

# **SAFEGUARDING AND PROTECTION POLICIES AND PROCEDURES FOR CHILDREN AND YOUNG PEOPLE<sup>1</sup>**

**ORGANISATION: FLAIR (FORUM FOR LEARNING AND ACTION WITH INNOVATION AND RIGOUR)**

**POLICY CATEGORY – GENERAL**

**AUTHOR – EXECUTIVE DIRECTOR**

**APPROVER – GOVERNING BOARD OF FLAIR**

**Revised: July 2018**

**Next Revision: July 2020**

## **I. INTRODUCTION**

FLAIR (Forum for Learning and Action with Innovation and Rigour) is an organization working through Research and Training in the following domains –

- i. Planning for Billions (Costing and Budget Analysis),
- ii. Technology for Socio-Economic Development (Agriculture and Nutrition Connect),  
and
- iii. Digital Media and Society (Child Online Safety and Protection)

FLAIR stands for child protection. It recognizes that children are more vulnerable than adults to the circumstances under which they live and hence, more affected by actions and inactions of the government and society. FLAIR recognizes this and therefore realizes that it is imperative for all stakeholders of FLAIR (Employees, volunteers, interns, consultants, Board members, Partners and others who work with children on FLAIR's behalf, visit FLAIR's programs, or who have access to sensitive information about children in FLAIR's programs) to practice highest standards of Child Safeguarding and Protection as detailed out in this policy and procedure document.

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<sup>1</sup> Adapted from FLAIR's Child Safeguarding Policy

It is imperative for all stakeholders and FLAIR to read this document and sign it as mark of their acceptance to follow the policies and procedures.

Two sets of persons, viz. (a) Researchers, (b) Communications Personnel who work more closely with children when they are working for or on behalf of FLAIR, are required to specifically read and sign the Code of Conduct listed in Annexure 1 and 2, over and above this document.

## II. DEFINITION & ACRONYMS

**A. Child or Children:** Anyone under 18 years of age.

**B. Child Abuse:** Anything which individuals, institutions or processes do or fail to do which directly or indirectly harms children or damages their prospect of safe and healthy development into adulthood. The main categories of Child Abuse are Physical Abuse, Emotional Abuse, Neglect/Negligent Treatment and Sexual Abuse/Sexual Exploitation.

**1. Physical Abuse:** The use of physical force that causes actual or likely physical injury or suffering (e.g., hitting, shaking, burning, female genital mutilation, torture).

**2. Emotional abuse:** Any humiliating or degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.

**3. Neglect/Negligent Treatment:** Persistent failure to meet a child's basic physical and/or psychological needs, for example by failing to provide adequate food, clothing and/or shelter; failing to prevent harm; failing to ensure adequate supervision; or failing to ensure access to appropriate medical care or treatment.

**4. Sexual Abuse/Sexual Exploitation:** All forms of sexual violence, including incest, early and forced marriage, rape, involvement in pornography, and sexual slavery. Child sexual abuse also may include indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material. Sexual Exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. This includes exchange of assistance due to children benefiting from FLAIR programming. The sexual exploitation of a child who is under the age of consent is child sexual abuse and a criminal offense.

**C. Representatives of FLAIR:** Employees, volunteers, interns, consultants, Board members, Partners and others who work with children on FLAIR’s behalf, visit FLAIR’s programs, or who have access to sensitive information about children in FLAIR’s programs.

**D. Child Safeguarding:** The set of policies, procedures and practices that we employ to ensure that FLAIR is a child safe organization.

### III. POLICIES

1. Policy on Commitment to Children - FLAIR is committed to conducting its programs and operations in a manner that is safe for the children it serves and helping protect the children with whom FLAIR is in contact. All FLAIR Representatives are explicitly prohibited from engaging in any activity that may result in any kind of Child Abuse. In addition, it is FLAIR’s policy to create and proactively maintain an environment that aims to prevent and deter any actions and omissions, whether deliberate or inadvertent, that place children at the risk of any kind of Child Abuse. All FLAIR Representatives are expected to conduct themselves in a manner consistent with this commitment and obligation. Any violations of this policy will be treated as a serious issue and will result in disciplinary action being taken, including termination and any other available legal remedy. In furtherance of this Policy, FLAIR has adopted Procedures, described below, to promote:

- a. Prevention of Child Abuse: Striving, through awareness, good practice and training, to minimize the risks to children and take positive steps to help protect children who are the subject of any concerns.
- b. Reporting of Child Abuse: Ensuring that all Representatives know the steps to take and whom to contact where concerns arise regarding the safeguarding of children.
- c. Responding to Child Abuse: Engaging in action that supports and protects children when concerns arise regarding their well-being; supporting those who raise such concerns; investigating, or cooperating with any subsequent investigation; and taking appropriate corrective action to prevent the recurrence of such activity.
- d. Training to Promote Awareness of Child Safeguarding Obligations: Ensuring that all Representatives are notified of and made aware that they are expected to comply with the policy.

2. Policy to Comply with Applicable Laws and Regulations - It is FLAIR’s Policy to ensure compliance with host country and local child welfare and protection legislation, or international standards, whichever affords greater protection, and with Indian law, where applicable. The requirements of this Child Safeguarding Policy are in addition to any other applicable legal

requirements, including without limitation, Government of India and State Government regulations.

3. Policy Regarding Sexual Activity with Children - It is FLAIR's Policy that any individual under the age of 18 is a child and is "underage", regardless of the legal age of consent of the country in which s/he lives and/or in which the offense occurs. An underage child cannot legally give informed consent to sexual activity. Sexual activity with a Child with or without their consent will be treated as a serious issue and will result in disciplinary action being taken, including termination, and the pursuit of any other available legal remedy.

Consensual sexual activity with a child over the legal age of consent of the country in which s/he lives and/or in which the offense occurs, but below 18 years will be treated as a serious issue and will result in disciplinary action being taken, including termination, and the pursuit of any other available legal remedy as per the Juvenile Justice (Care and Protection of Children) Act, 2015, and Prevention of Children against Sexual Offences Act, 2012.

4. Policy on Accountability of FLAIR Management - FLAIR Management is committed to taking all appropriate corrective actions, including disciplinary, legal or other actions in response to any violation of the Child Safeguarding Policy, with respect to relevant individuals (including those who committed a child safeguarding violation and/or anyone who knew of such child safeguarding violation but failed to act), and taking steps following any findings of a violation of the Child Safeguarding Policy to review the applicable policies, procedures, and protocols to identify and address any gaps or weaknesses.

5. Policy on Confidentiality in Child Safeguarding Matters - FLAIR has a duty to manage sensitive information in a manner that is respectful, professional and that complies with the applicable law. Staff must keep all information about any suspected or reported incidents strictly confidential, and must divulge only that information to Child Welfare Committee or Juvenile Justice Board, Human Resources team and any other senior staff directly involved in the investigation, except as may be required by law.

## **IV. PROCEDURES**

### **A. Prevention of Child Safeguarding Incidents**

1. Mitigating Child Safeguarding Risks in Project Planning and Implementation

i. Where possible and practical, the ‘two-adult’ rule, wherein two or more adults supervise all activities where children are involved and are present at all times, should be followed.

ii. FLAIR’s representatives must never:

- hit or otherwise physically assault or physically abuse Children;
- engage in sexual activity or have a sexual relationship with anyone under the age of 18 years regardless of the age of majority/consent or custom locally (mistaken belief in the age of a child is not a defense);
- develop relationships with Children which could in any way be deemed exploitative or abusive; x act in ways that may be abusive in any way or may place Children at risk of abuse;
- use language, make suggestions or offer advice to Children which is inappropriate, offensive or abusive; x behave in a manner which is physically inappropriate or sexually provocative;
- stay alone overnight with one or more Children benefitting from FLAIR programs who are not part of their family, whether in their house, project premises or elsewhere;
- have a Child beneficiary stay overnight at their home; x sleep in the same bed or same room as a Child beneficiary;
- do things for Child beneficiaries of a personal nature that they can do themselves;
- condone, or participate in, behavior of Children which is unsafe or illegal;
- act in ways intended to shame, humiliate, belittle or degrade Children, or otherwise perpetrate any form of emotional abuse;
- discriminate against, show unfair differential treatment or favor to particular Child beneficiaries to the exclusion of others;
- spend excessive time alone with Child beneficiaries away from others in a manner which could be interpreted as inappropriate;
- expose Child beneficiaries to inappropriate images, films and websites including pornography and extreme violence;
- place themselves in a position where they are made vulnerable to allegations of misconduct.

This is not an exhaustive or exclusive list. Representatives should at all times avoid actions that may allow behavior to be misrepresented or constitute poor practice or potentially abusive behavior.

## 2. Background Checks

FLAIR shall conduct criminal background checks on all FLAIR Representatives, and anyone who visits FLAIR’s programmes (e.g., journalists, donors, celebrities) and as it deems appropriate and as permitted by law.

## **B. Reporting of Child Safeguarding Incidents**

All Representatives should know the steps to take and whom to contact when concerns arise regarding the safeguarding of children. Failure to report a reasonable suspicion of misconduct in accordance with this Policy will be treated as a serious issue and may result in disciplinary action. If a child is in danger or in harm’s way, call 1098 (ChildLine) or the local authorities or the concerned Child Welfare Committee immediately.

### **Reporting Specifics**

1. Mandatory Reporters - “Mandatory Reporters” (as defined below) must report concerns to the appropriate local authority (each state has its own reporting hotline). “Mandatory Reporters” are those individuals who are mandated by law to report child maltreatment. Individuals designated as Mandatory Reporters typically have frequent contact with children. Such individuals may include:

- Social Workers
- Teachers, principals, and other school personnel
- Physicians, nurses and other health care workers
- Child care providers
- Directors, employees, and volunteers at entities that provide organized activities for children, such as camps, youth centers and recreation centers

All FLAIR staff are Mandatory Reporters.

2. All FLAIR staff and employees and all other Representatives that have direct contact with Children:

Incident reports must be submitted by email to [info@flairindia.org](mailto:info@flairindia.org) within 24 hours. The report always should include:

- Date, time and location of the incident
- Type of incident (physical abuse, emotional abuse, neglect/negligent treatment, sexual abuse/sexual exploitations) and nature of what happened
- The relevant actions that are happening at the time of the report
- Any immediate help or actions requested of FLAIR

Record dates reporting CWC, Police and/or state and local authorities as applicable.

### 3. All other Representatives

All other representatives covered by this policy must report any suspicion of misconduct covered by this policy to their direct supervisor (if an employee). If you feel you cannot raise the concern with your direct supervisor for any reason, or if you are a non-employee Representative, you should contact the Executive Director of FLAIR directly. All reports must be made within 24 hours.

### 4. Manager Responsibilities

Any manager or supervisor who receives a report of any allegation of a violation of this Child Safeguarding Policy must forward the report immediately to the Executive Director of FLAIR.

### 5. Staff Overseas

When travelling or working overseas FLAIR's assignment, you are required to report any allegations of Child Abuse to FLAIR in accordance with FLAIR's child safeguarding reporting procedures. However, you also must report any such incidents or suspicions to the local Country Law Authorities pursuant to these Procedures.

### 6. Reporting to FLAIR's Governing Board

On a quarterly basis, the Executive Director shall report aggregated incident data to FLAIR's Governing Board and also forward it to the concerned Child Welfare Committees.

## **C. Responding to Child Safeguarding Incidents**

FLAIR will report all incidents to the concerned Authorities and cooperate with them as mandated by the law.

## **D. Agreements with Associates, Partners, Consultants whose work involves contact with children**

All agreements with Associates, Partners and Consultants must include the requirements of the Policy and must include a provision in which they agree to comply with this Policy.

Researchers who come in direct contact with Children during their work, must agree and sign FLAIR's Code of Conduct as mentioned in Annexure 1 of this Child Safeguarding and Protection Policy document.

Associates, Partners and Consultants who are working in a sponsored or externally supported programme of FLAIR, additionally must comply with the relevant agency's child safeguarding requirements.

## **E. Communications Materials (interviews, photography and filming) and Publication**

Any communications materials that include images of or information about children are subject to the Communications Guidelines and Code of Conduct attached as Annexure 2 and included as part of this Child Safeguarding and Protection Policy document.

Media and Communications personnel who come in direct contact with Children during their work, must agree and sign FLAIR's Code of Conduct as mentioned in Annexure 2 of this Child Safeguarding and Protection Policy document.

Associates, Partners and Consultants who are working in a sponsored or externally supported programme of FLAIR, additionally must comply with the relevant agency's child safeguarding requirements.

### **Accepted and Signed**

**Name of the Representative/Stakeholder:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_