



POSITIVE LIFE KENYA

CHILDREN PROTECTION POLICY

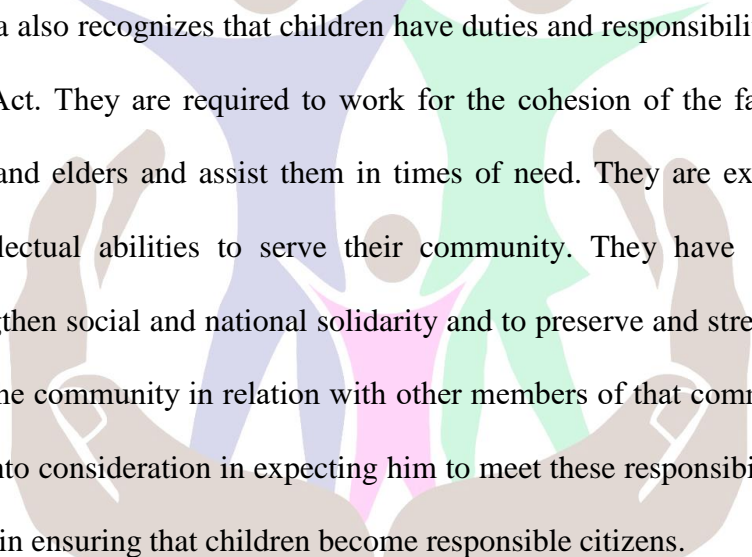
REVISED 2022

VISION:

To see healthy and empowered communities living with hope and equal opportunities.

Mission:

Positive Life Kenya works to break the cycle of poverty by promoting active participation of communities through education and advocacy to build a healthy environment for children to thrive and create lasting change.

PREAMBLE

Positive Life Kenya also recognizes that children have duties and responsibilities as provided for in the Children's Act. They are required to work for the cohesion of the family, respect their parents, superiors and elders and assist them in times of need. They are expected to use their physical and intellectual abilities to serve their community. They have a responsibility to preserve and strengthen social and national solidarity and to preserve and strengthen the positive cultural values of the community in relation with other members of that community. The child's age will be taken into consideration in expecting him to meet these responsibilities. Positive Life has a great interest in ensuring that children become responsible citizens.

This document provides broad policy guidelines for all children programs operated and managed by Positive Life Kenya. This comes as recognition of the fact that there is an increase in the number of children without care and protection due to emerging social problems and especially HIV/AIDS and poverty.

What we will do: We will meet our commitment to protect children from abuse through the following means: **Awareness:** we will ensure that all staff and others are aware of the problem of child abuse and the risks to children. **Prevention:** we will ensure, through awareness and good practice, that staff and others minimise the risks to children. **Reporting:** we will ensure that staff and others are clear what steps to take where concerns arise regarding the safety of children. **Responding:** we will ensure that action is taken to support and protect children where concerns arise regarding possible abuse.

In embracing professionalism, it is important to ensure that the individual children needs are catered for. Professionalism here means concern, care, compassion, love and close accompaniment of the children.

PLK recognize their duty to ensure that advice and support is available to help personnel, colleagues, and volunteers to play their part in protecting children, and to ensure that such advice and support is available to all involved.

It affirms the right of those who have suffered child abuse to receive a compassionate and just response. Children, in particular, need someone to turn to when they are being abused. Often they do not know where to go for help.

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As part of its response to the issue of safeguarding children, PLK has a delegated person called the **Child Protection Officer (CPO)** to undertake special responsibilities for keeping children safe.

As soon as there is an allegation or suspicion of any form of abuse within PLK's area of jurisdiction, the Child Protection Officer (CPO) shall be informed and shall make immediate

contact with the Executive Director of PLK so that the approved procedures set out in the Child Protection Policy can be followed.

PLK work together to realize every child's right to health, education and protection and work to help them to achieve immediate and lasting changes in their lives.

PLK are committed to protecting children, regardless of gender, race, and country of origin or religious belief.

The work of PLK is underpinned by the United Nations Convention on the Rights of the Child (UNHRC) which states that children should be protected from all forms of physical and mental violence, injury, abuse, neglect, maltreatment and exploitation, including sexual abuse.

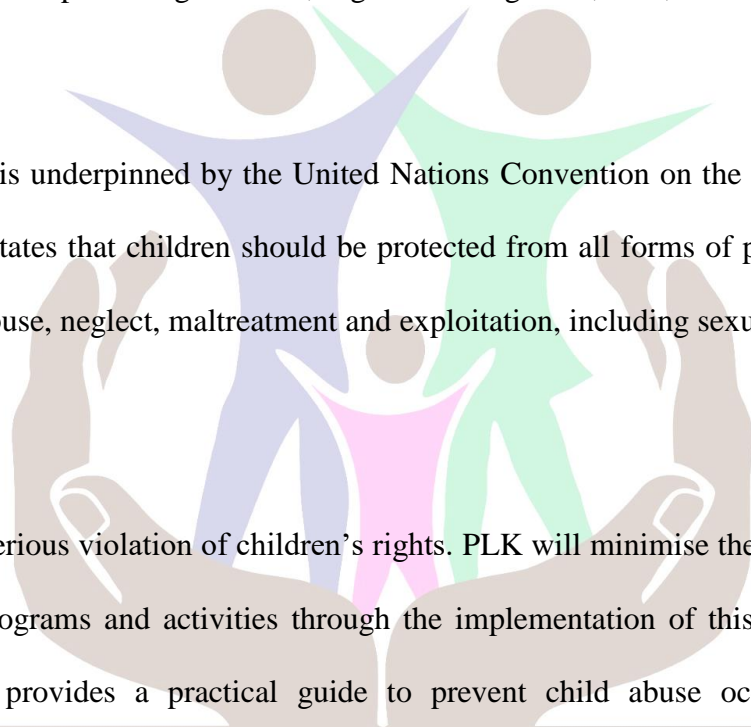
Purpose:

Child abuse is a serious violation of children's rights. PLK will minimise the risk of child abuse occurring in its programs and activities through the implementation of this Policy. The Child Protection Policy provides a practical guide to prevent child abuse occurring within the organisations and their partners, and incorporates risk management strategies.

Definitions:

Child: This is any person under the age of 18, regardless of whether a nation's laws recognize adulthood earlier.

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



Staff and Associates: This includes all employees, consultants, board members, researchers and volunteers from within or from a partner organization.

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

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

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

Types of Abuse

Physical Abuse: where adults physically hurt or injure a young person e.g. hitting, shaking, throwing, poisoning, burning, biting, scalding, suffocating, and drowning. Giving young people alcohol or inappropriate drugs would also constitute child abuse.

- This category of abuse can also include when a parent/career reports non-existent symptoms or illness deliberately causes ill health in a young person they are looking after. This is called Munchausen's syndrome by proxy.
- In a sports situation, physical abuse may occur when the nature and intensity of training disregard the capacity of the child's immature and growing body

- **Emotional Abuse:** the persistent emotional ill treatment of a young person, likely to cause severe and lasting adverse effects on the child's emotional development. It may involve telling a young person they are useless, worthless, unloved, inadequate, or valued in terms of only meeting the needs of another person. It may feature expectations of young people that are not appropriate to their age or development. It may cause a young person to be frightened or in danger by being constantly shouted at, threatened or taunted which may make the young person frightened or withdrawn.

- Ill treatment of children, whatever form it takes, will always feature a degree of emotional abuse.
- Emotional abuse in school may occur when the young person is constantly criticized, given negative feedback, expected to perform at levels that are above their capability. Other forms of emotional abuse could take the form of name calling and bullying.

- **Bullying** may come from another young person or an adult. Bullying is defined as deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. There are three main types of bullying.

- Physical (e.g. hitting, kicking, slapping),
- Verbal (e.g. racist or homophobic remarks, name calling, graffiti, threats, abusive text messages),
- Emotional (e.g. tormenting, ridiculing, humiliating, ignoring, isolating from the group), or sexual (e.g. unwanted physical contact or abusive comments).

In school, bullying may arise when a parent or teacher pushes the young person too hard to succeed.

- **Neglect** occurs when an adult or caregiver fails to meet the young person's basic physical and/or psychological needs, to an extent that is likely to result in serious impairment of the child's health or development. For example, failing to provide adequate food, shelter and clothing, failing to protect from physical harm or danger, or failing to ensure access to appropriate medical care or treatment. Refusal to give love, affection and attention can also be a form of neglect.
- **Sexual Abuse** occurs when adults (male and female) use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse and fondling. Showing young people pornography or talking to them in a sexually explicit manner are also forms of sexual abuse.

In school, activities which might involve physical contact with young people could potentially create situations where sexual abuse may go unnoticed. Also the power of the teacher over young students, if misused, may lead to abusive situations developing.

Indicators of Abuse

Even for those experienced in working with child abuse, it is not always easy to recognize a situation where abuse may occur or has already taken place.

Most people are not experts in such recognition, but indications that a child is being abused may include one or more of the following:

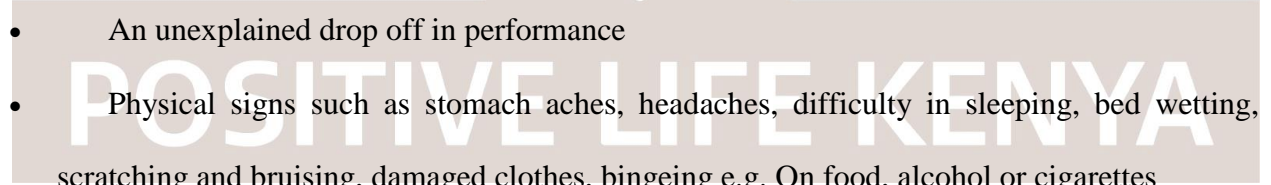
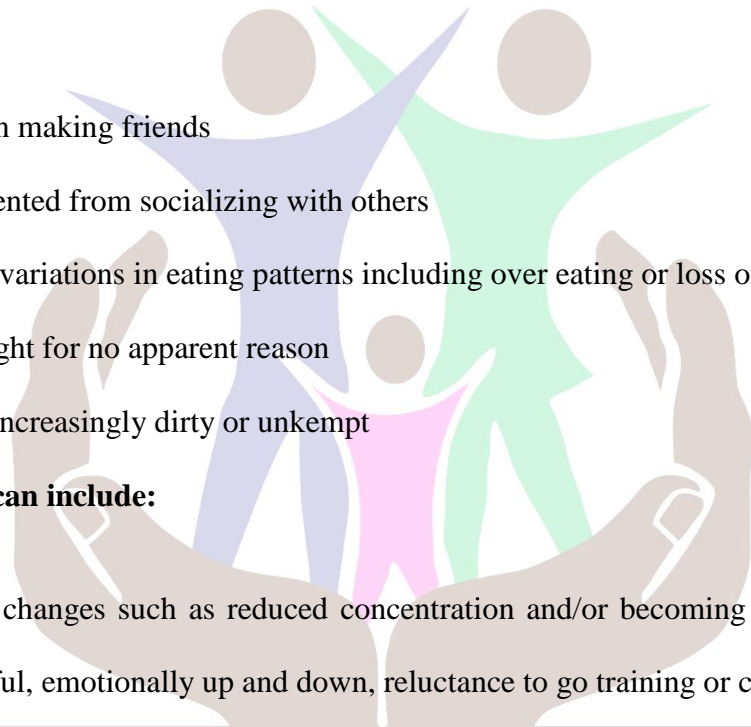
- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries
- An injury for which an explanation seems inconsistent
- The young person describes what appears to be an abusive act involving them

- Another young person or adult expresses concern about the welfare of a young person
- Unexplained changes in a young person's behaviour e.g. Becoming very upset, quiet, withdrawn or displaying sudden outbursts of temper
- Inappropriate sexual awareness
- Engaging in sexually explicit behaviour
- Distrust of adults, particularly those whom a close relationship would normally be expected
- Difficulty in making friends
- Being prevented from socializing with others
- Displaying variations in eating patterns including over eating or loss of appetite
- Losing weight for no apparent reason
- Becoming increasingly dirty or unkempt

Signs of bullying can include:

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

It must be recognized that the above list is not exhaustive, but also that the presence of one or more of the indications is not proof that abuse is taking place.



NB: It is **NOT** the responsibility of those working with PLK to decide that child abuse is occurring. It **IS** their responsibility to act on any concerns.

Reporting Process

PLK will ensure that staff and associates are clear what steps to take where concerns arise regarding the safety of children.

When the incident is specifically for sexual abuse, the child should be taken to hospital for a medical assessment and be reported to police.

1. Incident Reporting

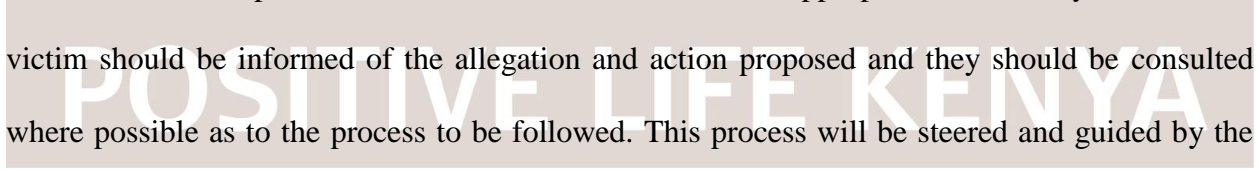
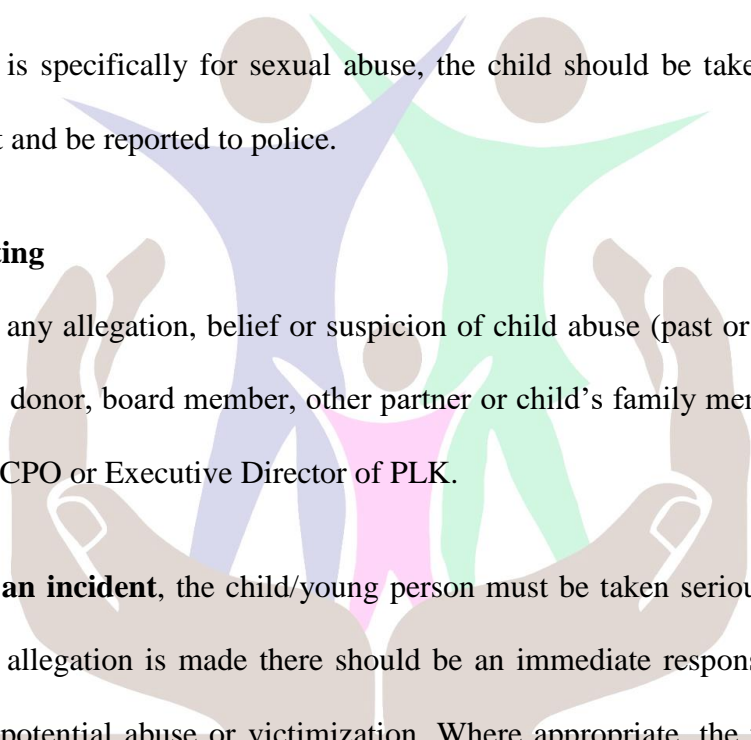
It is mandatory for any allegation, belief or suspicion of child abuse (past or present) by a PLK employee, sponsor, donor, board member, other partner or child's family member to be reported immediately to the CPO or Executive Director of PLK.

If a child reports an incident, the child/young person must be taken seriously and listened to carefully. Once an allegation is made there should be an immediate response that protects the child from further potential abuse or victimization. Where appropriate, the family of the child victim should be informed of the allegation and action proposed and they should be consulted where possible as to the process to be followed. This process will be steered and guided by the

CPO or Executive Director of PLK, depending where the incident occurred.

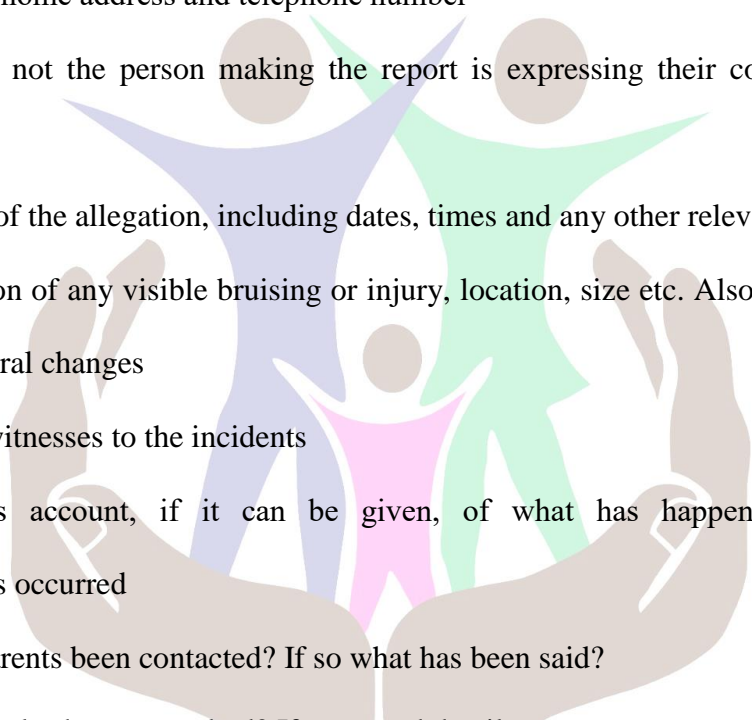
2. Document the incident

As soon as possible (within a period of 24 hours of the disclosure), the CPO of PLK or Executive Director of PLK, receiving the disclosure, needs to have fully documented the allegation,



including the time, place, witnesses etc. This report will possibly be used in court if charges are forthcoming.

Documentation should include:

- 
- The child's name, age and date of birth
 - The child's home address and telephone number
 - Whether or not the person making the report is expressing their concern or someone else's
 - The nature of the allegation, including dates, times and any other relevant information
 - A description of any visible bruising or injury, location, size etc. Also any indirect signs, such as behavioral changes
 - Details of witnesses to the incidents
 - The child's account, if it can be given, of what has happened and how any bruising/injuries occurred
 - Have the parents been contacted? If so what has been said?
 - Has anyone else been consulted? If so record details
 - Has anyone been alleged to be the abuser? Record details.

3. Guidelines for responding to a child making an allegation of abuse

A child who is abused will occasionally confide in an adult whom the child feels that he/she can trust. The important thing to remember is that if a child does approach you, he/she is doing so in the hope that you will act to stop the abuse happening, even if you are asked not to do anything with the information.

IF A CHILD BEGINS TO TELL YOU ABOUT ABUSE IT IS IMPORTANT THAT YOU

DO:

- Stay calm
- Listen carefully and take the complaint seriously
- Ask questions for clarification only if what the child is saying is unclear to you
- Allow the child to continue at his/her own pace
- Reassure the child that, in disclosing the abuse, he/she has done the right thing
- Tell the child he/she is not to blame for the abuse
- Let the child know you will do what you can to help
- Report the child's disclosure to your manager or to the designated person immediately (or, in the absence of the designated person, or if the disclosure in any way involves the designated person, to the Board of PLK).
- As soon as possible, write down everything that you were told by the child, using his/her own words to describe the abuse. Sign and date this record and pass it onto the CPO of PLK or Executive Director.

IF A CHILD BEGINS TO TELL YOU ABOUT ABUSE, IT IS IMPORTANT THAT YOU

DO NOT:

- Dismiss the concerns
- Panic
- Probe for more information/ask other questions
- Promise not to tell anyone or say you will keep it a secret
- Make negative comments about the accused person
- Make assumptions or speculate

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- Disclose details of the allegation to anyone else – even to persons named in the allegation.

Find an opportunity to explain that it is likely that this information will need to be shared with others, and at the end of the discussion tell the complainant what you plan to do next and with whom this information will be shared.

Remember: it is important that everyone in the organization is aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the professional child protection agencies following a referral to them of the concerns about the child.

All reports should be submitted to the Executive Director and to the Board of PLK immediately after being received by the CPO or Executive Director.

4. Responding

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

- **Distance the alleged perpetrator**

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

- **Confidentiality**

- Confidentiality is crucial to a fair and effective reporting procedure. It is unacceptable and potentially defamatory for concerns of child abuse (and abusers) to be spread throughout the organisation rather than being directed through a formal complaints process. All participants must understand the importance of following the set reporting lines when concerns arise. Confidentiality protects the child, the notifier, the respondent and the organisations, and ensures a fair and proper process.

- **Reprisal**

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

- **Counselling support**

- Professional counselling support will be made available to all parties involved.

5. Investigation of complaints

Physical and/or sexual abuse of a child is a crime. Organisations may be required to notify authorities when there are reasonable grounds for reporting abuse, particularly if the allegations are made in Kenya or involve a Kenyan citizen.

Allegations made overseas will need to consider national legislation or internal procedures to investigate and address the allegations.

Internal investigations will consider a confidential, thorough, impartial and prompt process. The investigation may consist of interviews with witnesses and others as appropriate, collection of information about the alleged conduct, gathering of documentation, or other procedures as



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appropriate. The individual alleged to have violated this policy would have the opportunity to present his or her view of the events in question. PLK will hold its determination until the investigation is completed.

Policy

The reporting process in the Child Protection Policy outlines obligations and responsibilities for reporting and managing any concerns about child abuse. It also protects staff and associates from unfair processes should any allegations be made about them.

PLK's recruitment processes include rigorous screening of staff and associates (including volunteers) to minimise the risk from a person, who poses a risk to children, being employed by the organisations.

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

The policy should be reviewed yearly or whenever there is a major change in the organisations or in relevant legislation.

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Child Protection Officer (CPO)

Informs the Executive Director of any alleged or suspected incidents.

- Raises awareness of child abuse
- Disseminates information on *keeping children safe*
- Monitors all activities of the local Centre
- Publicizes contact details of the Child Protection Officer and local police authorities.

Advisory panel / professional conduct committee of PLK

- Oversees the complaint process in Kenya
- Supports those making the complaints
- Judges the appropriateness of respondents remaining in their current assignment
- Advises on how to uphold the rights of a respondent
- Advises on risk assessment of respondent
- Ensures the needs of the wider community are served.

The role of the CPO is to:

1. Inform the PLK authorities upon receipt or notification of an allegation, suspicion or concern about abuse of a child, current or historical, from any person and to follow the guidelines contained in the policy.
2. Co-operate, contribute to and assist, as appropriate, the work any investigation being undertaken by health and social, and civil authorities.
3. Refer child protection concerns to the CEO of PLK
4. **Not** take the role of support person to the person raising a concern / making an allegation or disclosure; nor should he / she take on the role of advisor to the respondent.

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Guiding Principles

Who can report?

- Child or young person
- Parents or adults
- Staff & Associates

What to report?

- Allegations, disclosures or observations of child abuse or suspected breaches of the Child Protection Policy or Code of Conduct

When to report?

- All concerns must be reported within 24 hours, or as soon as possible

Who to report to?

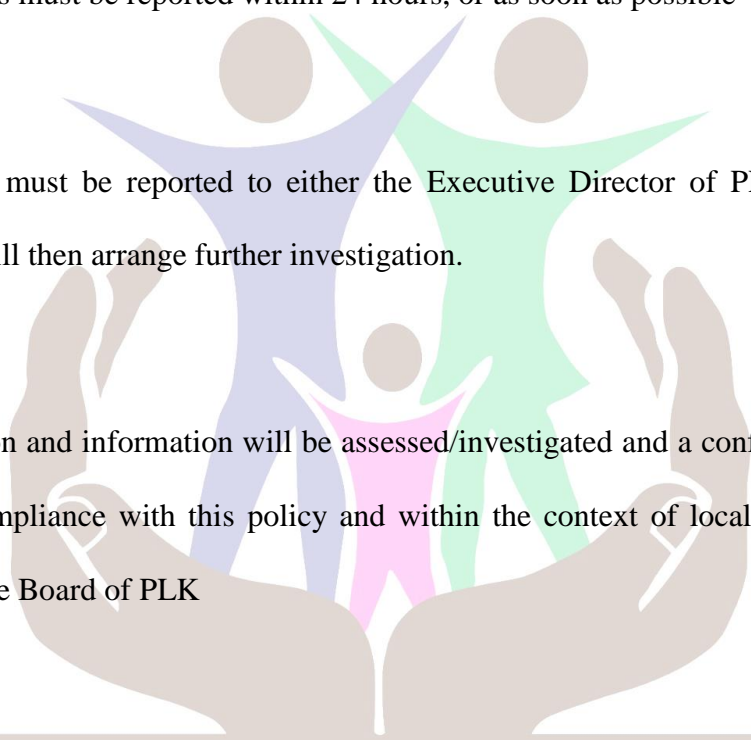
- All reports must be reported to either the Executive Director of PLK or the CPO in Kenya. They will then arrange further investigation.

What will happen?

- The situation and information will be assessed/investigated and a confidential report will be made in compliance with this policy and within the context of local, state and country legislation to the Board of PLK

Possible outcomes:

- Criminal matter or child protection report made to a Child Protection Authority.
- Victim's and alleged perpetrator's safety needs assessed and responded to.
- Breach of this Policy and/or Code of Conduct resulting in performance management or termination of association.
- Feedback to be given where possible to those directly involved or affected, protecting confidentiality and privacy.
- Debriefing/counselling to be offered if needed.



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Child Protection Policy Implementation Strategy

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

- **Child protection capacity building:**

- The CPO and the Executive Director of PLK, will enhance awareness of child protection issues among staff and associates through policy promotion, collaboration, advocacy and ongoing education and training.

- **Child Protection Code of Conduct:**

- Outlines acceptable and unacceptable behaviour for people to whom the Code applies in relation to children with whom we work. A breach of the Code may result in termination of employment/association.

- **Compliance:**

- Staff and associates are required to sign a written statement agreeing to comply with the Child Protection Policy and Code of Conduct.

- **Mandatory reporting of alleged or suspected cases of child abuse:**

- Reports will be handled professionally, confidentially and as quickly as possible and will meet country and state-specific legislative requirements. Any person who intentionally makes a false or malicious allegation will face disciplinary action.

- **Risk management:**

- Effective child abuse prevention strategies will be incorporated in all PLK program designs, activities and emergency responses.

- **Recruitment and staff management practices:**

- Prospective and current staff will be screened and monitored to ensure the organisation does not employ or retain people who pose a risk to children. Criminal



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record checks (police checks) will be considered, where available, particularly for positions working directly with children. Additional screening measures can include “working with children” checks, identity checks, verbal referee checks and interview questions.

Statements to Be Signed by Staff & Associates

All Staff and Associates having contact with children must sign a Statement in the form set out below prior to commencing their employment/role of associate or at the commencement of this Policy.

Statements signed by Staff and Associates must be returned to the Child Protection Officer of Positive Life Kenya.

Procedures

PLK’s commitment to child protection is based on the following principles:

- Promoting and protecting the best interests of children at all times
- Zero tolerance of child abuse – mandatory reporting of confirmed or suspected child abuse.
- Child protection is a shared responsibility between the organisation, its partners and the communities in which it works.
- The views of children and young people will be used to inform child protection policy and program development.

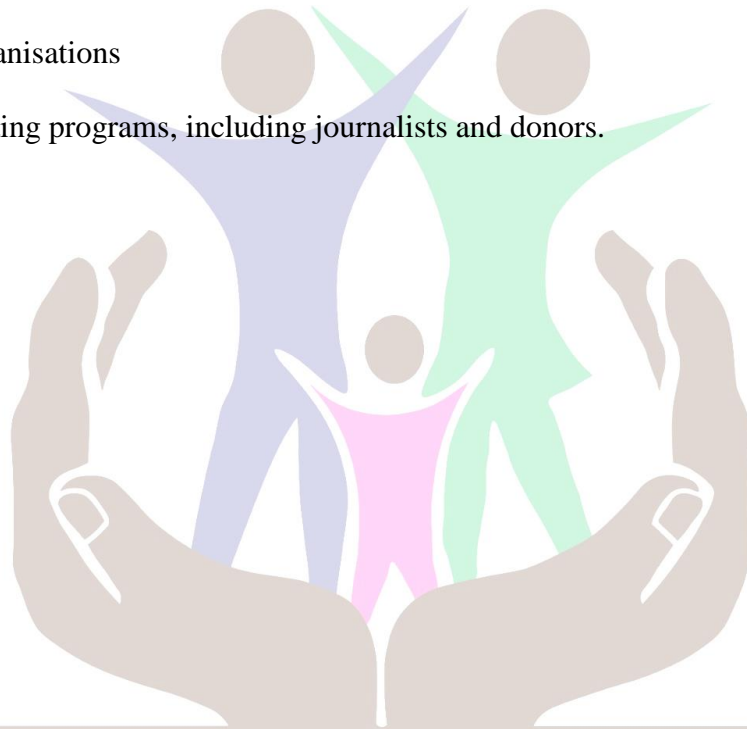


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Scope of the Policy

This Policy applies to the following:

- Staff
- Board Members
- Volunteers
- Consultants
- Partner organisations
- People visiting programs, including journalists and donors.



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