**

Providers of relevant services to children are required to keep children safe from harm while availing of their services, to undertake a risk assessment to identify the potential for harm to a child who is availing of their service, and to prepare a child safeguarding statement which sets out the policies and procedures which are in place to mitigate the risks identified.

Mandated reporters are persons who, by virtue of their training, responsibilities and experience, should have an awareness of issues relating to child protection. These professionals either work with children or young people or they are in service sectors that encounter adults or families and children where there is risk of abuse and neglect.

Mandated reporters will be required to report child abuse above a defined threshold which comes to their attention in the course of their professional or employment duties. They will also be required to report any direct disclosures of abuse from a child.



## **Kinia Child Safeguarding and Policy Statement**

Kinia is committed to ensuring the safety and wellbeing of all children, while respecting the rights of staff and volunteers and all adults with a responsibility for children.

The protection of children is paramount and takes precedence over all other concerns.

### **Do . . . . .**

- Treat all children with respect
- Provide an example of good conduct
- Be visible to others when working with children
- Challenge and report potentially abusive behaviour
- 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 there is a problem
- Raise concerns about unacceptable behaviour towards children through the complaints procedure if necessary
- Make it clear that discriminatory behaviour or language in relation to race, culture, age, gender, disability, religion, sexuality or political views is not acceptable.

### **Don't. . . . .**

- Spend time alone with a child away from others

### **Never. . . . .**

- Give alcohol, tobacco or drugs to children
- Take a child/young person into your home
- Engage in physical games with children except structured sports
- Engage in sexually provocative games
- Allow or engage in inappropriate touching of any form.
- Allow children to use inappropriate language.
- Make sexually suggestive comments about or to a child.
- Let allegations made by a child go unchallenged or unrecorded. (always follow procedures )
- Do things of a personal nature for a child, that he/she can do for himself/herself \*

\*Tasks of a personal nature should only be carried out for very young children or children with a disability and with the full understanding and consent of parents. If an emergency arises parents should be informed. Actions /decisions taken with any child should be governed by the age and developmental stage of the child.

## **Duty to Report**



It is the duty of all Kinia Personnel who become aware of any breaches to this Code to report it immediately to the Safeguarding Officer, Global HR Manager, CEO and Head of Africa Operations (if applicable), either through the established reporting mechanism or, if not appropriate, to another senior member of staff. See 'Responsibility to report child abuse'.





It is important that any concerns or suspicions, whether major or minor, about a suspected incident of exploitation, harassment or bullying are reported immediately. All incidents must be discussed with a line manager or other senior member of staff. A fuller picture is likely to emerge which might reduce the level of concern or, on the other hand, may lead to the realisation that further action is appropriate.

Kinia Personnel must ensure that all information about breaches of this Code is handled with the utmost discretion.

All such concerns must be recorded and the record held in a secure location.

### **DEALING WITH A DISCLOSURE OF ABUSE**

In the event of a child/young person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally by the staff member/volunteer involved. The following are guidelines to support the worker/volunteer in this:

- React calmly;
- Listen carefully and attentively; take the young person seriously;
- Reassure the young person that they have taken the right action in talking to you;
- Do not promise to keep anything secret;
- Ask questions for clarification only. Do not ask leading questions;
- Check back with the child/young person that what you have heard is correct and understood;
- Do not express any opinions about the alleged abuser;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the Incident Report form (below)
- Ensure that the child/young person understands the procedures which will follow;
- Pass the information to the appropriate person (Global HR Manager,/Country CEO/Head of Africa Operations), do not attempt to deal with the problem alone;
- Treat the information confidentially.



**Incident Report Form**

**Who?** Kinia Personnel and others involved

**When?** Date and time of incident

**Where?** Incident location (attach map / sketch / diagram if necessary)

**What has happened?** Description of incident

**What have you done about it?**

**What help do you need?**

**Add any other important information here**

Name:

Signature

:

Position:

Date:



### **Responsibility to Report Child Abuse**

Everyone must be alert to the possibility that children with whom they are in contact may be experiencing abuse or have been abused in the past. This is an important responsibility for staff and volunteers when working with children and young people.

The guiding principles in regard to reporting children abuse are summarised as follows:

- The safety and well-being of the child or young person must take priority
- Reports should be made without delay to the HSE
- While the basis for concern must be established as comprehensively as possible, children or parents should not be interviewed in detail about the suspected abuse.

The reporting procedure for dealing with disclosures, concerns or allegations of child abuse is outlined in the following steps:

- The employee or volunteer who has received a disclosure of child abuse or who has concerns of abuse, should bring it to the attention of the Safeguarding Officer/Global HR Manager/Country CEO/Head of Africa Operations immediately.
- They will assess and review the information that has been provided and may contact the HSE for informal advice relating to the allegation, concern or disclosure.
- After consultation with the HSE officials, they will then take one of two options:
  - Report the allegation, concern or disclosure to the HSE or
  - Not make a formal report to HSE but keep a record of the concerns on file. The reasons for not reporting the allegation, concern or disclosure will be clearly recorded. The employee/volunteer who made the initial report will be informed if a formal report is not being made to the HSE and it is open to him/her to make a formal report themselves, directly to the relevant authority if they feel this is necessary.
- Where a formal report is made the HSE will then liaise with An Garda Síochána. It is likely that the HSE will want to speak to the person who first made the report to clarify facts and the circumstances of the report.

In an emergency a report should be made directly to An Garda Síochána.

In making a report on suspected or actual child abuse, the individual must ensure that the first priority is always for the safety and welfare of the young person and that no young person is ever left in an un-safe situation.

At Kinia we do not tolerate incidents of child abuse or neglect. Such incidents are considered gross misconduct and will lead to disciplinary action up to and including dismissal and possible criminal prosecution.

**I have read and understood Kinia's Child Protection Policy and Code of Conduct on Child Protection. I hereby agree to conduct myself in accordance with the provisions of these two documents.**



## List of References

Kinia's original Child Protection Policy Document (draft) – *The Child Safe / Child Protection Policy for Kinia.*

Concern Worldwide (2004) *Programme Participant Protection Policy.*

The Department of Health and Children website.

UNICEF *Convention on the Rights of the Child.* Available at  
[www.unicef.org](http://www.unicef.org)

Department of Children and Youth Affairs - [www.dcy.gov.ie](http://www.dcy.gov.ie)

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