

Child and Adult at Risk Safeguarding Policy CBM India Trust

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1. Purpose and scope

CBM India Trust as one of the largest organizations working for disability inclusion, across the country. Women, men, girls, and boys with disability are at higher risk than the general population. children with disabilities are more than three times more likely to be abused than children without disabilities. Adults with disabilities – especially women – are also highly vulnerable to experiencing abuse if safeguards are not in place.

This policy is to protect and safeguard children and vulnerable adults who are in contact with CBM India Trust’s operations and programmes against risks of or actual abuse, neglect, violence, exploitation, and sexual exploitation abuse and harassment . The policy applies to CBM staff, volunteers, consultants and partners.

The areas where children and vulnerable adults may be affected:

- Programme work directly by CBM India Trust, and through its networks and associates.
- Marketing and campaigns.
- Disasters.
- The homes of CBM India Trust staff.
- Consultants, suppliers and contractors

Some of the risks faced are:

- Physical Risks-Children and vulnerable adults are at particular risk of physical injury and accident, due to unsafe and inaccessible buildings and environments. This includes fire, electrical injury, falls, drowning etc. CBM and its associates will strive to make their premises safe.
- Neglect - While not abuse, the neglect of children and vulnerable adults keeps them from enjoying the facilities their peers enjoy, which include food and nutrition, safe drinking water, sanitation, sanitary protection, vaccination, health care, education and livelihood opportunities.

- Social and psychological - Children and vulnerable adults are often socially excluded, and unable to partake in activities. They may be stigmatized and considered unfortunate or as bringing bad luck leading to psychological, and emotional insecurity and distress.
- Violence - Their inability to protest and protect themselves leads them susceptible to physical and emotional violence.
- Sexual exploitation, harassment and abuse.

CBM India Trust will work to

- Create awareness.
- Ensure CBM staff, partners, associates and stakeholders know their responsibilities.
- Keep children and vulnerable adults safe.
- Have reporting measures.

2. Implementation of Safeguarding

Recruitment

CBM India Trust will

- Conduct background checks of staff including reference checks, community checks and police verification as needed.
- Ensure all staff are aware of the safeguarding policy.

Consultants, suppliers, and contractors

- All contracts should include a clause stating that the party being hired will adhere to CBM Safeguarding Policy and CBM's Code of Conduct. It is the responsibility of the person issuing the contract to ensure that they receive information on CBM's Safeguarding Policy and the requirement to follow this. .

Individual behaviour:

CBM India Trust staff must follow the specific guidelines in the safeguarding policy. This is part of the code of conduct. They must:

- Show respect to the children and adults with whom we work and listen to their views.
- Apply the 'two-adult principle' when conducting any activity with children. This means that another adult (a colleague or child's caregiver) should be present or easily reachable/nearby. If not at all possible inform your supervisor. Adults can also have an adult support person if requested.
- Ensure physical contact is at all times appropriate.
- Use positive, non-violent methods to communicate with children and adults., not engage in corporal punishment.
- Adhere to consent decisions for taking photographs, filming, or writing stories about project participants.
- Protect and handle personal data of children and adults with care and ensure that this is also respected by third parties who receive this information from CBM or its partner organisations.
- Inform the Safeguarding Focal Person, within 2 days at the latest if you become aware of a concern or allegation of abuse, neglect, or exploitation regarding CBM India Trust staff, representatives, programmes, and operations.
- Comply with any safeguarding investigation (including interviews) and make available any necessary information.

Staff will NOT

- Hold, fondle, kiss, cuddle or touch children in an inappropriate and/or culturally insensitive way.
- Engage in activities involving close body contact with project participants beyond the professional requirements.
- Act in ways that may be abusive or place an adult or child at risk of abuse.
- Spend excessive time alone with a child, away from others, behind closed doors, or in a secluded area (see 'two-adult principle' above). This does not apply to children to whom one has legal or cultural care responsibility.
- NOT employ children under 14 in their homes as domestic or child care workers; Not take services provided by child labour
- Not bring children from projects to their homes / allow this to happen unless there is a severe threat to the safety of the child

3. Safeguarding in programmes:

General

- Risk assessments will be done of CBM India Trust programmes.
- Physical safety- audits of premises, identifying areas of physical danger.
- Training of project staff/ volunteers/ visitors/ associates.

Medical programmes:

- Appropriate anaesthesia for children and adults.
- Safeguarding the dignity of children and adults during hospital procedures whether as inpatient or during screening
- Ensure privacy, safe toilet facilities.
- Ensuring consent is appropriately taken.

Education programmes / learning centres/ schools/ institutions

- Disciplinary methods are child- friendly and no use of corporal punishment.
- Premises assessed for accessibility, and physical safety and risks.
- Separate, safe and accessible toilets with privacy, and appropriate monitoring to prevent attacks while using toilets.
- Sensitisation of caregivers, teachers and assistants
- Safety in travel
- Children are made aware of inappropriate touch and how to call for help.

Community programmes

- Girls and women attending education programmes travel safely and reach homes.
- Appropriate and safe livelihood occupations for people with disability
- Community sensitisation on safeguarding

Disasters

- Sensitisation of disaster relief committees and stakeholders.
- Safe shelters with separate toilets for men and women, girls and boys
- Disaster committees aware of needs, identities and locations of girls and boys, and vulnerable adults in disasters

4. **Research, media and communication**

Research, media and communication are covered in a separate policy, however a brief summary is given below.

Research needs ethical approval, informed consent, and there are no negative consequences for opting out of research. The following safeguarding measures should be adhered to before commencing research, media, or communications activities:

- Methodologies of research should be reviewed by the project lead and any other stakeholder(s) for safeguarding risks, as well as compliance with CBM policies and procedures.
- The contract and terms of reference of consultants, journalists, photographers, researchers, volunteers, or other parties involved should include child safeguarding.
- It should also detail how the information collected will be used and shared. This should be in line with the consent forms used to indicate willingness to participate.
- All people being asked to provide consent will be informed that participation in any media or research activity is voluntary and that they are allowed to say ‘no’ or opt out at any time without negative consequences.

Media, communication and Photography

On 2nd December 2022, NCPDR issued a notice to all NGOs to refrain from showcasing “vulnerable children in deplorable condition”.

- All those involved in gathering the stories or information on behalf of CBM India Trust should be briefed on CBM’s Safeguarding Policy and sign a commitment to adhere to it as well as CBM’s Code of Conduct.
- The two-adult principle should be adhered to when interviewing children. For adults, the option to have a support person of choice should always be open.
- It is important that ethical and protective principles in research, media and communications are followed to ensure that all children and adults are represented in a dignified way, that their participation is not exploitative, and that people and organisations do not use photographs and related information beyond the agreed purposes and consent.

5. **Safeguarding team**

CBM India Trust will have a safeguarding team with a safeguarding focal person and at least 3 persons. The focal person develops a calendar and ensure regular meetings. ; monitors the safeguarding plan and sends reports to the senior management.

Meeting of the safeguarding team:

- The safeguarding team will meet a minimum of 2 times a year, and more often if required.
- All meetings will be minuted.
- The executive director or director P&C / representative of senior management will also attend..

Responsibilities of safeguarding team

- Development of plan of action for training of staff, refresher training, awareness building and capacity building of CBM Associates.
- Safeguarding assessments of projects/ partners.
- Reporting incidents to senior management.
- Support senior management in incident management.

6. Reporting of incidents

CBM India Trust has responsibility for incidents that relate directly to CBM. Although CBM India Trust is concerned about all issues of abuse, neglect and exploitation, for incidents that CBM becomes aware of that are external to CBM, these will be referred to the most appropriate entities for management.

The options for reporting safeguarding concerns or incidents within CBM.

- a. Inform the Safeguarding Focal Person/ Executive director / Director people and culture by phone/ email.
- b. CBM India Trust feedback and whistleblower systems can also be used.
- c. Incidents may need to be reported to police/ child welfare committees and other local authorities.
- d. Reporting to donors etc. will be decided by executive management.

7. Investigation of the incident

- Does the matter breach CBM's Safeguarding Policy, Code of Conduct, or the law? If yes, investigation to be started.
- Is reporting to police or law enforcement or child protection committees needed?
- Senior management to set up investigation team
 - The aim of such investigations is to find the truth about complaints or allegations. The results of an investigation may substantiate, refute, or find the allegations unsubstantiated or unfounded.
 - Is support to the affected person needed? How can this be given?
 - What learnings/ preventive action is needed?
 - Is legal/ medical/ Media advice needed?
- All incidents to be filed in confidential files maintained by director people and culture.

8. Disciplinary Action

- As elaborated in detail in CBM's Code of Conduct, any form of sexual abuse, sexual exploitation or sexual harassment is considered unacceptable behaviour for any CBM India Trust staff or representative and is classified as gross misconduct. Disciplinary measures would include Suspension until the investigation team submits the report . Disciplinary measures would be initiated against any Staff member found to be engaged in the following acts: Inducing or coercing a child to engage in sexual activity.
 - Exploitative activities with children including child labour or trafficking. Use of children's photographs for pornographic or other inappropriate use
 - Subjecting any child to torture or other cruel, inhuman or degrading treatment or punishment.
 - Mistreating or depriving the child in any manner.
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9. Responsibilities

The Executive Management has the responsibility and authority to take actions as necessary to ensure the effective implementation of this policy. Executive management will report to the board at its meetings compliance and any breaches of policy

Awareness and Training		
Planning training and Assessment calendar	SG team	Annual
Induction training of staff	Director – people and culture	On induction
Induction and refresher training of field staff	Project managers	On induction.
Refresher training	SG Team	Annual
Orientation to vendors	admin	On issuance of contract
Orientation to consultants	HR	On issuance of contract

Incident management		
Report concern, suspicion, disclosure or witness of incidents of child abuse or breaches of the Code	All Staff	As per reporting procedures.
Report on incidents and breaches of the policy and code to Director programmes and people and culture	Safeguarding Team.	6 monthly
Register incidents	Director people and culture	As received.
Investigate incidents	Safeguarding focal point Director people and culture Director Programmes	Investigate within 48 hours of receipt of report.
Decision to refer incidents to external authority.	Executive Director +senior management	As required.
Action on Investigation Results	ED, SMT	

Reporting and Policy Development		
Annual Report to the board	Executive Director	Annual
Policy Development & Review	ED, Dir P&C	3 yearly
Policy Review and Approval	Board of Trustees	

10. Policy Approval

Date	Adoption /Change	Whom
	Approved	Board

11. Appendix : Key Rights, laws and Policies for children and people with disabilities in India

Constitutional Rights

The Constitutional rights of children and persons with disability in India include the:

- Right to equality (Article 14).
- Right against discrimination (Article 15).
- Right to personal liberty and due process of law (Article 21).
- Right to being protected from being trafficked and forced into bonded labour (Article 23).
- Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46).

The RPD act 2016 :

The appropriate Government shall ensure that the persons with disabilities.

Enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

The appropriate Government shall take steps to utilise the capacity of persons with

The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

- The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.”.
- The persons with disabilities shall have the right to live in the community.
- The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman, or degrading treatment.
- No person with disability shall be a subject of any research without his or her
 - free and informed consent obtained through accessible modes, means and formats of communication.
 - and (ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less

- than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section
- respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
 - The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—
 - (a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;
 - (b) take steps for avoiding such incidents and prescribe the procedure for its reporting;
 - (c) take steps to rescue, protect and rehabilitate victims of such incidents; and
 - (d) create awareness and make available information among the public.
 - Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.
 - The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.”.

Other rights under the constitution (for children)

- right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A).
- Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)).
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f)).

Other laws and policies in India

- The Juvenile Justice (Care and Protection) Act (2000, amended in 2015).
- The Prohibition of Child Marriage Act (2006);
- The Protection of Children from Sexual Offences Act (2020), and
- The Child Labour (Prohibition and Regulation) Act (1986, amended in 2016).
- Child protection policy (draft) https://wcd.nic.in/sites/default/files/Download%20File_1.pdf