

CHILD PROTECTION POLICY

Introduction

This Child Protection Policy has been developed to ensure the highest professional standards of conduct with regard to respect for the rights and welfare of children who may participate in or benefit from the activities carried out by INCLUSION Association (hereinafter INCLUSION) in the framework of its projects.

This policy has been developed based on international documents that seek to protect children and ensure that their rights are respected such as the 1989 UN Convention on the Rights of the Child (UNCRC) and in the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, 2007).

This Policy includes a set of guidelines for implementation and procedures for reporting and action in the event that a case of misconduct concerning minors is detected. It is binding and must be applied in all situations where the work of INCLUSION or our partners is carried out.

INCLUSION has a zero-tolerance policy for child abuse which means that every effort must be made to comply with this policy and consequently to prevent any risk situation, regardless of the financial implications and repercussions or operational inconvenience it may cause.

For the development of this policy, material has been drawn from other organizations whose work, directly or indirectly, involves children. The guidelines provided in this document have been developed following the guidelines provided in Child Safeguarding Standards elaborated by Keeping Children Safe.

1.1 Definitions and basic terms used in the Policy for the Protection of Children and Adolescents

For the purpose of the policy presented, the following definitions apply:

Child: every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

Child abuse¹: All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, 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.

Physical abuse:

Physical abuse of a child is that which results in actual or potential physical harm from an interaction or lack of an interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be a single or repeated incidents.

Emotional abuse:

Emotional abuse includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potentials and in the context of the society in which the child dwells. There may also be acts towards 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. These acts must be reasonably within the control of the parent or person in a relationship

¹ WHO, World Health Organization (1999). Report of the Consultation on Child Abuse Prevention. Available at <https://apps.who.int/iris/handle/10665/65900>

of responsibility, trust or power. Acts include restriction of movement, patterns of belittling, denigrating, scapegoating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

Sexual abuse

Child sexual abuse is 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 or social taboos of society. Child sexual abuse is evidenced by this 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.

Neglect and negligent treatment

Neglect is the failure to provide for the development of the child in all spheres: health, education, emotional development, nutrition, shelter, and safe living conditions, in the context of resources reasonably available to the family or caretakers and 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.

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. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.

Bullying²

Bullying is unwanted, aggressive behaviour among school-aged children that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time.

1.2. What is a child protection policy?

A Child Protection Policy is an organisation's commitment to protect children from maltreatment, abuse, exploitation or neglect by the organisation.

Protection can be defined as:

Child safeguarding is the responsibility that organisations have to make sure their staff, operations, and programmes do no harm to children, that is that they do not expose children to the risk of harm and abuse, and that any concerns the organisation has about children's safety within the communities in which they work, are reported to the appropriate authorities.

(Keeping children safe)

This Policy constitutes a framework of rules, standards and guidelines intended to:

- make all employees and partners of INCLUSION realize the importance of taking action to protect children against abuse;
- define the scope of responsibility of specific individuals for the safety of children involved in INCLUSION's activities;

² <https://www.coe.int/en/web/children/bullying>

- undertake appropriate intervention in the case of suspected child abuse and/or direct threat to their health and life;
- specify educational, preventive and interventional activities aimed at keeping children safe;
- develop within the organization a culture of work based on children’s rights and constant learning. Being familiar with Child Protection Policy and implementing it in practice are moral and professional obligations of all staff and partners of INClusion.

1.3. Principles underpinning the Child Protection Policy

Key principles underpinning the provisions of the Protection Policy include the following:

- Best interests of the child, which shall be the fundamental principle in decision-making.
- Respect for the rights of children, including the right to protection and the right to participate in decisions affecting their lives, as enshrined in the 1989 UN Convention on the Rights of the Child.
- Equal opportunities to ensure that all children can enjoy our activities in a safe environment, regardless of their gender, ability, race, ethnicity, age or circumstances. Children in vulnerable situations require special attention to optimise their safety and protection and promote their access to opportunities.
- The right of children and adolescents to be consulted on situations that will affect them and to have their views taken into account.
- Cultural sensitivity and recognition of the local context in decision-making and in designing our procedures.
- Responsibility to fulfil our duty of care to children, and to act when we believe that any child has been harmed or is at risk of harm.
- Training and support for INClusion’s staff so that they are able to recognise, prevent and respond to child protection risks and potential incidents.
- Honesty and transparency. Informing those with whom we work, including children, of our Child Protection Policy and how we act to protect children.
- Ensuring confidentiality to protect sensitive personal data. Information will be used and communicated only to the extent necessary: it will only be accessed when essential to carry out official functions.

1.4. Who are the intended beneficiaries of the policy?

The Child Protection Policy is both an internal and external document that is binding on all INClusion staff, as well as partners, stakeholders and suppliers working with us regardless of the type of legal relationship they have with the company.

Where we are not the main partner, for projects involving any direct or indirect contact with children, INClusion will recommend and encourage other partners to follow our Policy or to apply their own.

The Policy is also relevant to those with whom we come into contact through our activities, such as children and their parents and close family members, their communities, and other stakeholders such as government, civil society, and other non-governmental organisations, in order to clearly articulate our commitment as an organisation to protect children from harm.

1.5. What are our responsibilities?

As a Spanish organisation, INClusion must comply with legal and regulatory provisions of Spanish law as well as local legislation regarding the protection of children in all countries in which we operate. The same is expected of our partners. We all share a responsibility to protect and promote the welfare of children and to support the implementation of the Policy in general, regardless of our individual roles.

Regardless of their role or function, all those working for or on behalf of INCLUSION, in any capacity, have a responsibility to:

- Report all allegations or concerns about suspected or actual situations of abuse or neglect involving a child or children directly involved with INCLUSION.
- Report all allegations or concerns about suspected or actual situations of abuse or maltreatment involving a child or children even if not directly related to INCLUSION.
- Report all allegations or concerns about suspected or actual situations of misconduct or criminal activity by staff involving the abuse or maltreatment of a child or children.

1.6 Policy statement

This policy demonstrates our commitment to safeguarding children from harm, keep them safe, promote their wellbeing and development and conduct our projects, programmes and activities in a way that protects them.

INCLUSION is committed to ensuring the fulfilment of children's rights embodied in the United Nations Convention on the Rights of the Child (UNCRC).

INCLUSION acknowledges the fact that all children have equal rights to protection from harm.

INCLUSION recognises that everybody has a responsibility to support the protection of children.

INCLUSION has a duty of care to children with whom they work, are in contact with, or who are affected by their work and activities.

When working with partners, INCLUSION has a responsibility to help partners meet the minimum requirements on protection.

All of INCLUSION's actions on child safeguarding are taken in the best interests of the child, which are paramount and is the fundamental principle in decision-making.

INCLUSION recognises and values the importance of respect for children's rights, including the right to protection and the right to participate in decisions that affect their lives, as embodied in the 1989 UN Convention on the Rights of the Child.

INCLUSION wishes to and will promote equality of opportunity that ensures that all children have the opportunity to enjoy our activities in a safe environment, regardless of their gender, ability, race, ethnicity, age or circumstances.

INCLUSION is aware that children in vulnerable situations require special attention to optimise their safety and protection and promote their access to opportunities.

This Policy is mandatory and must be applied in all situations in which INCLUSION's activities are carried out.

INCLUSION establishes a policy of zero tolerance against child abuse, which means that every effort must be made to comply with this policy and, as a consequence, prevent any risk situation, regardless of the economic implications and repercussions or the operational inconveniences that it may cause.

INCLUSION wishes to carry out its work in a culturally sensitive manner, respecting the diverse nature of the people and places in which we work. We recognise that there are many different ways of caring for and protecting children, and we will seek to safeguard children in a contextually appropriate and culturally sensitive way. However, we firmly believe that culture should never be used as a reason or excuse to mistreat or abuse children.

We recognise that it can be difficult to find a balance between the protection of children within the legal framework required of INCLUSION as a Spanish organisation, as articulated in this Policy, and cultural diversity, as there may be disparities in what is considered harmful to children.

Risk assessment/risk mitigation

Risks assessments will be conducted in order to avoid risks and to take the appropriate safety measures that shall be included in the design phase of our projects, their development, and to be taken into account in evaluation activities or any other action that involves direct or indirect contact with children.

In this sense, risk mitigation strategies will be developed aiming at minimizing risks in any event or activity that may involve children or that could have an impact on them.

Safe recruitment

The 'safe' recruitment and pre-employment checks that are carried out as part of the recruitment process are the first mechanisms the organisation has in place to prevent the entry of potential offenders. INCLUSION will take all reasonable steps to prevent unsuitable individuals from working with children and adolescents. This includes not only staff who directly working with children, but also those who have access to them.

Spanish law establishes the obligation for all professionals and volunteers who work in regular contact with minors to provide negative certificates from the Central Register of Sexual Offenders. The Spanish Data Protection Agency in its report 0401/2015 interprets that in order to be considered as "regular work with minors", it is necessary that the work position implies, by its very nature and essence, regular contact with minors, being minors the main recipients of the service provided. It is therefore not necessary to present the certificate in those professions that, having a regular contact with the general public, among which minors can be found, are not by their nature exclusively aimed at a minor public.

In this sense, all staff members who may be involved in working with children, or who are deemed likely to come in contact with children in the fulfilment of their duties, will be requested to provide a certificate of their national criminal record, according to national legislation (La Ley Orgánica 1/1996, de Protección Jurídica del Menor, amended by Ley 26/2015 and Ley 45/2015).

Code of conduct

In all cases, INCLUSION staff will be informed of INCLUSION's Code of Conduct and are obliged to adhere to it. Any member of staff found in breach of the Code of Conduct, or of the Child Protection Policy on which the code draws, will be evaluated based on case-by-case basis and, if required, disciplinary action will be undertaken.

Education/training

All INCLUSION staff whose work involves direct or indirect contact with children shall be trained in Child Protection, as it is essential that everyone knows their responsibilities and understands the organisation's policy and practices regarding appropriate behaviour towards children, as well as the appropriate procedures of response to concerns or allegations of child abuse or neglect.

Safe programme design

Child protection must be considered from the outset, during the project proposal development and planning phases.

Special attention will need to be paid to the protection of vulnerable children in order to make sure that all the relevant concerns are taken into account and addressed.

In order to avoid risks, when planning activities, INCLUSION takes into account the following considerations:

- Recognises that the family or community do not always welcome the participation of children in such activities.
- It ensures that special attention is paid to taking preventive measures to protect children in case of activities or events taking place in unfamiliar places and outside the family environment.

Media/use of image

INCLUSION may use images of and stories about children, families and their communities to promote their work.

It is essential to minimise the risk of inappropriate use of information, stories, and visual images (photographs, video or social media) of children. In this sense, the following measures will be taken:

- Images of children **must not show them in states of undress or in inappropriate poses.**
- Details attached to images and included in stories **must not allow that child to be traced** to his or her home or community.
- Distinctive buildings, street signs or landmarks should not be included in an image if they identify where a child lives or works.
- **Geotagging of images should be disabled** when taking photographs.
- **Permission must be given by children and their parents/carers** to take their image and use their information.

Management responsibilities

INCLUSION's management have the overall responsibility to ensure the Policy's implementation and to maintain it up-to-date with current legislation and practice. Moreover, the organization's management has a responsibility to act as a support and source of information for staff on safeguarding of children and providing the resources and guidance needed for the implementation of this Policy, so as to ensure that all staff are aware of, can understand and adhere to the Child Protection Policy.

Reporting/responding to concerns

INCLUSION has a duty to ensure an appropriate response to suspected or actual situations of abuse or harm both within and outside the organisation and to ensure appropriate prosecution of offences that may have been committed.

It is not the responsibility of INCLUSION staff to decide whether or not child abuse or maltreatment has occurred. However, all staff have an obligation to report any concerns, even if they are vague suspicions or a mere intuition that something is wrong.

No member of staff may agree to keep secret information relating to suspected or actual cases of child abuse or maltreatment as a personal confidence.

In case of suspicion or allegation of child abuse, INCLUSION staff must immediately report the situation to management using the form attached to this document. All concerns and allegations will be treated with the outmost seriousness, regardless of the identity of the alleged perpetrator or victims and will be processed and evaluated with extreme confidentiality.

INCLUSION will contact the appropriate law enforcement agencies if a case with possible criminal implications is presented.

Implementation and review.

This Policy shall be reviewed every two years by INCLUSION in order to evaluate if any amendments are needed.

This Child Protection Policy has been approved by:

Juan Guerrero Caballero, General Manager

A handwritten signature in blue ink, appearing to read 'Juan Guerrero', with a long horizontal flourish extending to the left.

Annex

Report of inappropriate or suspect behaviours of child abuse or neglect in accordance with INCLUSION's Child Protection Policy

Information on the reporting subject³:

Name:
Surname:
Function:
Email:
Telephone:
<i>The identity of the reporting subject will not be made public and will be treated only for the purposes of a possible legal action</i>

Information on the alleged inappropriate behaviour:

- Physical child abuse
- Child emotional abuse
- Child sexual abuse
- Child exploitation
- Bullying
- Neglect
- Other types of child mistreatment or inappropriate behaviour

Context of the inappropriate or suspect behaviour:

Date:
Place:
Circumstance (training, event, other activities...)

³ The reporting subject's data will be treated according to EU Regulation 2016/679 (The EU General Data Protection Regulation - GDPR), and for the exclusive purpose of this reporting.

Details on the concern:

Please describe the reason for concern, if there are any obvious signs of abuse, if anyone else was involved and, if so, how were they involved? Please detail if there are more people that have been informed on the alleged inappropriate behaviour and if any action has been taken, as well as any other information that you may consider relevant.

Lined area for text input

Have you observed this behaviour personally?

Yes No – If not, how did you learn about it? _____

To your knowledge, is this behaviour reiterated?

Yes No

Comments: _____

Information on the alleged author of inappropriate or suspect behaviour:

Name
Surname
Function

Declaration

By submitting this report, the reporting subject declares that:

1. He/she is aware that, should the report give rise to legal action against the author of the suspect behaviour it may be used as an official statement;
2. He/she is in good faith and that all the information provided above is correct and truthful;
3. He/she is aware that purposely providing false accusations against someone may result in civil lawsuits and criminal prosecution.

Date:

Signature of the reporting subject: