

**HELP MISSION DEVELOPMENT
SERVICES
(HMDS)**

**CHILD PROTECTION POLICY
AND
CODE OF CONDUCT
(CPP &CC)**

Effective Date: October 2013

Definitions

Associates: This term includes all board members, consultants, interns, partner organizations, researchers, students and volunteers.

Child: any person under the age of 18, regardless of whether a nation's laws recognize adulthood at an earlier age. HMDS uses the United Nations Convention on the Rights of the Child (UNCRC) definition of a child.

Child Abuse: This includes physical, sexual and emotional abuse and neglect, bullying, child labour, domestic violence and exploitation including commercial sexual exploitation. Both boys and girls can be the victims of child abuse. Child abuse can be inflicted on a child by men or women, or by young people themselves. In some cases, professionals and other adults working with children in positions of trust abuse children.

Child Protection: The term describes the responsibilities and activities undertaken to prevent or stop children being abused or neglected.

Screening: This term includes criminal record checks (sometimes called "police checks") which are conducted to determine if a person has any known criminal history. Additional screening measures may include: "working with children" checks, identity checks, referee checks and targeted, behavioural-based interview questions.

Staff: This term includes all employees.

Working with Children: Working in a position that involves regular contact with children, either as part of the person's position description or due to the context of the work that brings the person into regular contact with children.

Child Protection Policy

HELP MISSION DEVELOPMENT SERVICES (HMDS)

Help Mission Development Services HMDS was established in June 2004 and registered in September 2004 as a national non-governmental, non sectarian, non profit making organization in Kenya. The organization registration number P.218/051/2004/0112/3202.

COLLABORATION AND INVOLVMENT OF PARTNERS /PERSONNEL.

HMDS has several partner organizations. These are: CO-OPERAID – SWITZERLAND, PERIAMMA - DENMARK and ICARE – AUSTRALIA, Crossroad International, MIVA SWITZERLAND, and SILICON VALLEY USA.

HMDS is collaborating with Ministry of Education, Ministry of Health and Ministry of Youth in implementation of its project.

Organization’s Vision: *The leading facilitator for improved livelihood among disadvantaged people and communities*

Our Mission:

The main objective of the Organization is to assist and empower people and communities towards self-determination, self-reliance and self-sufficiency.

Our Goals:

1. To Support and promote basic education, and encourage literacy in the children, youth and adult groups respectively.
2. To establish or assist in the establishment or improvement of existing schools and other educational centres.
3. To assist in drilling bore holes, dams and sub-surface dams for the communities to be accessible to clean drinking water and for their livestock especially in the rural areas.
4. To help build healthy communities by combating ill health, controlling nutrient deficiencies especially in children, and support community education and control of communicable diseases prevalent in all ages e.g. cholera, Malaria, Typhoid, HIV/AIDS etc.
5. To assist in providing an enabling environment for the growth of women groups youth groups and self help groups and start programme for enhancing self reliance.
6. To take full care of orphan children under 18 years old, or whose single parents who are incapacitated in one way or the other, establishing orphanages for them and to assist existing orphanages where possible, through sponsorship.
7. To help donors and sponsors by coordinating and advising them on the progress of ‘their’ sponsored children.

8. To support train the communities in modern farming techniques by organizing Seminars, educational tours for community leaders, provide seeds and disaster relief in the times of drought, and assist in improving their livestock and also train them on how to conserve environmental through digging of terraces and planting trees in their areas.
9. To raise, mobilize and disburse funds and other resources for the promotion of the objects of the Organization.
10. To publish newsletters, brochures, periodicals books and other publications as the board of the organization may deem desirable for the promotion of the objects of the organization.
11. To employ instructors, advisors, experts and other staff for all or any of the objects of the organization.
12. To enter into any arrangement with any governments or authorities that may seem conducive to the Organization's objectives or any of them and to obtain from such government or authority, any rights, privileges and concessions which the organization may think desirable to obtain.
13. To take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions of the funds of the Organization in the form of donations, annual subscriptions or otherwise.
14. To apply to any governments or authority, public bodies, corporations, companies or persons for, and to accept grants or gifts of money and any moveable or immoveable property, donations, gifts, subscriptions and other assistance with a view to promoting the objects of the Organization, and in taking of any gifts or property, to take the same subject to any special trust which may be prescribed by the donor thereof.
15. To establish an endowment fund to receive grants, donations, gifts and other assistance in any form whatsoever from Kenya or from any other source for any one or more of the objects of the Organization and to establish non-profit making foundations in any country or countries for the purpose of receiving donations from private and corporate persons and for channeling the same to the Organization's development operations.
16. To promote or assist in the promotion of any organization or company or body having similar objects to those of the Organization.
17. To draw, execute or otherwise deal with negotiable or transferable instruments.
18. To do all such other things as are incidental or conducive to the attainment of any of the above objects.

1.2 Our Commitment to Protect Children

HMDS is committed to protecting children, regardless of gender, race, Country of origin or religious belief. Our work is guided by the United Nations Convention on the Rights of the Child (UNCRC), which states that children should be protected from all forms of physical and mental violence, injury, abuse, neglect, maltreatment and exploitation, including sexual abuse.

1.3 Purpose of Child Protection Policy

With the implementation of this Policy, HMDS will minimize the risk of child abuse occurring in its programs and activities including those through its associates and partner organizations. The Child Protection Policy and Code of Conduct provide a practical guide to prevent child abuse occurring within the organization and incorporate risk management strategies.

The reporting process in the Child Protection Policy outlines obligations and responsibilities for reporting and managing any concerns about child abuse.

Our recruitment process includes screening of staff and associates to minimize the risk of a person who poses a risk to children being employed by the organization.

These strategies will assist everyone to understand their child protection responsibilities, maintain safe environments where children are protected and create a positive work environment for staff.

HMDS is committed to having child-safe programs with our partner organizations, schools, Youth polytechnic and other associate institutions and Individuals.

1.4 Guiding Principles

HMDS's commitment to child protection is based on the following principles:

- The paramount importance is the welfare of children and their right to protection from all forms of abuse.
- Promoting and protecting the best interests of children at all times
- Child abuse is by no means acceptable.
- Zero tolerance of child abuse – mandatory reporting of confirmed or suspected child abuse
- Child protection is a shared responsibility between the organization, its partners and the communities in which it works.
- It is duty of care to children by anyone working on behalf of it.

1.5 Coverage of the Policy

This Policy applies to:

- Staff
- Board Members
- Volunteers
- Consultants
- Partner organizations/ Institution of HMDS
- Government department and agency staff in regular contact with HMDS programs
- People visiting programs, including journalists and donors.

1.6 Child Protection Policy Implementation Strategy

The Child Protection Policy and Code of Conduct will be implemented through:

- **Child protection capacity building** – the Child Protection Specialist will enhance awareness of child protection issues among staff and associates through policy promotion and ongoing education and training.
- **Child Protection Code of Conduct** – outlines acceptable and unacceptable behaviour for people to whom the Code applies, in relation to children with whom we work. A breach of the Code may result in termination of employment.
- **Compliance** – staff and Partners/associates are required to sign a written statement agreeing to comply with the Child Protection Policy and Code of Conduct.
- Mandatory reporting of alleged or suspected cases of child abuse – reports will be handled professionally, confidentially and as quickly as possible and will meet country, state or territory-specific legislative requirements. Any employee who intentionally makes a false or malicious allegation will face disciplinary action.
- **Risk management** – child abuse prevention strategies will be incorporated in all HMDS program designs, activities and emergency responses.
- **Recruitment and staff management practices** – prospective and current staff will be screened and monitored to ensure the organization does not employ or retain people who pose a risk to children.
- **Child Protection Guidelines** – where relevant, guidelines will be available to assist staff to implement and meet specific requirements of the Child Protection Policy.

1.7 Statements to be signed by Staff and Associates

HMDS have designed a statement form where all staff must sign prior to commencing employment, or at the commencement of this Policy

All partners/ Associates must sign form statement prior to commencing their role as an Associate, or at the commencement of this Policy.

Statements signed by Staff and Associates must be returned to the Director of HMDS for safekeeping.

1.8 Review

The Policy will be monitored on an ongoing basis and reviewed at least every four years or earlier if warranted.

1.9 Child Protection Reporting Process

Who can report? Child or young person; parents or young adults; staff, volunteers or associates.

When to report? Allegations, disclosures or observations of child abuse or suspected breaches of the Child Protection Policy or Code of Conduct.

How soon to report? All concerns must be reported immediately, or as soon as practically possible.

Who to report? Direct manager or supervisor, and/or Child Protection Specialist/ police children department...

What will happen? Situation and information will be assessed / investigated and a confidential report will be made in compliance with this Policy and / or within the context of local, state and country legislation. The organization's senior manager must always be notified.

Possible outcomes? Criminal matter or child protection report made to Police or to a Child Protection Authority. Victim's safety and privacy assessed and responded to, and alleged perpetrator's confidentiality responded to. Breach of this Policy and/or Code of Conduct will result in performance management or termination of employment. Feedback be given where possible to those directly involved or affected, protecting confidentiality and privacy. If needed, debriefing/counseling to be offered.

1.9.1 If a child reports an incident: the child / young person must be taken seriously and listened to carefully. Once an allegation is made, there should be an immediate response that protects the child from further potential abuse or victimization. Where appropriate, the family of the child victim should be informed of the allegation and action proposed and they should be consulted where possible as to the process to be followed. However, there needs to be consideration about what treatment the child will receive from his or her family or from local authorities: e.g., will the child be victimized or criminalized

1.9.2 Document the incident: as soon as possible (within a period of 24 hours of the disclosure), the appropriate staff receiving the disclosure needs to have documented the allegation, including the time, place, witnesses. The report will possibly be used in court if charges take place.

All reports in Kenya should be submitted to the Director –HMDS-in Kenya and who will inform relevant Director's or Manager of the partner organization and this will be in writing immediately if any staff is alleged to have committed or been arrested for, or convicted of, criminal offences relating to child abuse or child pornography.

HMDS will consult with a lawyer and appropriate bodies to find out the due process and steer participants accordingly, subject to the incident reported.

1.9.3 Responding:

HMDS will ensure that action is taken to support and protect children where concerns arise regarding possible abuse.

- **Distance the alleged perpetrator:**

The best interests of the child/young person may warrant the standing down of a staff or volunteer while an investigation commences. Staff members stood down may receive pay and are entitled to a just process that does not pre-suppose guilt or innocence. Allegations should not be discussed or communicated to other people until such have been considered and a decision made by management. The decision made should be documented and filed.

- **Confidentiality:**

Confidentiality protects the child, the notified, the respondent and the organization, and also ensures a fair and proper process. Confidentiality is crucial to a fair and effective reporting process. All participants must understand the importance of following the required reporting process when concerns or allegations arise. It is unacceptable and potentially defamatory for concerns of child abuse/abusers to spread through the organization and partner organizations rather than being handled through a formal reporting process.

- **Reprisal:**

HMDS will not tolerate any form of coercion, intimidation, reprisal or retaliation against any employee who reports any form of abuse or exploitation, provides any information or other assistance in an investigation.

- **Counseling support:**

Professional counseling support will be made available if needed.

- **Investigation of complaints:**

Physical and/or sexual abuse of a child is a crime. Organizations may be required to notify authorities when there are reasonable grounds for reporting abuse.

2.0 Awareness and Training and Development

All HMDS staff and volunteers, associates, partner organizations and their staff and volunteers, will receive information relating to HMDS's Child Protection Policy and Code of Conduct during the induction process.

HMDS will ensure that all staff, associates, volunteers, consultants and students are aware of the problem of child abuse and the risks to children and young people.

2.1 Use of Child Photos and Information

Pictures, images or other likenesses of children and/or information related to children that could compromise their care and protection will not be made available through any form of communication media without proper protection and understanding of their use. Any images of children should not be accompanied by detailed information relating to their place of residence. Images with corresponding text which may identify a child should be removed.

3. Child Protection Code of Conduct

3.1 Child Protection Code of Conduct

I, _____ (insert name) agree that in the course of my association with Help Mission Development Services (HMDS),

I will:

- Treat all children and young people with respect regardless of race, colour, sex, language, disability, religion, political or other opinion, national, ethnic or social origin, birth or other status
- Provide a welcoming, inclusive and safe environment for all children, young people, parents, employees and volunteers
- Encourage children, young people, parents, employees and volunteers to speak up about issues that affect them
- Refrain from using corporal punishment on children
- Immediately report concerns or allegations of child abuse in accordance with HMDS's reporting process
- Comply with local, national and international child protection laws
- Ensure that, whenever possible, another adult is present when I am working with children, or in the proximity of children
- Advise my supervisor/manager of my involvement in any situation where my actions could be misinterpreted
- Advise my supervisor/manager if I am involved in any situation which would be likely to bring the organization into disrepute, and
- Advise my supervisor/manager if I am investigated for any crime or charged with any criminal offence.

And I will not:

- Use inappropriate language – whether of an offensive, discriminatory, demeaning, abusive or sexual nature – when speaking with or whilst in the presence of a child or young person
- Engage in behaviour to shame, humiliate, belittle or degrade a child or young person, or otherwise emotionally abuse a child or young person
- Marry a person under the age of 18 or witness a person marries one below 18 years.

- Act in a sexually provocative manner or engage children in any form of sexual activity, including paying for sexual services
- Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way
- Condone or participate in, behaviour with children which is illegal, unsafe or abusive
- Discriminate against or in favour of particular children to the exclusion of others
- Spend time outside work requirements with any child or young person connected with HMDS's programs
- Hire children for domestic or any other labour which is inappropriate for their age or development, interferes with their education or play, or places them at risk of injury
- Do things for children of a personal nature that they can do for themselves such as toileting them or changing their clothes
- Sleep in close proximity to any children unless it is absolutely necessary, in which case I will keep my supervisor/manager informed and ensure another adult is present, where possible (noting that this does not apply to my own children)
- Access or create sexually abusive images of children, and
- Use computers, mobile phones, video or digital cameras or any other technology for the purpose of exploiting or harassing children.

Use of children's images

Before photographing or filming a child for work related purposes, I will:

- Assess and comply with local traditions or restrictions on reproducing personal images
- At a minimum, obtain and document verbal consent from children and/or their parent or guardian and explain how the photograph or film will be used. Written consent should be obtained, where possible
- 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 perceived as sexually suggestive
- Ensure images are honest representations of the situations and the facts
- Ensure the identities of children and young people in photographic and electronic images are not disclosed
- Ensure these files are stored securely and access is limited on a needs basis to relevant staff only.

3.2 Statement to be signed by all HMDS staff

I confirm that I have read and understood HMDS's:

- Child Protection Policy, and
- Child Protection Code of Conduct.

I agree to comply with the Policy and Code of Conduct.

I understand that a breach of the Policy or Code may provide grounds for my employment with HMDS to be terminated. I also understand that a breach of the Policy or Code could result in criminal prosecution.

I understand that it is my responsibility, as a person engaged by HMDS, to use common sense and avoid actions or behaviours that are abusive or exploitative of children or young people, or could be construed as such.

I authorise HMDS to undertake any necessary inquiries, including criminal record checks and reference checks, as part of my appointment or recruitment process.

I confirm my willingness to participate in HMDS training sessions on child protection.

Name of Staff Member:

Position:

Signed:

Date:

3.3 Statement to be signed by all HMDS's Partner schools/ institutions

I have read and understood HMDS's:

- Child Protection Policy,
- Child Protection Code of Conduct.

I agree to comply with the Policy and Code of Conduct.

I understand that a breach of this Policy or Code may provide grounds for my appointment or association with the organisation to be terminated. I also understand that a breach of the Policy or Code of Conduct could result in criminal prosecution.

I understand that it is my responsibility, as a person associated with HMDS, to use common sense and avoid actions or behaviours that are abusive or exploitative of children or young people, or could be construed as such.

I authorise HMDS to undertake any necessary inquiries, including criminal record checks and reference checks, as a part of my appointment by or association with the organisation.

I confirm my willingness to participate in HMDS training sessions on child protection.

I have agreed to participate in formulating and Implementing Child Protection Policy and Code of Conduct in my Institution.

Name of Associate:

Capacity

Signed:

Date: