



CHILD PROTECTION POLICY

1 Child Protection Policy

1.1 Introduction

Kenya Legal & Ethical Issues Network on HIV and AIDS (KELIN) was formed in 1994 and registered as a Non-Governmental Organisation (NGO) in 2001. It was established following a workshop in Accra, Ghana which focused on creating country-based networks that intersect law, ethics, human rights, and HIV. While originally created to protect and promote HIV-related human rights, our scope has since expanded to also include sexual and reproductive health rights, key and affected populations, and women, land and property rights. KELIN's goal is to advocate for a holistic and rights-based system of service delivery in health and for the full enjoyment of the right to health by all, including the vulnerable, marginalized, and excluded populations in Kenya

KELIN is committed towards ensuring that everyone who engages, participates, or works in KELIN does so in an enjoyable and safe environment free from sexual harassment, assault or any form of sexual violation.

KELIN has a moral and legal obligation to ensure that, when our work exposes us to or requires engagement with children and young people, we provide them with due care and protection while promoting their safety and welfare against abuse of any kind. This policy is developed as a tool to help meet these obligations. In this regard, KELIN is committed to implementing policies which ensure that everyone accepts their responsibilities to safeguard children and young people from harm and abuse. This includes but is not limited to following the laid out procedures to protect children and young people and report any concerns about their welfare to appropriate authorities.

Additionally, this policy aims to promote good practice, providing children and young people with appropriate safety and protection whilst in the care of KELIN and to allow staff and volunteers to make informed and confident responses to specific child protection issues.

1.1 Policy Statement

KELIN firmly believes and is committed to the following:

- That the welfare of children and young people is paramount;
- All children and young people who receive our services, participate in our programs or activities, or are children of adults receiving our services or participating in our programs or activities, should be protected from harm or abuse of any kind;
- That all children and young people, whatever their age, culture, ability, gender, language, racial origin, religious belief and/or sexual identity should be able to participate in a fun and safe environment and have an equal right to protection from all types of harm or abuse;
- That in all circumstances, all reasonable steps must be taken to protect children and young people from harm, discrimination and degrading treatment and to respect their rights, wishes and feelings;
- That all suspicions and allegations of poor practice or abuse will be taken seriously and responded to swiftly and appropriately including but not limited to legal repercussions;
- That working in partnership with parents, guardians and children themselves is essential for the protection of children and young people.

That all KELIN employees who work with children and young people will be recruited with regard to their suitability and based on previous credibility records, and will be provided with guidance and/or training in good practice and child protection procedures. Anyone who has a previous criminal conviction is automatically excluded from working with children under all of KELIN's projects.

1.2 Application of policy

KELIN demands the highest ethical standards within the organization internally and externally, amongst collaborating organizations, partners, service providers and individuals. This includes all:

- Employed staff;
- Volunteers and interns;

- Board members;
- Program participants (including trainers, group leaders, facilitators) and consultants
- Collaborating community-based or other organizations; and
- Hotels, institutions and premises where KELIN holds its activities.

This policy is formally binding on all the above listed individuals, organizations, implementing partners and service providers operating under the direction of KELIN, who are required to sign a declaration agreeing to be bound by the policy on commencement.

Employee contracts contain provisions for the organization to dismiss, or suspend staff if in breach of the policy.

As such, KELIN will only collaborate with organizations and individuals who are willing to expressly agree to our policy or can demonstrate that they can meet a comparable internal ethical standard to that outlined in this policy.

1.3 Monitor and review the policy and procedures

The implementation of the policy and procedures shall be regularly monitored and reviewed. The Human Resource Officer shall regularly report progress, challenges, difficulties, achievements, gaps and areas where changes are required to the Executive Director. Known or suspected violations of this policy must be reported to the Human Resource Officer.

This policy shall be reviewed every 3 years or whenever there is a material change in the organization or any change in a relevant legislation touching on children matters.

2 Code of Conduct for Promoting Good Practice

2.1 Introduction

To provide children and young people with the best possible experience and opportunities when engaged in KELIN activities, everyone must operate within an accepted ethical framework.

It is not always easy to distinguish poor practice from abuse. It is however the responsibility of KELIN staff and other activity participants to identify poor practice and possible abuse and act if they have concerns about the welfare of the child or young person, as explained in section 4 below. This section will help identify and distinguish what is meant by good or poor practice.

2.2 Good Practice

All personnel should adhere to principles and action such as the following:

- actively listen to children and young people, encouraging them to speak openly by demonstrating value and respect for their opinions;
- always work in an open environment (e.g. avoiding private or unobserved situations and encourage open communication with no secrets);
- promote an environment where there is no tolerance for bullying, encourage reporting of known or suspected cases of bullying, and confront and address any known or suspected cases of bullying;
- treat all children and young people equally and with respect, fairness and dignity;
- always put the privacy and welfare of the children and young person first;
- maintain a safe and appropriate distance (e.g. it is not appropriate for staff, participants, service providers or volunteers to have an intimate relationship with a child or young person or to share a room with them under any circumstance);
- avoid unnecessary physical contact with children and young people. Where any form of manual/physical support is required it should be provided openly and with the consent of the child or young person. Physical contact can be appropriate so long as it is neither intrusive nor disturbing and the child's or young person's consent has been given;
- involve parents, guardians or care givers wherever possible, encourage parents, guardians or care givers to take responsibility for their own child or young person;
- be an excellent role model, such as not smoking or drinking alcohol in the company of children or young people;

- always give enthusiastic and constructive feedback rather than negative criticism;
- recognising the developmental needs and capacity of the child or young person and do not risk sacrificing welfare in a desire for organizational or personal achievements. This means avoiding excessive training or competition and not pushing them against their will; and
- keep a written record of any injury that occurs while a child or young person is in your care, along with details of any treatment given.

2.3 Poor Practice

All personnel, staff, volunteers, service providers, participants and organizations working with KELIN should avoid poor practices such as the following:

- unnecessarily spending time alone with children or young people, secluded, unobserved or away from others;
- taking children or young people alone on unsupervised journeys, however short;
- taking children or young people to your home;
- sharing a room with a child or young person, or being behind closed doors or other areas outside of the visibility of a third party;
- engaging in rough, physical or sexually provocative games;
- allowing or engaging in inappropriate touching of any form;
- allowing children or young people to use inappropriate language unchallenged;
- making sexually suggestive comments to a child or young person, even in fun;
- reducing a child or young person to tears as a form of control, engaging in or permitting any form of bullying or harassment;
- allowing allegations or complaints made by a child or young person to go unchallenged, unrecorded or not acted upon; and
- doing any activity of a personal nature that the child or young person can do for themselves.

When a case arises where it is impractical/impossible to avoid certain situations e.g. transporting a child or young person on a motorbike or car, the tasks should only be carried out with the full understanding and consent of the parent or duly-authorized guardian and the young person involved.

Where during your care you accidentally hurt a child or young person, or the child or young person seems distressed in any manner, or appears to be sexually aroused by your actions and/or if the child or young person misunderstands or misinterprets something you have done, report any such incidents as soon as possible to the Human Resource Officer and make a written note of it. Parents should also be informed of any incident that warrants their attention.

3 Defining Child Abuse

3.1 Introduction

Child abuse is defined as any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm. It commonly occurs within a relationship of trust or responsibility and is an abuse of power or a breach of trust. Abuse can happen to a child or young person regardless of their age, gender, race, sexual identity or ability.

There are some identified types of abuse including: physical abuse, sexual abuse, bullying, emotional abuse and neglect. The abuser may be a family member, someone the child or young person encounters in residential care or in the community, including sports, educational or leisure activities. Any individual may abuse or neglect a child or young person directly, or may be responsible for abuse because they fail to prevent another person harming the child or young person.

Children or young people living with disabilities, physical or mental, may be at increased risk of abuse through various factors such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves or adequately communicate that abuse had occurred.

3.2 Types of Abuse

- **Physical Abuse:** includes but is not limited to activities where adults physically hurt or injure a child or young person such as hitting, shaking, throwing, poisoning, burning, biting, scalding, suffocating, drowning etc. Giving children or young people alcohol or inappropriate drugs would also constitute child abuse. This category of abuse may also include when a parent, guardian or care giver reports non-existent symptoms or illness of a child, deliberately causes ill health in a child or young person they are looking after, or deliberately withholds schooling, hygiene or nutrition.
- **Emotional Abuse:** defined as the persistent emotional ill treatment of a child or young person, likely to cause severe and lasting adverse effects on the child's emotional development. It may involve verbal abuse of a child, actions that make them feel unloved and inadequate or valued in terms of only meeting the needs of another person. It may feature expectations of children or young people that are not appropriate to their age or development. It may cause a child or young person to be frightened or in danger by being constantly shouted at, threatened or taunted which may make the child or young person frightened or withdrawn. Ill-treatment of children, whatever form it takes, will always feature a degree of emotional abuse.
- **Bullying** may come from another child or young person or an adult. Bullying is defined as deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. There are three main types of bullying. It may be physical (e.g. hitting, kicking, slapping), verbal (e.g. racist or homophobic remarks, name calling, graffiti, threats, abusive text messages), emotional (e.g. tormenting, ridiculing, humiliating, ignoring, isolating from the group), or sexual (e.g. unwanted physical contact or abusive comments).
- **Neglect** occurs when an adult fails to meet the child or young person's basic physical and/or psychological needs, to an extent that is likely to result in serious impairment of the child's health or development. For example, failing to provide adequate food, shelter and clothing, failing to protect from physical harm or danger, or failing to ensure access to appropriate medical care or treatment. Refusal to give love, affection and attention can also be a form of neglect.

- **Sexual Abuse** occurs when adults (male and female) use children to meet their own sexual needs. This could include sexual intercourse, masturbation, oral sex, anal intercourse and fondling. Showing children or young people pornography or talking to them in a sexually explicit manner are also forms of sexual abuse. In sport, activities which might involve physical contact with children or young people could potentially create situations where sexual abuse may go unnoticed. It is therefore important to draw the lines when undertaking a sport that involves contact. Also the power of the coach over young athletes, if misused, may lead to abusive situations developing.

3.3 Indicators of Abuse

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. Indications that a child is being abused may include one or more of the following:

- unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries;
- an injury for which an explanation seems inconsistent;
- the child or young person describes what appears to be an abusive act involving them;
- another young person or adult expresses concern about the welfare of a young person or child;
- unexplained changes in a child or young person's behaviour, e.g. becoming very upset, quiet, withdrawn or displaying sudden outbursts of temper;
- inappropriate sexual awareness;
- engaging in sexually explicit behaviour;
- distrust of adult's, particularly those whom a close relationship would normally be expected;
- difficulty in making friends;

- being prevented from socialising with others;
- displaying variations in eating patterns including over eating or loss of appetite;
- losing weight for no apparent reason; and
- becoming increasingly dirty or unkempt.

Signs of bullying include:

- behavioural changes such as reduced concentration and/or becoming withdrawn, clingy, depressed, tearful, emotionally up and down, reluctance to go for training or competitions;
- an unexplained drop off in performance;
- physical signs such as stomach aches, headaches, difficulty in sleeping, bed wetting, scratching and bruising, damaged clothes, bingeing e.g. on food, alcohol or cigarettes;
- a shortage of money or frequent loss of possessions.

It must be recognised that the above list is not exhaustive, but also that the presence of one or more of the indications is not proof that abuse is taking place. Whereas it is not the legal responsibility of those working in KELIN to decide that child abuse is occurring. It is their responsibility to act on any concerns, report immediately and engage the relevant child protection officers to ensure timely and adequate legal and social interventions.

3.4 Use of Photographic/Filming Equipment at training and Sporting Events

There is evidence that some people have used training or sporting events as an opportunity to take inappropriate photographs or film footage of children or young people. All participants, organizations, service providers and football clubs should be vigilant and ensure that any concerns are immediately reported to relevant officers. All parents and performers should be made aware when coaches use video equipment as a coaching aid.

4 Responding to Suspicions and Allegations

4.1 Introduction

It is not the responsibility of anyone working in KELIN whether in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns through contact with the appropriate authorities so that they can then make inquiries and take necessary action to protect the child or young person. This applies **BOTH** to allegations/suspicions of abuse occurring within KELIN and to allegations/suspicions that abuse is taking place elsewhere. This section explains how to respond to allegations/suspicions.

4.2 Receiving Evidence of Possible Abuse

You may become aware of possible abuse in various ways. One may see it happening, or may suspect it happening because of signs such as those listed above in this policy. It may be reported by someone else or directly by the child or young person affected. It is particularly important to respond appropriately. If a child or young person says or indicates that they are being abused, you should:

- stay calm so as not to frighten the child or young person;
- reassure the child that they are not to blame and that it was right to report;
- listen to the child, ensuring that you show that you are taking them seriously;
- keep questions to a minimum so that there is a clear and accurate understanding of what has been said. The law is very strict and child abuse cases have been dismissed where it is felt that the child has been led or words and ideas have been suggested during questioning. Only ask questions to clarify;
- inform the child that you have to inform other people about what they have told you. Tell the child this is to help stop the harm or abuse from continuing;
- safety of the child is paramount. If the child needs urgent medical attention call an ambulance, inform the doctors of the concern and ensure they are made aware that this is a child protection issue;
- record necessary statements with the Police and the child protection officer;
- record all information, take pictures where necessary and ensure to document all steps taken in the intervention; and

- report the incident to the KELIN Executive Director and any other immediate colleagues within the program.

Similarly, anyone working for, with, or as part of, a KELIN program, whether in a paid or unpaid capacity, should proceed as follows upon learning of possible harm or abuse through any other means:

- notify the KELIN Human Resource Officer immediately and any other immediate colleagues;
- document all accounts witnessed or learned through a third party; and
- seek to assess the need for urgent medical or other intervention to protect the child or young person from further mental or bodily injury.

4.3 **Recording Information**

To ensure that information is as helpful as possible, a detailed record should always be made at the time of the disclosure/concern. Records should be confined to the facts and distinguish the source of any particular fact, such as whether it comes from first-hand experience or third-party accounts. Do not include inject personal opinions. Recorded information should include the following:

- the child's name, age and date of birth
- the child's home address and telephone number
- whether or not the person making the report is expressing their concern or someone else's
- the nature of the allegation, including dates, times and any other relevant information
- a description of any visible physical injury, such as bruising, as well as the location, size etc.
- a description of behavioural changes or any other indirect signs, including how long such change has been observed
- details of witnesses to the incidents
- the child's account, if it can be given, of what has happened and how any bruising/injuries occurred
- identify if have the parents, guardians or care takers been contacted and If so what has been said
- identify if anyone else has been consulted and if so record details
- record if anyone has been alleged to be the abuser and record details.

4.4 Reporting the Concern

All suspicions and allegations must be reported appropriately and in a timely manner. It is recognised that strong emotions can be aroused particularly in cases where sexual abuse is suspected or where there is conflicted loyalty to a colleague. It is important to understand these feelings but not allow them to interfere with your judgement about any action to take.

KELIN expects its staff members, partners, service providers, volunteers or any other individual working for, with, or as part of a KELIN program, whether paid or unpaid, to discuss any concerns they may have about the welfare of a child or young person immediately with the person in charge and subsequently to check that appropriate action has been taken.

Where there is a complaint against an a KELIN employee, consultant, volunteer, service provider, partner or other participant in KELIN programs or activities, whether paid or unpaid, there may be three types of investigation.

- Criminal in which case the police are immediately involved;
- Child protection in which case the social services (and possibly) the police will be involved; or
- Disciplinary or misconduct in which case KELIN will be involved.

Any suspicion that a child has been abused by a KELIN employee, consultant, volunteer, service provider, partner or other participant in KELIN programs or activities, whether paid or unpaid should be reported to the KELIN Head of Programs and Executive Director immediately who will take appropriate steps to ensure the safety of the child or young person in question and any other child or young person who may be at risk. If the party alleged or suspected is someone that would usually be the recipient of any notice of harm or abuse, then report to the next highest official in the organization. This will include the following:

- refer the matter immediately to child protection social services department and the police where necessary;
- contact the parent, guardian or care giver of the child as soon as possible following advice from the child protection social services department; and
- the Board Chairperson will be notified to decide who will deal with any media inquiries and implement any immediate investigations and disciplinary proceedings.

Any suspicion that a child or young person has been harmed or abused by another party should be reported to the Human Resources Officer immediately who will take appropriate steps to ensure the safety of the child or young person in question and any other child or young person who may be at risk.

4.5 Confidentiality

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only and in a manner to avoid any unauthorized disclosure of personally identifiable information. This includes the following people:

- The parents of the child
- The person making the allegation/ eye witnesses
- The police

DECLARATION

In witness thereof the under signed confirms and warrants the contents of this policy and is authorised to sign on behalf of

NAME: Allan Maleche

TITLE: _____

ID NUMBER: _____

ORGANISATION: KELIN

SIGNATURE: _____

DATE: _____