

(LOGO OF THE SCHOOL/ORGANISATION)

NEMECSEK Programme

2020

NEMECSEK Programme

Child Safeguarding Policy for safe schools/organisations

1. **PREAMBLE**
2. **Introduction**

Short summary of the mission, activities and aims of the organisations with a special focus on how those are connected to children.

It is recommended to think through the following:

* What is the core aim of the organisation?
* How does the organisation strive to achieve it?
* What kind of professionals does the organisation employ or cooperate with to achieve these aims?
* When and for what purpose was the organisation founded?
* What are the core values of the organisation?

1. **The aim of the Child Safeguarding Policy**

A short definition of the purpose of the Child Safeguarding Policy. The aim of the NEMECSEK Programme is to help organisations develop a practical document that ensures the well-being and safety of children and aids the prevention, handling and follow-up of abuse.

Apart from the general aims it is recommended to think through the following:

* Why exactly was the policy delivered?
* In what cases or situations did a need for the policy arise?
* What would you like to help the employees of the organisation with?
* In which areas would you like to help the children with getting into contact with the organisation?
* Why is it important for the organisation that children and adults alike receive help with these questions?

1. **Core principles and values of the Child Safeguarding Policy**

Define the fundamental principles and values that permeate the policy and to which the organisation – thus, it’s staff - is devoted to. This provides guidance for the employees as well as expresses the values and commitment of the organisation. The principles listed here provide a framework for the safety of children, their protection and their rights. Naturally, the list of these principles and values – similarly to other parts of this policy – may be adjusted per organisation.

* **Support:** The SCHOOL/ORGANISATION supports the growth of children during its activities, so that they – through expanding their current skills and abilities – may be able to confidently recognise and take their opportunities.
* **Human dignity:** everyone is entitled to recognition and respect, to human dignity, so they can feel valuable, respected and accepted in small communities as well as in our society.
* **Right to safety:** All children have the right to live in safety, without endangerment, abuse, exploit or neglect.
* **Prevention:** Reducing the risk of child abuse should be promoted through awareness-raising, good practice, regular risk analysis and reduction, and training, complemented by taking all the possible positive measures to protect children.
* **Guarantee of signalling:** Ensuring that all employees are familiar with the measures and processes necessary for the protection of children. Everyone has to also know who to signal to in case it is needed.
* **Appropriate reaction to abuse of children:** Strong devotion to protective measures in case of endangering situations. This includes the support of the affected persons, as well as cooperation with professionals/organisations and adopting measures to prevent recurrence in the future.
* **Support with trainings:** Awareness raising on the safety of children. Ensuring that all workers are aware that the provisions of the policy document – along with the relevant laws – are binding.
* **Co-operation:** The SCHOOL/ORGANISATIONcooperates with other civil, state and international organizations as appropriate, with particular respect to the members of the child protection alert system, bearing in mind that reconciling different perspectives and joint thinking on common issues will facilitate the most efficient handling of cases.
* **Legal compliance**: the SCHOOL/ORGANISATION works in accordance with applicable international and domestic child protection regulations. (for a list, see: Chapter VII.).
* **Follow-up and review:** The SCHOOL/ORGANISATIONgathers the necessary information and regularly reviews child protection rules and practices to identify and address any deficiencies and to comply with relevant legislative changes.
* **Secure data management and confidentiality:** The SCHOOL/ORGANISATIONtreats confidentially, in accordance with applicable laws, the personal data and sensitive information of children. This means that personal data of persons in contact with the SCHOOL/ORGANISATION shall not be transmitted to third parties – with the exception of the written consent of the person or legal obligations to assist authorities. Data dissolution has to be in line with its aim and delivered through safe means, the data given also has to be clear and up to date. Sensitive information has to be handled with appropriate seriousness and professionality.
* **Transparency**: All decisions, activities and procedural mechanisms of the SCHOOL/ORGANISATION are transparent and guided by the best interests of the children.
* **Child-centered**: The opinions of children have to be taken into account in all decision-making procedures that affect them, with respect to their age, maturity and development. Children and their legal representatives have to be informed of all relevant information, including their rights and the measures taken that affect them.
* **Zero tolerance**: The SCHOOL/ORGANISATION deems all forms of child abuse, violence, harassment, and abuse unacceptable. A safe environment and community for children should be created and no professional relationship should be established – or an existing relationship should be immediately terminated – with anyone who poses a danger to children.
* **Procedural guarantee**: The SCHOOL/INSTITUTION takes seriously all indications or complaints of children’ rights violations, their mistreatment or endangerment and takes the necessary measures to address them. These measures are then transparently and concisely communicated towards those affected.

1. **REPSONSIBILITY – WHO DOES THE ORGANISATION PROTECT?**

In order to make it clear who the organisation extends it’s protection to, it is an important first step to define who the organisation considers as children. The Hungarian and international legal norms currently in force provide guidance for that: a child is any person under the age of 18.

As a second step, it is vital to designate the group of children the organisation is responsible for. Effective handling of situations is enhanced if the organisation aims to protect not only the children it comes into direct contact with, but also those who are involved indirectly.

Important questions regarding responsibility:

* Is it clear for the organisation that all persons under 18 are children?
* Does the organisation take responsibility for siblings accompanying children?
* Does the organisation take responsibility for children who are guests at the events?
* Does the organisation generally take responsibility for children? (e.g. it avoids in its communications any expressions humiliating or stigmatising to children)

1. **RESPONSIBILITY – WHAT DOES THE ORGANISATION PROTECT CHILDREN FROM?**

After defining who the organisation’s responsibility is applicable to, it has to be identified what the organisation protects them from. It is important not to use ambiguous terms, rather resort to concrete behaviours to ensure that the provisions are clear for everybody.

It is also important to name the forms of abuse and some other issues the organisation is trying to protect children from. A good starting point based on Hungarian[[1]](#footnote-0) and international[[2]](#footnote-1) recommendations:

**Abuse**

Any behaviour or act that harms children or jeopardises their safe and healthy development. Threatening a child with something (e.g. hitting him/her, torture) that induces fear or anxiety is also abuse. Abuse is not necessarily an ’active behaviour’ – refraining from doing something (neglect) also constitutes abuse if it endangers children.

Physical *abuse:* The use of physical violence that causes actual or probable physical injury or suffering.

*Example:* punching, shaking, burning, torturing, kicking, tying up, locking up etc.

*Possible signs of physical abuse:* bruising, burns, bite, cut, unrealistic explanation of injuries, mistrust of adults, aggression, withdrawing from contact, sudden change in behaviour etc.

*Sexual abuse:* Behavior in which an adult uses a child to engage in activities that are not appropriate for the child's age or development to satisfy his or her sexual interest or desire. This includes instances where the child cannot give valid consent because the child does not fully understand the situation (e.g. is not aware that physical contact or touch is able to arouse or satisfy someone else’s sexual desires) or there is a hierarchy or relation of power between them (e.g. teacher, coach, professional careperson).

Examples: Unfair stroking, touching intimate parts, sexually suggestive comments, online sexual activity, sexting, sharing sexually explicit pornography/showing children, or intentionally sexually explicit activity.

*Possible signs of sexual abuse:* sudden, unjustifiable change in social behaviour (self-imposed or very challenging), excessively sexualised, unacceptable or anti-social behaviour.

*Emotional abuse:* A continuous and degrading emotional treatment that has a long-term and severe negative impact on the child's emotional development. Exploiting a child’s feelings so that he or she feels worthless or unloved is also a form of emotional abuse.

Examples: bullying, criticizing, belittling, ridiculing, stigmatising, isolation, airing sensitive or private information, blackmailing.

Possible signs of emotional abuse: extreme anxiety, restlessness, fear of new things, substance or alcohol abuse, extreme passivity or aggression.

*Neglect, neglected treatment:* Persistent failure to meet a child's basic physical and/or emotional needs (regardless whether it is intentional or the result of a lack of knowledge), which can result in severe impairment of health and development. Neglect can be mental, emotional or educational.

*Examples:* Not providing adequate food, clothing, supervision, denial of basic emotional needs, skipping school, omission of difficulties/tasks at school

*Possible signs of neglect:* frequent feeling of hunger and stealing food, poor personal hygiene, constant exhaustion, low self-esteem, unmanaged health issues.

**Endangerment**

When a child's physical, mental, emotional or moral development is hindered or impeded by any circumstance, such as his or her own behavior or that of another person. Serious endangerment is defined as abuse or neglect of a child that exposes the child's life to imminent danger or may cause significant and irreparable harm to his or her physical, mental, emotional, or moral development.

An example of endangering physical development: physical abuse, starvation, etc.

An example of jeopardizing intellectual development: failing to fulfill a child's school attendance, etc.

An example of jeopardizing moral development: violent or sexual acts in the presence of a child, etc.

An example of jeopardizing emotional development: regular humiliation, intimidation, etc.

**Online harassment**

Causing intentional and prolonged harassment on the Internet, which may include humiliation, threat, bullying, exasperation, denigration, or denial.

*Example:* posting offensive, abusive messages on someone’s newsfeed/profile or in a personal message, hacking an account, creating a fake profile, uploading abusive photos/videos.

*Possible signs of online harassment*: anxiety, profile deletion, change of Internet usage habits, school absconding, escape, etc.

**Exploitation**

Unfair exploitation of a child.

Example: Child labor, carrying out work with a child that presents a high risk, endangers the child's education, health, or may be harmful to his or her physical, mental, emotional or social development, sexual exploitation.

**Commercial exploitation**

The exploitation of a child for commercial or sexual purposes, whether for pecuniary or financial gain. Typically, the exploiter entices the child through deception, false promises (love, relationship security), intimidation, physical or psychological terror, or threats.

Examples: child prostitution, child pornography, forced pickpocketing, forced solicitation.

Possible signs of commercial exploitation: fear, reservedness, anxiety, sudden change of behaviour, ’premature attitude’, presence of outsider adults in the child’s life, regular gifts, substance abuse, escapes, school skipping.

**Manipulation and tokenism**

If a child participates in something (e.g. performs or gives an interview) while not being familiar with the aim of his or her participation or role, the child’s participation is arbitrary, denying respect for the child’s dignity and opinion.

Examples: the child is asked irrelevant questions or asked not in a child-friendly way (e.g. the child does not understand the question), lack of proper preparation to fulfill his or her role, or if the child’s participation is not truly about the child (e.g. the use of children in political campaigning – using children as accessories).

**Institutional abuse**

A child is vulnerable against the school/care institution, and has to trust the institution to act in line with and protect his or her interests. When the institution fails to uphold this or denies protection it not only fails to help rather it worsens the child’s situation.

Examples: if the school does not initiate a procedure in a case of child abuse, does not attempt to solve peer conflicts, leaving the ostracized child on his/her own, gives home-work that takes up the entirety of the child’s freetime or sets standards for the children that incites anxiety.

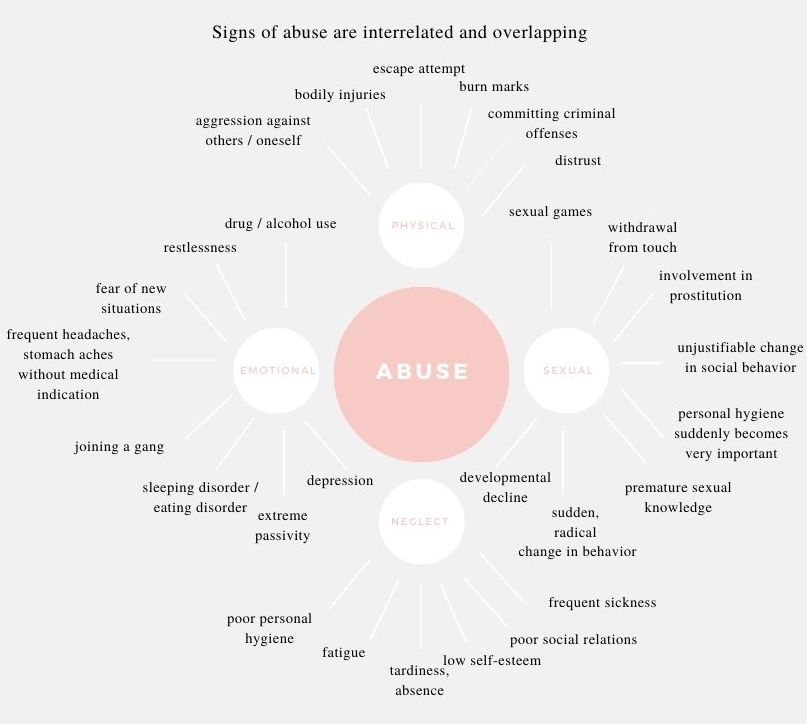
**Systemic abuse**

When the activities or systems supposed to provide protection to children is missing or malfunctions, thus jeopardising the prevention and handling of child abuse and endangerment.

Examples: disregarding or denying the child’s right to information and expression of views, unjustified displacement of the child.

The forms of abuse are interconnected and often overlap, therefore, it is vital that the institution’s staff are **able to identify the signs which show that a child/young adult is mistreated by his or her environment and steps must be taken.**

The institution – as part of the child protection signalling system –, upon recognising the above mentioned, is obliged to signal to the Child Welfare Services and the guardianship authority (the signalling system is elaborated in part V./4.).



1. **RESPONSIBILITY – WHEN AND WHERE DOES THE ORGANISATION PROTECT CHILDREN?**

After going through who and from what the organisation aims to protect, it has to be defined when and where this protection is necessary, which sets the extent of the organisation’s responsibility. Protection in this sense means that the organisation thinks through and analyses the possible risks and sources of harm in these fields (prevention) and provides the guarantees elaborated in the next section (handling).

1. **Inside the organisation’s buildings**

Inside the organisation’s buildings and during the events organised it is always the staff of the organisation who are responsible for the children. Parents/legal representatives facilitate child participation for the same reason as why children go to the organisation: in good faith that their safety and protection is provided there.

1. **At external events organised by the organisation**

This responsibility is not limited to the buildings of the organisation: protection and safety has to be ensured at external events. It is always those adults responsible, who are present at, organise or oversee the event.

1. **During thematic child related events, communications and fundraising**

The responsibility of adults also holds when children are not actually present. It is important to ensure that the organisation does not communicate anything that children would not want or that may negatively impact them on any platforms. In other words: in communications regarding children, their best interests shall always prevail.

To ensure this, it is vital to note (for more detail see appendix 3.):

* Consent (preferably written) from the legal representative of the child has to be acquired by the SCHOOL/ORGANISATION before any photo, video or sound recording is published on the various platforms of the SCHOOL/ORGANISATION (e.h. website, Facebook page). This consent may be revoked at any time.
* Pictures are personal data, therefore, they have to be handled according to Act No. 112 of 2011. The data policy of the SCHOOL/ORGANISATION is in line with domestic and international norms.
* The SCHOOL/ORGANISATION informs the legal representative of the child of their data and privacy rights and legal remedies. A negative answer should always be respected. Personal data may only be handled in accordance with the legitimate aim of exercising a right or fulfilling an obligation. Data handling in all of its phases has to be fair and legal. Data protection is applicable to all documents, including all forms of declarations and the registration form.
* The SCHOOL/ORGANISATION informs the subjects prior to taking the picture/video about the aim and also about how, where and when it will be published.
* Prior to filming, the SCHOOL/ORGANISATION always makes sure that the publication of photos, video or voice recordings does not have a negative impact or pose a threat or risk to children or their families.
* The photo, video or voice recordings taken shall not violate children’s right to dignity and privacy.
* The data of persons present in the recordings have to be handled confidentially and their anonymity has to be guaranteed unless they give consent to being identifiable.
* The data handlers shall only handle data (photo, video, voice recording) in line with the legal aim.
* Safe storage of the recordings has to be ensured, so as to exclude the possibility of unauthorized access.
* The persons present on the recordings have to be given the opportunity to express their worries even after publication. In case of serious and verified concern, or if the subjects initiate, the recordings have to be taken down from the online platforms of the SCHOOL/ORGANISATION and they may not be published elsewhere either.

1. **Online platforms**

Online presence is increasingly important for children. The online sphere is a communication and social dimension very similar to the „real world”. This has many advantages (the world opens wide,vast information and knowledge is made available, physical distances can be overcome), nonetheless, it is important to identify the risks: conflicts may go invisible for us, children may get in contact with content and persons that can endanger their well-being.

Important questions to think through when regarding online safety:

* What safety instruments provided by the organisation ensure the safety of children on the tools and platforms provided?
* If the organisation holds an event or workshop for multiple children, it intentionally or unintentionally creates a community. This community may be together even if the members are not physically in the same place. Does the organisation take responsibility for these children even if the organisation is not actually present? What should be done if someone experiences conflict or exclusion in the online world? How and by whom is the “class” or other social platform for children moderated?
* How and for what reasons can the employees of the organisation contact children online?

1. **GUARANTEES – WHAT ENSURES THE PROTECTION OF CHILDREN?**

After clarifying who is protected from what, where and when, it is also important to determine how this protection is provided for children.

1. **Getting to know the staff – safety elements in choosing employees**

The most important thing for children’s well-being is being surrounded by adults who are devoted to their protection and their rights. Recruiting new employees is an ideal time to reduce the risk of child abuse. Thus, among others, it has to be an important aspect whether the new employee has ever been involved in or suspected of child abuse.

It is important to get to know the background of those applying for a position, regardless of the position the person is applying for (e.g. employee, volunteer, external worker).

In doing so, it has to be laid down that no person can be employed, who:

* has previously committed a crime against minors;
* has previously abused or endangered children;
* has proven to have left a previous workplace due to atrocities, complaints or other issues related to child abuse.

When recruiting and employing new staff it is useful to think through:

* the channels used (e.g. personal recommendation, advertisement);
* the aspects and principles of choosing the person;
* the procedure for choosing the person;
* the preliminary information gathering (e.g. CV and motivational letter, certificate of criminal record within 3 months, written reference);
* the length of probation period.

1. **Dissemination of the Child Safeguarding Policy**

A child may turn to the adults surrounding him/her if he/she can be certain about their response (behaviour, attitude). From the adults’ side it is vital that they are all aware of the rules (behavioural and procedural) applicable to them.

Child protection rules not only help children but also provide guidance for adults working with them. They may work with children more confidently if they are aware of the protective mechanisms – they know when and what steps need to be taken and are familiar with the institutional rules and protocols which frame their activities and work.

Therefore, from the perspective of child protection it is key that all persons who are in any way connected to the organisation or act on behalf of it, know and adopt the child protection principles, are able to identify signs of abuse or endangerment and are also able to take the necessary steps in these situations.

As the ’older’ colleagues have to know the child protection rules and procedures, new employees cannot begin their work until they are familiar with the child safeguarding policy, including their roles and obligations and have signed the Behavioural Agreement.

Furthermore, the organisation has to take responsibility for any adult who – through the organisation – gets in contact with children. This means that not only those adults who are in a direct contract with the organisation have to know the child safeguarding policy, but also the cooperating organisations and partners have to be aware of the provisions affecting them.

Aspects to think through:

* How does the organisation ensure that adults are familiar with the Child Safeguarding Policy?
* How does the adult certify that he/she knows and understands the policy?
* How does the adult declare the provisions of the policy as binding on him/herself?
* What training does the SCHOOL/ORGANISATION provide regarding the policy? (e.g. it is recommended to annually refresh the knowledge of the policy, and to track the legislative changes)
* What other forms of support does the SCHOOL/ORGANISATION provide for the staff? (e.g. case studies, supervision)

For reasons of transparency, safety and mutual trust it is important that not only the adults working with the organisation but also children and their parents/legal representatives know and understand the Child Safeguarding Policy and the related procedures. The main guarantee that a child feels safe at the organisation is if he/she knows their rights and also knows who to turn to in case he/she feels bad or in danger.

Important questions to think about:

* How does the organisation ensure that children get to know the Child Safeguarding Policy?
* Is there a child-friendly, easy to understand version of the policy?
* How does the organisation ensure that parents/legal representatives of children get to know the policy?
* Is the Child Safeguarding Policy available on the website or other platforms of the organisation?

1. **Clear areas of responsibility and tasks in relation to the Child Safeguarding Policy and the handling of concrete situations**

It is important for the protection of children and the effective handling of situations that the areas of responsibility are transparent and clear for everyone. We save time by making clear who is competent in the given question as anyone can directly turn to the right person immediately. Additionally, by making the areas of responsibility clear we can avoid the overstepping of boundaries (a person making a decision without competency) – this reduces the risk of bad decision-making and relieves stress from the staff. Clear and transparent boundaries serve children and adults alike.

It is important for the safety of children that there is a person or group who is responsible in cases of abuse or endangerment. This person or group has a vital role in ensuring children’s well-being and safety: receiving signals, supporting the handling of situations, connecting and coordinating the child protection mechanisms – which involves the relevant authorities and professionals. It is key that this person or group is available at all times: all staff members, children and legal representatives have to be informed of their contact.

A good starting point for differentiating and defining the child protection tasks and responsibilities may be the following (naturally, it can be altered to match the structure and activities of the organisation):

**Responsibility of the SCHOOL/ORGANISATION’s principal/director:**

* Inaugurates the Child Safeguarding Policy and monitors its implementation, evaluates the measures taken.
* Ensures that all employees are aware of their responsibilities laid down in this Policy, and are provided with the necessary preparation and information.
* Ensure that all employees sign the Code of Conduct of this Policy and any other relevant documents.
* Carries out proceedings of prosecution if necessary.
* Annually informs the Advisory Board on the implementation of the Policy and provides urgent information upon request.
* Ensures that children coming into contact with the SCHOOL/ORGANISATION are familiar with the relevant parts of the policy, especially their rights and the complaint mechanisms.
* Ensures that the legal representatives of children who get in contact with the SCHOOL/ORGANISATION are aware of the relevant parts of the policy.

**Employer’s rights and responsibilities:**

* + Investigates the possible legal measures that can be taken in case of abuse or endangerment: initiates a disciplinary procedure, acquittal from work, dismissal etc. and makes a recommendation to the holder of employer’s rights.
  + Acquittal from work does not violate the benefit of the doubt, rather it serves to protect both sides until the investigation is concluded.
  + The employer has to justify the dismissal, the reasons being in connection with his/her behaviour in relation to the employment relationship, with his/her ability or with the employer’s operations. The dismissal can be of immediate effect if the other party willfully or by gross negligence commits a grave violation of any substantive obligations arising from the employment relationship or otherwise engages in conduct that would render the employment relationship impossible.
  + The latter may be relevant if the employer receives notice that the employee has committed a crime. This may fundamentally undermine the bond of trust between the parties, as well as a condemning judgement may result in the employee being out of work for years even.
  + There may be situations where it is not easy to decide whether the right to dismissal can be exercised legally. For example, if the employer receives information that the employee is charged on the suspicion of having committed a crime.
  + The situation is not clear when the employer receives notice of merely the suspicion and the initiation of the criminal procedure. The judicial practice adopted the principle that the well-based suspicion of having committed a crime – given other specific circumstances – may serve as a legal basis for dismissal without notice.
  + If the circumstances justify the loss of trust, dismissal without notice can be legal, nevertheless, it has to be carefully evaluated.

**Responsibility of the designated person/group for the implementation of the policy:**

* Regularly informs the principal/management of the SCHOOL/ORGANISATION about the implementation of the policy.
* Participates in the recruitment process, provides support to the data protection and compliance unit (cooperates with the persons responsible for these areas).
* Cooperates with partners in the implementation of the policy.
* Manages the documentation and administration of the areas covered by the policy (in compliance with the relevant GDPR provisions).
* **The responsibility of the designated person/group in relation to the concrete cases and signals:**
  + Carries out risk assessment and ensures the safety of the children affected.
  + Gathers and handles the information and notices related to children, regardless of whom they are from.
  + Gives feedback to the person signalling suspicion/problem.
  + In case of suspicion of abuse, the signal/complaint is taken seriously and takes the necessary steps according to the policy.
  + Investigates thoroughly any information/notice it receives and gathers additional information if needed.
  + Provides information and recommendations to those who turn to them regarding the protection of children.
  + Discusses the principles of child protection, if necessary, with the involvement of other employees or external experts.
  + May invite a case-study meeting to determine what kind of measures need to be taken or what professionals (lawyers, psychologists, doctors), external organisations or authorities need to be involved.
  + Provides factual information on concrete cases – keeping in mind the best interest of the child – to employees.
  + Cooperates with members of the child protection signalling system.
  + Informs the legal representatives of children.
  + Provides support sessions to help process the situations for children and employees, if necessary, with the involvement of competent experts.
  + Investigates whether the policy needs to be amended or further training of staff is required to prevent reoccurence.
  + Notifies the management if it encounters issues of their competence.
  + **The designated person/group or the person appointed by them bridges the gap between the relevant child protection authorities, families and the SCHOOL/ORGANISATION. Thus, upon receiving notice of an event:**
* signals within 72 hours in case of serious endangerment, or within 8 days in case of suspicion to the relevant Family and Child Welfare Service/guardianship authority/ child protection institution;
* notifies the parents/legal representatives of the affected child without delay.
  + If the child/young adult signals that he/she has been victim of abuse, helps him/her with legal remedies available other than the notification of the SCHOOL/ORGANISATION (authorities, victim protection services, legal aid centres).
  + In case of serious, based suspicion takes the steps necessary to ensure that the victim receives access to the legal remedies. The legal routes are summarised as follows:

**The following events are cases of abuse:**

* **criminal offences** (especially crimes against life, physical integrity, health, sexuality, dignity or fundamental rights, family)
* **violation of equal treatment and non-discrimination** (harrassment, discrimination)
* **violation of fundamental rights** (e.g. the right to dignity)
* **violation of privacy** (especially violation of one’s life, physical integrity, freedom, private life, direct discrimination)
* *As the Child Protection Act adopts a zero-tolerance stance towards all forms of mistreatment of children,* ***any behaviour that endangers*** *the healthy development of a child or causes harm constitutes an offense.*

**Forums, legal remedies and victim support services in cases of abuse or suspicion of a criminal offense (valid for Hungary):**

* **Initiating a criminal procedure:** on suspicion of a criminal offense
* **Petitioning to the Equal Treatment Authority:** discrimination, harrassment, isolation or retribution
* **Complaint to the Office of the Commissioner for Fundamental rights:** violation of fundamental rights
* **Victim support services:** falling victim to a criminal offense or suffering physical, mental, emotional or financial damage as a result of a criminal offense
* **Civil lawsuit:** privacy rights, violation of life, physical integrity or health, freedom, private life or the private home, discrimination
* **Complaint, actio popularis:** any person is entitled to make a complaint to the relevant institution; an oral complaint is transferred into written form by the institution.
* **Integrated Rights Protection Service (IJSZ):** oversees the protection of patient’s rights and specified children’s rights, provides trainings for rights protection representatives, operates and organises the functioning of the system of rights protection representatives
* **Signalling child endangerment to the relevant child protection authorities:** here we adopt the ministerial recommendations for the child protection signalling system

**Obligations and responsibilities of all employees:**

* Participate in the protection of children’s rights in a proactive and supportive way.
* Knows and follows the provisions of the policy, participates in the trainings provided by the SCHOOL/ORGANISATION.
* Carries out his/her duties with due diligence.
* Understands and undersigns the Code of Conduct (annex 1.).
* In case or upon suspicion of abuse follows the procedure prescribed by the policy – with special focus on the handling of signals and the secret-doctor protocol (see later).
* Confidentially handles any information related to child protection (shared only with those it is absolutely necessary).
* In case or upon suspicion of abuse, makes the following signals and takes the following steps:
  + Helps the child make the signal to the competent person designated for the implementation of the policy.
  + If encounters a suspicion of abuse, signals to the designated person to investigate the circumstances.
* Supports the child to make the signal to the designated person/group for the implementation of the policy.
* Documents any cases or suspicions of abuse in accordance with the policy.
* Respects the rights of children and treats them in a way that respects their dignity.

1. **Signalling and case handling**

The key to child protection is to ensure that danger is detected and referred to an adult who can handle the situation properly. Detection and the signalling of the problem can originate from a child or an adult – that is why it is so important that everyone is aware when and who they have to tell and what options they have to do so.

The option of anonymous signalling is of utmost importance, for instance, by placing a locked chest in a remote place. The majority of abuse cases remain hidden because those affected or the ones detecting it are afraid of the consequences of signalling (e.g. an ostracized child is afraid that his situation will be even worse if he/she tells anybody).

What actually happens after the signal has been made depends on the concrete case and the best interest of the child concerned. On the other hand, the framework has to be developed to ensure that the handling of the actual cases serve the best interest of the child.

One relevant principle is that all signals and suspicions are to be taken seriously and investigated carefully. This makes sure that the number of unhandled cases remains as low as possible, while also ensuring that ’fake news’ have consequences. It is also an outcome if the topics present in the signals are processed together with the children – more often than not ’fake alarms’ mean no ill, rather, they are signals of topics or questions that actually concern children.

Another principle is that during the handling of each and every signal, relevant laws and the best interest of the child should be upheld. The person responsible for the protection of the child, who receives the signal, has to know exactly when and who to involve in the handling of the case. At the same time, this adult has to avoid causing harm to the child – he/she should act in cooperation with the child, while constantly informing the child. It is often very difficult to know if it is better to keep the child’s secret and talk it through with him/her only, or if we take additional steps too. Providing clear guidance in these questions serves the interests of children and adults alike.

The third principle is that the signal has to “leave a mark”. First of all, it is important that the signalling child or adult knows that his or her signal had consequences - they have to receive feedback about the follow-up procedure and about the well-being of the child. Furthermore, precise documentation of the signal is vital, especially during the handling of the case.

The signalling procedure draws up all the obligations which have to be fulfilled during the handling of any signal of abuse.

**If an adult witnesses or suspects neglect, exploitation, mistreatment or if someone signals such a case to them, he/she has to do the following:**

* Signal immediately after the encounter to the designated person/group for the implementation of the policy or to the principal of the signalling person. The signal should preferably be done orally and in written form as well, but the written form is obligatory.
* If the signal has not been made to the designated person for the implementation of the policy, the adult receiving the signal has to refer the signal to the designated person.
* Signals have to be documented: the signalling person has to fill in the form (see Annex 2.) which the designated person for the implementation of the policy handles with confidentiality and archives.
* The written signal – in line with the Signalling form in the Annex – has to contain:
  + personal data of the signalling person (name, address, contact, name of the project and the SCHOOL/ORGANISATION he/she participates in);
  + personal data of the child concerned (name, address, contact, name of the project and the SCHOOL/ORGANISATION he/she participates in);
  + circumstances of the abuse (suspected or witnessed event, date, time and place);
  + detailed description of the event encountered;
  + name of the persons affected by or included in the event;
  + the actions taken by the signalling person.
* The Signalling Form has to be archived within 24 hours of reception so that the monitoring and follow-up, thus, the principal/head of the SCHOOL/ORGANISATION may also be informed in the annual reporting procedure.

**All employees have to be familiar with the secret-keeper protocol If the primary signal of abuse comes from a child in contact with the SCHOOL/ORGANISATION, the employee first hearing the signal has to follow these steps:**

* Listen attentively to the child and accept what has heard without pressuring the child too much for additional details.
* Ensures the child that he/she has made the right decision to share the information.
* Informs the child that the information cannot remain hidden, it has to be shared with the relevant persons.
* Informs the child of the steps to be taken.
* Following immediate risk assessment, does all in his/her power to ensure the safety of the child(ren).
* Documents the account of the child and – in line with the above – signals without delay to the designated person for the implementation of the policy. The source of the original signal has to receive feedback on the progress of the case, the well-being of the child and provide supervision if needed.

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| **Secret-keeper Protocol**   * It is recommended that the trusted adult with whom the child shared the secret follows and applies this protocol, telling them about the event he or she was experiencing, which should be shared with others according to the signaling protocol. * **The point is that the trusted adult should not share the secret, nor ask the person concerned to share it until the child himself or herself has been able to talk about it or give permission to share it (because he or she is ready to release the secret, so it can be avoided and outsourced).** * You have to go through the process and work with the child involved, talk to them to understand why it is important to talk about what happened to others, and the importance of letting others know what happened. * It is important that the child has time to prepare and accept the consequences of what might happen (e.g. proceedings will be initiated):   + have a way to get enough information   + be provided with a reasonable amount of time to understand exactly what procedures they are about to face |

The employees of the SCHOOL/ORGANISATION – if needed – have a meeting within 72 hours to discuss the questions which arose and the steps to follow. To help process what has happened, a debriefing session has to be organised for the employees and children too.

Any signal made in good faith receives the support of the SCHOOL/ORGANISATION, however, signals made in bad faith have consequences (disciplinary proceedings).

**Flowchart**:

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| If the employee of the SCHOOL/ORGANISATION is concerned for the safety of the child, because |

he/she recognises abuse/signs of abuse,

suspicion of abuse arises,

abuse is presumed,

the child shares the experience of abuse,

**↓**

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| --- |
| **Signal immediately** after the session to the designated person for the implementation of the policy or to his/her principal (relevant programme coordinator). |

Make the signal by filling in the Signalling Form

Archive the Signalling Form within 24 hours of notice.

**↓**

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| The signalled principal, project coordinator immediately refers the signal to the person designated for the implementation of the policy without delay if needed. |

**↓**

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| **The designated person for the implementation of the policy refers the signal to the relevant Family and Child Welfare Service/guardianship authority/ child protection institution within 72 hours in case of serious endangerment or within 8 days in case of endangerment.** |

Take all necessary steps to prevent further harm from happening,

may initiate a case-study meeting,

immediately inform the legal representative of the child and the care institution of the child,

provides feedback to the signalling person,

if necessary, reports to the holder of employer’s rights.

**↓**

The holder of employer’s rights initiates the relevant procedure, if the responsibility of an employee necessitates it.

The concerned employees of the SCHOOL/ORGANISATION have a meeting within 72 hours to discuss the questions which arose and the steps to follow.

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| **⚠️Triggering the Secret-keeper Protocol**  **upon receiving the signal, the designated person/group for the implementation of the policy:**   * **immediately informs the principal/head of the SCHOOL/ORGANISATION about the case and the Secret-keeper Protocol;** * **organises regular meetings for the employees concerned;** * **provides informal feedback to the child protection signalling system after 8 days, informing them of the use of the Secret-keeper Protocol by the SCHOOL/ORGANISATION** |

1. **Child participation**

Even though adults are responsible for the children in their care, in many cases it is the children who know best what they would like or need. However, this is not the only reason why it is important for children to actively participate in the life of the organisation and the decision-making that affects them. The well-being of children and the mutual trust between children and adults necessitates that children are taken as partners: they need to have the opportunity to form their views and to express them, which are then respected and taken into account by adults.

There are programmes and events where a child may only participate if their legal representative consents to it – it is important that the organisation supports safe participation of children in these situations as well, and documenting the consent (e.g. ensure that the child is not discriminated for participating in an assembly or protest, the school tests are not taken on dates directly after a protest where many children would like to partake).

Regarding children forming their own views, it is important to think through:

* In what form and from who do children receive information from regarding questions and issues that affect them?
* It is vital that
  + information is appropriate (detailed and comprehensible for them);
  + information extends to the process of their participation and their role;
  + they receive adequate time to form their views;
  + they receive adequate resources to form their views (e.g. trainings, child-friendly informative material, a place where they can discuss).

Regarding children’s opportunity to express their views, it is important to think through:

* What opportunities do children have to express their views in issues that affect them?
* Who is the competent person, who is responsible for child participation?
* What resources does the organisation provide for children? (e.g. time, location, material resources)
* Related to their participation, it has to be ensured that:
  + it is voluntary;
  + children may partake without discrimination in issues that affect them;
  + parents/legal representatives are adequately informed;
  + information given is documented.

Regarding the consequences of children expressing their views it has to be ensured that:

* adults respect the opinion of children;
* expressing one’s views has no negative consequences for children;
* the voice of children reaches the stakeholders;
* children receive feedback on how their participation/opinion shaped or affected the organisation or a given decision.

**VI. IMPLEMENTATION AND REVISION OF THE POLICY**

The previous chapters were about the protection of children: who are protected from what, when, where and how. After coming up with the answers to these questions, we have to turn to how the Child Safeguarding Policy is implemented and how to guarantee that it is up to date. Who adopts the Policy? How does the organisation ensure that the content of the Policy reaches all?

The Policy may need to be amended from time to time – because the legal environment changes or experience shows that something is not truly feasible in practice and the Policy needs to be modified or extended. Who revises the content of the Policy and how often does that happen? How are children and adults informed of this?

1. **Adoption of the Child Safeguarding Policy**

Apart from the importance of everyone being aware of the child protection principles and rules, it is also important to determine who adopts these rules and who monitors their implementation. It is beneficial for multiple reasons if the leadership of the organisation adopts these rules. First, it guarantees that the framework of child protection is clear for all layers of the organisation, which enhances its binding nature. Second, it has a symbolic quality, as it shows the organisation’s devotion to children’s rights.

1. **Integrating the Policy** into the pre-existing structure of the SCHOOL/ORGANISATION (strategic planning, recruitment, functioning, founding documents, new contracts etc.).
2. **Preparation** is provided to everyone the Policy applies to; informing partners and cooperating organisations about the principles of the Policy which serve as the basis for future cooperation.
3. **Informing children** with respect to their age and maturity. Special attention has to be paid to informing them of the signalling options that ensure their safety.
4. **Regular monitoring**

The rules and provisions protecting children shall not be dormant, dusty documents – they have to adapt to the ever changing situation of children and their environment. Therefore, it is important to monitor how efficient these rules and mechanisms are to protect children in reality and whether they need to be amended. Naturally, adults working with children are also bound by relevant legal norms – the changes of which also have to be monitored. The rules protecting children can only be real guarantees if all adults are aware of them and their knowledge is confident and up to date.

**VII. LEGAL REGULATIONS**

* The United Nations Convention on the Rights of the Child (enacted as Act LXIV of 1991),
* Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship (Child Protection Act)
* Act V of 2013 on the Civil Code,
* Act C of 2012 on the Criminal Code,
* Act I of 2012 on the Labor Code,
* Universal principles and methodology to recognize and prevent child abuse as part of the child protection alert system,
* Protocol of the Ministry of Human Capacities on family and child welfare services,
* Act CXII of 2011 on Informational Self-determination and Freedom of Information (Privacy Act).

**ANNEX**

**Annex 1.: Code of Conduct**

The SCHOOL/ORGANISATION is devoted to creating and sustaining a work environment that reflects their fundamental values and principles while also providing protection for children. It is the duty of every employee (including staff, external workers, volunteers, apprentices etc. too) and partner of the SCHOOL/ORGANISATION to carry out their duties with respect to the dignity and equality of children, upholding the highest levels of professional and ethical norms.

It is fundamental to follow the „multiple adults” rule. In any situation where children are present, the presence of two or more adults reduces the chances of child abuse.

**Declaration of responsibility for the Child Safeguarding Policy**

**I the undersigned employee, volunteer, agent of the SCHOOL/ORGANISATION, declare that:**

* I will always respect the rights of children, their backgrounds, culture and beliefs.
* I will always act in line with my tasks and duties.
* I will always follow the relevant regulations and guidance for the protection of children, as prescribed by the Child Safeguarding Policy of the SCHOOL/ORGANISATION.
* I will always refrain from sexualising behaviour in the presence of children (e.g. telling jokes, ambiguous remarks).
* I will only touch children if their physical or emotional well-being justifies it, and make it in a way that respects their right to physical integrity and safety.
* I will always respect the child’s right to privacy, I will not gossip about information I have received about the child’s personal life.
* I will not take any pictures, video or audio recordings without the child’s or the legal representative’s prior consent.
* I will ensure that signals made by children are always taken into account, reported and documented.
* I will always pay attention to the voices of children and act accordingly.
* I will always facilitate open communication between children.
* If a child or young adult is suspected to have been the victim of abuse or violence, I will pay closer attention not to increase his/her sense of victimisation.
* I will report any possible breaches of the Code of Conduct by the employees, representatives or agents of the SCHOOL/ORGANISATION.

**I hereby declare that I will never:**

* Resort to corporal punishment. I declare zero tolerance on any form of violence or maltreatment against children.
* Provoke or harass the child in any way. I will not humiliate or violate their rights. I will not undermine the child's self-confidence, I will not communicate in a scolding, condescending way. I will not use inappropriate language.
* Use language or behaviour that may threaten, confuse or humiliate children. I refrain from improper physical contact with children.
* Initiate illegal, dangerous or harmful actions against children or partake in such.
* Conduct a sexual relationship with a child or young adult associated with the SCHOOL/ORGANISATION.
* Initiate or allow sexually provocative games with the participation of children.
* Discriminate against children. I accept all children as equal and treat them fairly, without discrimination.
* Take any pictures, video or audio recordings of children for my own purposes.
* Share or post pornographic material to children.
* Publish any pictures with a child shirtless, nude or improperly dressed.

Any breach of the current Code of Conduct or any behaviour that is contrary to its provisions or principles are investigated and may lead to disciplinary proceedings or even the termination of the contractual relationship. If any employees are subjected to procedures of child abuse or endangerment, the employer has the right to determine if it constitutes a breach of mutual trust, and whether it may lead to the justification of dismissal without notice.

**All persons undersigning the Code of Conduct declare the following:**

I, the undersigned, hereby accept the Code of Conduct. I take notice that the provisions are legally binding to me. I accept that breaching the Code of Conduct may lead to legal actions taken by the SCHOOL/ORGANISATION.

I declare, under penalty of perjury that I have not been prosecuted for child abuse or sexual harassment and have never been investigated in such matters. Furthermore, I declare that I am not prohibited from public affairs and I am not prohibited from any profession, trade or activity and I have no criminal record.

I hereby declare, that all the information I have provided to SCHOOL/ORGANISATION are true and correct.

….......………………………

...……..…………………………….

Signature

**Annex 2.: Signalling form**

In case a child wants to make a report (s)he shall be given the opportunity to say what happened to him/her without being interrupted. The reporting form has to be filled out not in the presence of the child. The child’s age, ability to foresee the consequences of his/her actions, sensibility, needs and rights shall be taken into account when listening to the problem. If several children are concerned, please fill out the form for each child separately.

Please make sure to deliver this form to the principal/head/designated person (to XY) of the SCHOOL/ORGANISATION in paper or via e-mail (xy@xy.xy address) within 24 hours of detecting the case.

|  |  |
| --- | --- |
| **Child’s name:**  Date and place of birth:  Contact details:  Relative’s contact details:  Which of the SCHOOL/ORGANISATION program(s)  are you involved in? | **Date of the case:** |
| **Name, position and contact details of the reporter:** | |
| **Circumstances of the case** *(What, when and where did (s)he notice;*  *type of harm or behaviour; what did the child and witnesses say;*  *Was there another adult involved, if yes, what did (s)he say?)* | |
|  | |
| **Steps undertaken** *(what kind of steps were made to ensure the protection*  *of the child; was there any other organisation involved and*  *what kind of steps were undertaken)* | |
| **Date**: | |
| **Reporter’s signature:** | |

**Annex 3.: Guidelines for communicating with children**

It is our responsibility to ensure that whenever we communicate about children or their personal stories, be it printed or online channels, we do it in a responsible and ethical way. The rights and dignity of children are to be respected at all times and the best interest of the child has to be of primary importance in any communications regarding children. During our work, the participation of children in any issue that affects them is vital, and so is the upholding of the best interest of the child.

**Principles:**

* The dignity and rights of children have to be respected at all times.
* Special attention has to be paid to children’s rights – including their right to privacy, freedom of expression, participation and protection from violence - in any communication that affects children or that are about children.
* The best interest of the child has to be upheld in all situations.
* The views of the child have to be respected – with respect to his/her age and maturity – in all issues that affect them.
* Prior to any public communication, performance or event, the possible political, social and cultural consequences have to be discussed with those closest to the children, who can best assess the situation of children.
* No photos or stories can be used that may jeopardise the safety of the child, his or her siblings or mates, not even after anonymization/distortion.

**Guidelines for communicating with children:**

* Respect the Child Safeguarding Policy and the procedural framework prescribed by it.
* Never cause harm to children. Refrain from making judgemental remarks or questioning cultural beliefs as it may endanger or humiliate children or invoke past negative experiences.
* Make sure that the child and his/her legal representative are informed of the publication of the photo or recording. Give adequate information about the aim of the public communication and the further use of the recording.
* Assess any risks to children. Ensure that the making, publication, sharing or holding of the recording does not endanger the child, his/her family or environment.
* Never ask the child to share (or to show) any detail that is not a part of their personal story.
* Always ask for permission from the child and his/her parent/legal representative before making an interview or photo. The consent has to be given in written form according to the relevant laws. The consent shall not by any means be the result of coercion and it has to be made clear that the photo or interview may be used publicly. The consent is only valid if the child received information – according to his/her age and maturity – and had the opportunity to talk to an adult of trust prior to the event.
* It is of key importance where and how the interview, recording or event we communicate about was delivered. It is important to note that children are not interviewed often. It has to be ensured that the child participates in the communication by his/her own voluntary choice. When making a film or video, it has to be taken into account how the visual or sound effects may affect children – especially with regards to their age or disability. It has to be ensured that the child will not be endangered or impacted negatively as a result of the publication of his/her living conditions, community, place of living.
* If the child shares during a public communication, interview or talk any details that are humiliating, harmful or endangering to the child (abuse, crime), the interviewer has to know who to signal to and how it is to be done.

**Guideline for written communications about children:**

* Never belittle children. Avoid any phrases, categorisations that are discriminative towards children or isolate them.
* Pay special attention to being factually correct and show the story in its context.
* Always respect the child’s right to privacy.
* The name has to be altered and anonimisation or distrotion has to be provided for children who were victims to sexual abuse or exploitation or perpetrators of physical or sexual abuse, or are condemned for criminal activities or are otherwise vulnerable as a result of their health.
* In case of risk of harassment of retribution, the name and appearance of asylum seeker children has to be altered/distorted.
* In some cases, using the real identity (name, identifiable picture) of the child serves his/her best interest. Even in these cases, they have to be protected from harm or stigma.

**Guidelines for using photos and videos featuring children:**

* Pay special attention not to show shirtless or nude photos or videos.
* The dignity of the child has to be respected at all costs.

1. For instance: the Protocol of the Ministry of Human Capacities on the tasks of healthcare facilities upon detection of signs of abuse or neglect. [↑](#footnote-ref-0)
2. The UN World Health Organisation defines child maltreatment and abuse as involving phsyical and/or emotional meltreatment, sexual abuse, neglect or neglecting care, commercial or other forms of exploitation, that causes actual or potential harm to the health, survival, development or dignity of the child. [↑](#footnote-ref-1)