

# Miracle Foundation India

## Child Safeguarding Policy

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# Miracle Foundation India

## INTRODUCTION

Miracle Foundation India is a non-profit organization that brings life-changing care to orphaned and vulnerable children around the world. Our purpose: a loving family for every child. We make every effort to reunite children with their families whenever possible, or actively explore solutions for the child to become a part of a loving, stable adoptive family. We also help existing children's homes transition into organizations that serve the children, communities and families. And we collaborate with governments, other non-profits and local family-strengthening organizations to transform systems and give children a voice.

A safeguarding policy serves to protect children from harm, protect adults from unwarranted allegations, and protects the reputation of the organization.

This policy and guidance, which has been approved by the US and India Board of Directors, applies to all Miracle Foundation and Miracle Foundation India staff (including directors and all staff whatever their role), as well as volunteers and other representatives of Miracle Foundation and Miracle Foundation India, including partner organizations. It is also important to work in partnership with parents/caregivers wherever possible to ensure that children's needs are met and that they are protected from abuse.

## Disclaimer

This Child Safeguarding Policy contains information about Miracle Foundation India's practices and procedures relating to its treatment and protection of children. The practices and procedures contained in this Child Safeguarding Policy represent guidelines only. Miracle Foundation India reserves the right to interpret and administer this Child Safeguarding Policy and its Annexures, including amending, modifying, or terminating them, at any time with or without notice. Oral statements or representations cannot supplement, change, or modify the provisions in this Child Safeguarding Policy. This Child Safeguarding Policy does not create, and is not intended to create, any contractual obligations, express or implied, including any third-party beneficiary rights, between any of the following persons or entities: Miracle Foundation India, its directors, its employees, or any other person or entity. Nothing in this Child Safeguarding Policy creates, or is intended to create, any legal obligation for any person or entity separate or distinct from any pre-existing statutory or common law legal obligations.

## Principles

This Child Safeguarding Policy is based on Keeping Children Safe Child Safeguarding Standards; the UN Convention on the Rights of the Child, 1989 (and its optional protocols); the UN Statement for the Elimination of Sexual Abuse and Exploitation and all child-related UN conventions; the national child protection legislation of the United States and India; and international good practice.

### **Principles championed by Miracle Foundation India's Child Safeguarding Policy:**

- All children have equal rights to protection from harm, abuse, and exploitation.
- Everybody has a responsibility to support the care and protection of children.
- Organizations have a duty of care to children with whom they work, are in contact with, or who are affected by their work and operations.
- If organizations work with partners they have a responsibility to help partners meet the minimum requirements on protection as outlined in this policy.
- All actions on child safeguarding are taken in the best interests of the child, which are paramount.

### **Miracle Foundation India Guiding Principles:**

- **Child Centeredness:** The investigation of child abuse will be child centered, i.e. keeping in mind the needs of the child and the priority in terms of his/her growth and development.
- **Child Sensitive Behavior:** Relating to children in a way that accommodates their developmental age, their rights and protects their dignity.
- **Key Reporting Principles:** Reporting immediately, acting swiftly, and responding to the immediate needs of the child.
- **Culture of Child Protection:** All staff will be made aware of the policy and all existing staff will be trained on it. Additionally all children will undergo sessions to raise their level of awareness on child abuse. A culture of child protection will be built through open discussions, feedback and raising awareness. This we expect will contribute to prevention of child abuse and minimize the risk to children.

**Miracle Foundation India will strive to meet its commitment to safeguard children through the following means:**

Awareness

Communicating to staff, associates, partners, children, families, communities, and others regarding the problem of child abuse and the risks to children

Prevention

Working with staff and others to minimize the risk to children, through awareness and good practice.

Emphasizing the need for children to be active agents in their own protection, whenever possible, through promoting children's identity, life skills, and participation.

Reporting

Training staff, associates, partners to take seriously any concerns raised and on the steps to take regarding the safety of children

Responding

Taking appropriate and effective action, when possible, to support and protect children where concerns arise regarding suspected abuse.

Miracle Foundation India intends to identify child protection matters as a specific goal in all program designs including through promoting children's participation in program design and implementation.

## Definitions and Terms

### **What is child safeguarding?**

Child safeguarding is the responsibility that organizations have to make sure their staff, operations, and programs keep children safe, promote their well-being, and do no harm to children. That is, that they do not expose children to the risk of harm and abuse, and that any concerns the organization has about children's safety within the communities in which they work, are reported to the appropriate authorities.

### **What is child protection?**

Child protection, an aspect of child safeguarding, is a framework of principles, standards and guidelines to create a safe and positive environment for children who are suffering or are at risk of suffering significant harm, which protects them from intentional and unintentional harm.

## **Terminology:**

**Child** - anyone under the age of 18, in line with the UN Convention on the Rights of the Child.

**Staff member** - an adult who is employed and paid by Miracle Foundation India

**Associates** – Contractors, consultants, volunteers, interns, donors, Board members, journalists or researchers, guests/visitors to CCI

**Volunteer** - a person who is not paid by the organization

**Partners** – Individuals, agencies or organizations with whom Miracle Foundation India engages for specific projects or programs. Such partners may work either directly or indirectly with children

**Child abuse** - According to the World Health Organization, “child abuse” or “maltreatment” constitutes “all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development, or dignity in the context of a relationship of responsibility, trust, or power.”

**Informed consent** - capacity to freely give consent based on all available information, according to the age and evolving capacities of the child. For example, if you seek consent from a child regarding taking their photograph and using it for publicity purposes, the child is informed as to how the photograph will be used and is given the opportunity to refuse. If a child is invited to provide input into the development of a child protection policy, they must be made aware of the time it will take, what exactly will be involved, their roles and responsibilities, and only then will they be able to give their “informed consent”.

## **Categories of Abuse:**

**Physical abuse:** actual or potential physical harm perpetrated by another person, adult or child. It may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also be caused when a parent or caregiver fabricates the symptoms of or deliberately induces illness in a child.

**Sexual abuse:** forcing or enticing a child to take part in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration, or

non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving children in looking at, or producing sexual images, watching sexual activities, and encouraging children to behave in sexually inappropriate ways.

**Child sexual exploitation:** a form of sexual abuse that involves children being engaged in any sexual activity in exchange for money, gifts, food, accommodation, affection, status, or anything else that they or their family needs. It usually involves a child being manipulated or coerced, which may involve befriending children, gaining their trust, and/or subjecting them to drugs and alcohol. The abusive relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited. It is a form of abuse that can be misunderstood by children and adults as consensual.

Child sexual exploitation manifests in different ways. It can involve an older perpetrator exercising financial, emotional or physical control over a young person. It can involve peers manipulating or forcing victims into sexual activity, sometimes within gangs and in gang-affected neighborhoods. It may also involve opportunistic or organised networks of perpetrators who profit financially from trafficking young victims between different locations to engage in sexual activity with multiple men.

**Neglect and negligent treatment:** allowing for context, resources and circumstances, neglect and negligent treatment refers to a persistent failure to meet a child's basic physical and /or psychological needs, which is likely to result in serious impairment of a child's healthy physical, spiritual, moral and mental development. It includes the failure to properly supervise and protect children from harm and provide for nutrition, shelter, education, and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and the neglect and ill treatment of a disabled child.

**Emotional abuse:** persistent emotional maltreatment that impacts on a child's emotional development. Emotionally abusive acts include restriction of movement, degrading, humiliating, bullying (including cyber bullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment. This may involve conveying to children that they are worthless or unloved, inadequate, or valued only when they meet the needs of another person. It may also involve unrealistic expectations being placed on the child, overprotection or preventing the child from undertaking normal activities. Emotional abuse also includes watching or hearing the ill-treatment of another person, bullying and frightening a child, as well as any form of corruption and exploitation.

**Bullying** – when an individual or group of people with more power, repeatedly and intentionally cause hurt or harm to another person or group who feel helpless to respond.

### **Categories of Bullying:**

**Physical bullying** includes hitting, kicking, tripping, pinching and pushing, or damaging property. Physical bullying causes both short term and long term damage.

**Verbal bullying** includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse.

**Social/emotional bullying** when a person or group leaves another person out on purpose, spreads rumors or gossip about another person, mimics unkindly, plays nasty jokes, or tries to break up friendships of others. It is designed to harm someone's social reputation and/or cause humiliation.

**Cyberbullying** involves using digital technologies to send messages including abusive or hurtful texts, emails, posts, images, or videos, or deliberately excluding others online, or imitating others online or using their log-in.

**Corporal punishment** - the use of physical force causing pain, but not wounds, as a means of discipline (includes spanking, rapping on the head and slapping).

**Commercial exploitation:** exploiting a child in work or other activities for the benefit of others and to the detriment of the child's physical or mental health, education, moral, or social-emotional development. It includes, but is not limited to, child labor.

### **Scope**

This policy applies to all staff, partners, and associates, whether they have:

**Direct contact with children** - being in the physical presence of a child or children in the context of the organization's work, whether contact is occasional or regular, short or long term.

#### **Indirect contact with children -**

- Having access to information on children in the context of the organization's work, such as children's names, locations (addresses of individuals or projects), photographs and case studies.
- Planning/guiding programs that support the children.



- Partnering with or providing funding for organizations that work directly with children. Albeit indirectly, this nonetheless has an impact on children, and therefore confers upon Miracle Foundation India responsibility for child protection issues.

## **Legal and Cultural Framework**

### **Regional Instruments:**

Often it may be easier for states to agree on and implement regional instruments because they provide a common approach to certain issues and deal with problems specific to the region/countries concerned. Regional instruments are usually adopted in the framework of a regional organization.

### **National Law:**

National Law contains the practical provisions for protecting children including providing concrete implementation measures and mechanism. Staff working in a country should always refer to the national law of the state and the various mechanisms for their implementation. This policy was prepared under the guidelines of JJ Act and POCSO.

This policy addresses the child protection standards in legally and culturally different locations. Early marriage, young children earning money, corporal punishment, initiation ceremonies, etc. are not acceptable regardless of cultural norms. Child protection supersedes cultural beliefs.

### **Disclaimer:**

Notwithstanding the foregoing, nothing this Child Safeguarding Policy creates, or is intended to create, any legal obligation for any person or entity separate or distinct from any pre-existing statutory or common law legal obligations. This Child Safeguarding Policy is not adopting or incorporating by reference any laws or legal standards of any country, state, territory, or jurisdiction.

## **PREVENTION**

Miracle Foundation India will strive to protect children from abuse, and protect the rights of children through the following steps:

### **Risk assessment/risk mitigation**

Miracle Foundation India is committed to conduct routine risk assessments of its operations, programs and project activities. Risk mitigation strategies will be developed, which minimize the risk to children. These are incorporated into the design, delivery and evaluation of programs, operations and activities which involve or impact upon children.

## Safe recruitment

Miracle Foundation India recruits its workers based on the following guidelines:

- Staff, consultants and volunteers will be recruited to clear job or role descriptions that include a statement on the position or role's responsibilities to meet the requirements of Miracle Foundation India's Child Safeguarding Policy.
- All interviews will include a discussion on child safeguarding, the candidate's understanding of this, and Miracle Foundation India's commitment.
- Contract offers for those whose work will bring them directly into contact with children, or gain them access to children's information, will be dependent on suitable references and criminal record checks.
- Miracle Foundation India applies the highest standards in its recruitment and vetting policies across the organization. Candidates are checked for their suitability for working with children and their understanding of child safeguarding.
- Where permitted by law, background checks form an important part of our recruitment policy and cover all those representatives with whom we have an employment relationship. Checking evidence of identity and the authenticity of qualifications, requesting self-declarations about previous convictions, and a minimum requirement of at least two references are carried out in all cases.
- Volunteers will need to undergo the same level of recruitment if their role involves direct contact with children and/or access to personal information about children. This applies to volunteers being appointed either in the US, India, or locally within project countries.

## Code of conduct

A code of conduct is a clear and concise guide of what is and is not acceptable behavior or practice when employed or engaged by the organization. It includes acceptable and unacceptable behavior with regards to children.

All staff, partners, and associates, including volunteers, must agree to the code of conduct when they are employed and/or start their job. It will also be made

clear what action the organization will take if the code is broken or not followed correctly.

See Annexure A for Miracle Foundation India's Child Safeguarding Code of Conduct.

### Training

It is essential that all those employed or engaged by Miracle Foundation India, have access to training on child safeguarding that is appropriate for their role and responsibilities, at the induction/orientation stage.

Information on child safeguarding is available in the appropriate format and language to be accessible by all staff, partners, associates, children, and caregivers.

Children and families will be informed on Miracle Foundation India's commitment to child safeguarding and what to do if they have concerns about a child.

All staff, partners, associates, and children are aware of the designated Child Protection Officer (CPO) who is responsible for receiving reports of concerns and advising on assessing and mitigating risk in line with Miracle Foundation India's policy and procedures.

Participants	Training	Purpose	Frequency	Trainer
Staff/Partners/ Associates Training (without direct contact with children)	Orientation to the Child Safeguarding Policy with PPT	<ul style="list-style-type: none"><li>Understand why it is necessary to safeguard and protect children and to be fully aware of the procedure for reporting concerns.</li><li>Partners/Associates will be briefed on child safeguarding and their responsibilities under the policy upon</li></ul>	At time of engagement and refresher every January	US – Child Protection Officer  India – Human Resource Manager

		engagement with the organization.		
Staff/Partners/ Associates Training (with direct contact with children)	<ul style="list-style-type: none"> <li>• Awareness of Abuse</li> <li>• Identification of Abuse (early indicators of neglect and maltreatment)</li> <li>• Anti-Bullying</li> <li>• Talking to Children about Abuse</li> <li>• Orientation to Child Safeguarding Policy</li> <li>• Signed Code of Conduct for Working with Children</li> <li>• Responding to Abuse Claims</li> <li>• Safe Recruitment and Training of Staff regarding Child Protection</li> </ul>	Understand why it is necessary to safeguard and protect children and to be fully aware of the procedure for reporting concerns.	Staff with direct contact with children will be provided with a more in-depth training within 6 months of their engagement and a refresher every January	<p>India Staff – HR Manager &amp; Line Manager</p> <p>India Partners /Associates – Senior Program Manager</p>
CCI Staff/Management Training	<ul style="list-style-type: none"> <li>• Awareness of Abuse</li> <li>• Identification of Abuse (early indicators of neglect and maltreatment)</li> <li>• Talking to Children about Abuse</li> <li>• Orientation of Child</li> </ul>		CCI staff/Management with direct contact with children will be provided with a more in-depth training within 6 months of their	Program Coordinators & Program Managers

	<p>Protection Policy</p> <ul style="list-style-type: none"> <li>• Signed Code of Conduct for Working with Children [See Code of Conduct]</li> <li>• Responding to Abuse Claims</li> <li>• Child and Family Assessment and Risk Management</li> <li>• Preparing Children for Family Based Care</li> <li>• Family Preparation, Education, and Support</li> <li>• Positive Discipline Techniques</li> <li>• Prevention: Infrastructure Development</li> <li>• Key Interventions: Awareness, Prevention Responding, Reporting</li> </ul>		engagement and on an ongoing basis	
Child Training	<ul style="list-style-type: none"> <li>• Awareness of Abuse</li> <li>• Orientation to Child Safeguarding Policy</li> <li>• Helping Children Be Strong (safe touch/unsafe touch; just say</li> </ul>	Children will be aware of types of abuse, the risks, and proper reporting procedures.	Ongoing	Program Coordinators & CCI Team

	no; stranger danger) • Appropriate sexual education/terminology • Reporting Abuse • Anti-Bullying			
Family Training	Family Preparation, Education, and Support	Families will be aware of types of abuse, the risks, and proper reporting procedures	Before, during, after placement process	Program Coordinators & CCI Team

### Safe Program Design

Miracle Foundation India is committed to the design and delivery of programs which are safe for children.

See Annexure B for Guidelines for Program Design and Delivery.

### Communications – use of images and children’s information

In our use of information, social media, and visual images, both photographic stills and video, our overriding principle is to maintain respect and dignity in our portrayal of children, families and communities. Miracle Foundation India takes into consideration long-term consequences, always envisioning how the children and families themselves might perceive the exposure, both now and in the future.

See Annexure C for our Communications Policy and Guidelines, which details our procedures.

See Annexure D for our Consent Form.

### Responsibilities

The CEO and Country Heads are responsible for implementing the Child Safeguarding Policy within Miracle Foundation and Miracle Foundation India.

Senior Management is collectively responsible for the development of child safeguarding policy and good practice. This includes the development and

implementation of policies and local procedures, monitoring and benchmarking procedures and identifying and providing the necessary resources.

Miracle Foundation India has a named Child Protection Manager (Human Resource Manager India – Swati Ojha), situated at Management Group level, who is responsible for making sure that the child protection policy is up-to-date, understood, and implemented correctly.

It is vital that all concerns are raised and discussed both regionally and with the Child Protection Officers (Preeti Seth – India, and Niyoshi Mehta- US). In the case of a concern in India, the Child Protection Officer, India (Preeti Seth) should immediately notify the Child Protection Officer US (Niyoshi Mehta) even if the Incident Report is not yet ready, and share the Incident Report when it becomes available. It may be that in some circumstances no action can or will be taken. However, the main objective is to ensure that clear outcomes result from the reporting process.

## **PARTNERS**

Agreements with partners will include a statement that partners will adopt Miracle Foundation India's policy as a condition of the partnership.

Partnerships include:

- working with local communities and small organizations – eg, children's groups, local community structures, Community Based Organizations (CBOs) Civil Service Organizations (CSOs) to plan and deliver programs
- working through larger and more established organizations (NGOs, coalitions, INGOs) which act as implementing partners, ie delivering programs and projects and managing these on a daily basis
- a hybrid category, i.e. working with a larger, established partner organization (eg government ministry, UN agency, other NGOs, consultants), normally described in terms of collaboration and governed by formal written agreements.

There is a sound assessment of the partner agency in terms of their work with children and how they keep children safe. It is also made clear to any potential or existing partners that if poor practice or abuse exists within the agency or organization, Miracle Foundation India will be unable to continue any partnership arrangements.

## **REPORTING/RESPONDING TO CONCERNS**

It is essential that anyone connected with Miracle Foundation India who suspects or knows of abuse, both minor and major incidents, raises their concerns in line with the process identified within this policy. (See Annexure E for the Reporting Flowchart.)

The principle of best interest of the child and the desire to secure the best outcomes for the child will always govern decisions regarding what action to take in response to concerns. Children and families are provided with information on where to go to for help and advice in relation to abuse, harassment and bullying.

It is also important for Miracle Foundation India to monitor all concerns regarding child abuse, and to be aware of any specific cases as they arise. Issues that may at first appear to have only localized impact, may well have wider implications for the organization as a whole, therefore requiring a more coordinated response. This will be undertaken as part of the regular reporting and review process.

When Miracle Foundation India or associates receive disclosures, it will be done with sensitivity, and we will strive not to re-traumatize the victims in handling their complaints. If a person states that they are being, or have been, abused we will:

- Listen to and accept what they say, but will not press for information.
- Let the person know what we are going to do next and that we will let them know what happens.
- Not investigate and not inform, question, or confront the alleged abuser.
- Take the alleged abuse seriously.
- Record carefully what we have heard on the Child Protection Incident Form.

Any report will be treated seriously and with confidentiality. The priority will always be the safety and best interests of the child.

Identifying information about children will be shared on a “need to know” basis only. Any staff who raise concerns of serious malpractice will be protected as far as possible from victimization or any other detrimental treatment if they come forward with serious concerns, provided that concerns are raised in good faith. Deliberate false allegations are a serious disciplinary offence and will be investigated.

The subject of the complaint (alleged perpetrator) and all witnesses must cooperate fully and openly with internal assessments (limited to information gathering) and external statutory investigations and hearings. Their confidentiality will be protected and information which could identify them will be shared on a need to know basis only.



This framework is available and visible within each local office and in the US office. Each local framework will include the name and contact details of the child protection officer for that country

The Miracle Foundation India Child Protection Incident Reporting Form (See Annexure F) is an important part of the reporting process and should be completed with as much information as possible by the witness to the abuse. Both the reporting framework and reporting form are available in English and local languages. They will also be readily available and all staff made aware of them. Miracle Foundation India country programs may decide to use a different reporting form, for example an official form developed by state authorities in their country. In this case the form used must include as a minimum the areas covered by the Miracle Foundation India form, and the form will be included within the local Miracle Foundation India child protection procedures.

The reporting process at Miracle Foundation India is at two levels:

**Non-criminal Incidents** - It is vital that all concerns are raised and discussed with the Miracle Foundation local Child Protection Officer and/or Child Protection Official/Committee at the CCI.(See Annexure E – Reporting Flowchart) It may be that in some circumstances no action can or will be taken. The main objective is to ensure that clear outcomes result from the reporting process.

**Criminal Incidents** - Concerns should be referred to the relevant external agencies (See Annexure E – Reporting Flowchart). This step recognizes the fact that Miracle Foundation India does not have a statutory role in investigating child protection concerns, and that it may not be the agency best placed locally to respond to such matters.

**Confidential Record Keeping** Child abuse is a very emotive subject and so care must be taken to complete all forms as comprehensively and objectively as possible.

Any concerns, allegations or disclosures made must be recorded using the specific form (Annexure F) within 24 hours, preferably immediately. The report form and any additional records must be signed and dated.

Records will be as detailed and precise as possible, giving an exact account of what was said, especially where it is a child who is disclosing abuse or making an allegation. The report will include the details as disclosed or alleged, including who was present and what happened, the sequence of events, and so on. All subsequent action will also be documented.

Safe handling, storage and disposal must be ensured. Records must be kept securely locked in a place to which access is restricted. If information is held on a computer then these will be password protected. Managers and child protection

officers have a particular responsibility in maintaining the confidentiality of these records and must ensure that the records, or any information they contain, are made available only to relevant parties. The transfer of information – verbally, through the mail or electronically will be done in such a way that confidentiality is maintained.

## **MONITORING AND REVIEW**

Child safeguarding is incorporated into the organization's risk register (Annexure G) and quarterly and annual reporting processes. Senior management will regularly review the risk register and organization reports to ensure that child safeguarding measures are in place and effective.

In the case of harm to a child, a prompt and appropriate response will ensure that the situation is not perpetuated and that all individuals involved are clear on issues and actions to be taken.

Allegations against a staff member, partner, or associate, may result in suspending the staff member/partner/associate from their employment/association immediately subject to assessment of the issue. If the allegation is a criminal issue, this will be reported to the formal authorities before taking action or informing the alleged perpetrator.

In non-criminal cases, internal assessments will be conducted by person(s) with the skills to do so. The assessment may involve interviews of all parties involved including witnesses to gather all relevant details of the allegation.

Appropriate disciplinary measures will be taken in the event that the allegation is found to be true. If the allegation is found to be without base, appropriate steps will be taken to minimize damage to the reputation of the individual accused.

Internal assessments related to allegations of criminal behavior will be discussed with the formal authorities prior to embarking on disciplinary measures to ensure that the organization does not compromise the formal investigation.

Support and counselling will be made available in a confidential nature for those involved in the report and response.

Processes are in place to ask children and parents/caregivers about their views on policies and practices for keeping children safe.

Organizations should have a list of resources and professionals that can be contacted quickly to support reporting and responding to concerns (See Annexure H)

**This policy will be reviewed routinely and, in particular, when it is shown necessary that additional issues need to be identified and addressed through this policy.**

## Annexure A – Miracle Foundation India Child Safeguarding Code of Conduct

This Code of Conduct aims to promote good practice by defining what is and is not acceptable behavior when working with children. This, in turn, will help to provide a safe environment and one that minimizes opportunities for child maltreatment.

In addition to the general principles of good practice in working with children, staff and others should recognize that they, as adults, have a responsibility to take all actions to protect the safety of the children with whom they work.

**Promoting Children's Rights** - A key element in working to safeguard the welfare of all children is the promotion of their rights.

### **Miracle Foundation India believes that children have the right:**

To have their health, safety and wellbeing, and their best interests considered paramount

- To have their welfare and development promoted and safeguarded so that they can achieve their full potential
- To be valued, respected and understood within the context of their own culture, religion and ethnicity, and to have their needs identified and met within this context and within the context of their family wherever possible
- To be listened to and to have their views given careful consideration, and to be encouraged and helped to participate in decisions which affect them.

### **In order that these rights are respected, when staff and others are in contact with children, they should:**

- Treat children with equal rights and recognize them as individuals at all times
- Treat each child with dignity, respect, sensitivity and fairness
- Regard them positively and value them as individuals who have specific needs and rights and a particular contribution to make.
- Work with them in a spirit of co-operation and partnership based on mutual trust and respect
- Value their views and take them seriously
- Work with them in ways that enhance their inherent capacities and capabilities and develop their potential
- Strive to understand them within the context in which they live

**It is important for all staff and others in contact with children to:**

- Be aware of situations which may present risks and manage these appropriately
- Report any suspected abuse to the appropriate person as per Miracle Foundation India's Child Safeguarding Policy
- Plan and organize the work and the workplace so as to minimize risks
- Be visible in working with children as far as possible
- Work to establish a culture of openness exists to enable any issues or concerns to be raised and discussed
- Work to establish a sense of accountability between staff so that poor practice or potentially abusive behavior does not go unchallenged
- Talk to children about their contact with staff or others and encourage them to raise any concerns
- Discuss with children their rights, what is acceptable and unacceptable, and what they can do if there is a problem
- Promote the use of positive ways of managing the behavior of children that does not involve physical punishment or other forms of degrading or humiliating treatment
- Give enthusiastic and constructive feedback rather than negative criticism
- Provide advice and support to children on how to keep themselves safe
- Only touch children when it is absolutely necessary in relation to that particular activity
- Seek agreement of the child prior to any physical contact
- Make sure that you inform disabled children of any necessary physical contact and ensure that they are comfortable with this
- Endeavour to be an excellent role model for dealing with other people

**In general it is not appropriate to:**

- Spend excessive time alone with children away from others
- Take children to your home, especially where they will be alone with you
- Do things for children of a personal nature that they can do for themselves

**Staff and others must never:**

- Hit, smack or otherwise physically assault or physically abuse children
- Develop physical/sexual relationships with children
- Develop relationships with children which could in any way be deemed exploitative or abusive
- Act in ways that may be abusive or may place a child at risk of abuse
- Use language, make suggestions or offer advice which is inappropriate, discriminatory, offensive or abusive in terms of the child's race, culture, age, gender, disability, religion, sexuality or political views

- Behave physically in a manner which is inappropriate or sexually provocative
- Have a child/children with whom they are working to stay overnight at their home unsupervised
- Sleep in the same room or bed as a child with whom they are working
- Condone, or participate in, behavior of children which is illegal, unsafe or abusive
- Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse
- Discriminate against, show differential treatment, or favor particular children to the exclusion of others

### **Expected and Acceptable Behavior between Children**

It is important that Miracle Foundation India promotes a culture that facilitates children respecting and behaving well towards other children and adults. This guidance should be provided verbally and by following examples of good behavior displayed by staff at all times. Once again, developing positive ways of managing challenging behavior will be helpful in this context. Children should also be involved in developing their own codes of behavior (e.g. anti-bullying).

### **Action to be Taken if Code is Broken**

Non-criminal complaints against a staff member/associate may result in suspending the member from their employment immediately, pending an assessment of the allegation. Allegations of a criminal nature will result in reports to government authorities prior to Miracle Foundation India's taking action or informing the alleged perpetrator.

On receipt of a non-criminal complaint, Miracle Foundation India will conduct an internal assessment, which may involve interviews of the parties involved including witnesses to the event, to gather all relevant details of the allegation.

Appropriate disciplinary measures will be taken in the event that the complaint is found to be true. If the allegations are found to be without base, appropriate steps will be taken to minimize damage to the reputation of the individual accused.

\*\*\*\*\*

I, \_\_\_\_\_, acknowledge that I have read and understand Miracle Foundation India's Child Safeguarding Policy, and agree that in the course of my association with the organization I must adhere to this Code of Conduct.

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Annexure B - Guidelines for Design and Delivery of Programs

Miracle Foundation India will include keeping children safe as a specific goal in all program designs.

All program planning will include an assessment of children's vulnerability, resources and coping mechanisms. Child protection issues will be an on-going focus, and specific procedures will be incorporated into our program design.

Participatory processes used in program design will be carried out by staff who have been trained in child protection. They will be aware of the reporting process for suspected child abuse.

Children are involved in program design to make sure and make clear that they are listened to, and that we respect their hopes and aspirations. It also gives them confidence to protect themselves. But ultimately adults are responsible for protecting children, and children shouldn't be expected to make adult decisions.

Prevention and awareness activities on child protection are included in our program plans, particularly where assessment has indicated that children are vulnerable.

Keeping children safe is a guiding principle of all program design. The special protection needs of especially vulnerable groups is a priority in all program design.

The program design will refer to the child protection standards that will be followed in program implementation. Consequently, a program proposal should:

- specify exactly which child protection guidelines and standards are being followed in both design and implementation
- specify how those standards will be monitored during the implementation phase of the program.

## Annexure C - Communications Policy and Guidelines

### Purpose:

To outline the guidelines for depiction of children, families and child care institutions (CCIs) on social networking sites (Facebook, Twitter, blogs, etc.), donor communications, and general media (reporting, broadcasting, publication of news, programs, documentaries, etc.).

### Guiding Principle:

Miracle Foundation India's guiding principle is to protect the privacy, dignity, and physical/emotional development of children and families. Miracle Foundation India takes into consideration long-term consequences, always envisioning how the children/families themselves might perceive the exposure, both now and in the future.

### Publicity, Media & Communications Guidelines:

- ❖ Respect the dignity of the subject and prioritize their safety
  - Oral or written permission from the staff, children, and families for all photos and videos should be obtained prior to use. Wherever possible, get the parent/guardian's consent and make everyone aware what, where and how the images will be used for.
  - Permission should be sought prior to events. Children who do not have permission for photographs to be taken should not be included in individual or group photographs. Where possible, event photographs will be taken in group settings at prearranged times. As a courtesy, please always ask permission before taking **any pictures** to confirm that the subjects are comfortable with this.
  - The purpose of photos, videos and interviews should be explained to the child/family and their informed consent obtained.



- Photographers and film-makers should not be allowed to spend time with or have access to children without supervision.
  - Special consideration will be given to photographs depicting children with disabilities, refugees and those in situations of conflict and disasters, to accurately portray context and maintain dignity.
  - Recorded images should focus on an activity and, where possible, feature groups of children/adults rather than individuals
  - All children should be appropriately dressed according to their country of origin. In countries where children wear few items of clothing we will be particularly careful about the images we choose. Children should not be in poses thought to be sexual in any sense.
  - Where the risk of harm and stigma is high, take mitigating steps; for example, by concealing faces, using pseudonyms and vague geographical locations, and by non-disclosure of personal information (eg. HIV status).
  - Share stories that reflect on the children and families positively, keeping in mind they may see the communications in the future. Avoid gratuitous use of images of extreme suffering.
  - We will co-operate with the media in order to enhance public response, but we will not allow external or internal demands for publicity to take precedence
- ❖ Never exploit the subject and maintain confidentiality
- The CCI is only identified using the name of the CCI *or* the state in which it is located (not the village or other identifying information). For example, say, “This CCI is located in Andhra Pradesh,” or “This is a photo of our gardening committee at Anbarasi.”
  - When posting individual photos the first name of the person can be disclosed along with the state. For example, “This is Santosh from one of our supported CCIs in Tamil Nadu.”
  - The last names, background, and city where the subjects reside should not be disclosed. This includes file labels, meta data, or text descriptions when sending or publishing media in any form.

- When posting on social media sites using a smart phone, location services must be disabled by going into the settings and privacy options on the phone.
- ❖ Portray images truthfully
  - Case histories/descriptions will not be fabricated, although they may be adapted or edited to preserve the dignity and confidentiality of the subject.
  - Images and videos should not be edited in a way which misleadingly distorts the reality of the situation.
- ❖ On sharing and publishing media
  - Pictures, materials and personal information regarding children should be held in a secure area.
  - Photographs and videos taken of the children should be shared with Miracle Foundation India via email, CD, or USB drive. Please tag us on all pictures you share on social media sites, so we can give these back to the children and share them with other supporters.
  - Individuals or organizations requesting the use of resources depicting children, such as personal information, videos or photographs, should follow these guidelines concerning the proper use of such materials. Failure to adhere to the terms could result in the termination of permission and the return of information.
  - Professional photographers should consider giving a copyright of professional photographs to Miracle Foundation India.
- ❖ Any media coverage of children, families, and CCIs will be conducted only under the following parameters:
  - The expressed permission of the following:
    - CCI's Chief Functionary
    - Miracle Foundation India's Senior Management Team
    - Children and families being covered
  - All information and material (including case studies, photographs, videos, and stories) that is captured during a visit with children must be approved by the Communications Team before being published.
  - A consent form signed by child (guardian if child is a minor), and/or adult is required. (Annexure D)

- A staff member must always be present during interactions with children.
- ❖ All communications surrounding children, families, and CCIs should abide by local laws. For example, in many countries it is prohibited to take pictures of state-run institutions.
- ❖ Any complaints or concerns about inappropriate or intrusive images should be reported and recorded, as with any other child safeguarding concern.
- ❖ Do not give personal email addresses or phone numbers or agree to conduct individual communication by written, electronic means or by private visits with any beneficiaries you meet on your trip.
- ❖ Do not make any promises or help or support to individual beneficiaries or projects during your trip. If you wish to bring gifts for children and/or other beneficiaries, speak first to the country director who will distribute them on your behalf or advise you on the most appropriate way of distributing them yourself.

\*\*\*\*\*

I have read the Miracle Foundation India Communications Guidelines and understand them to be an essential component of the Miracle Foundation India Child Safeguarding Policy. I agree to abide by these guidelines.

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Annexure D - Consent for Photographing, Filming and Interviewing Children and Adults

Dear Children, Young People, Parents and Guardians,

Miracle Foundation India uses photographs, films and stories for awareness-raising and fundraising. **This material may be used in printed, broadcast and online publicity, on social media, in newspapers and magazines or in reports and presentations to our donors and our supporters – both in this country and internationally**

We are dedicated to protecting and promoting children's rights. In line with our Child Safeguarding Policy and Communications Policy and Guidelines, we endeavor to protect all children and families from harm a) in their experience of being interviewed, filmed or photographed and b) in the subsequent use of the images, recordings or case studies.

We are determined to carry out our work in a manner that keeps children's and families' safety, privacy and dignity as the top priority. For this reason we commit to the following:

- ✓ We will always explain that your photos may be used in printed, broadcast and on-line publicity such as in newspapers, magazines, social media, and/or reports to donors and supporters. We will provide specifics if possible, and ask for your written consent before we go any further
- ✓ Children and/or their parents/guardians are free to refuse consent and this will in no way affect their relationship with Miracle Foundation India. Even if consent is given, children and/or their parents/guardians may freely change their mind and withdraw their consent at any point
- ✓ We will always change the names of children/adults and, if requested on this form, ensure that their faces are not visible. We will also make sure that we do not include any information that would enable people to identify and locate children
- ✓ We will not use material on our website or for case studies for more than 3 years at the most: if we want to continue to use it after that, we will attempt to reach you twice using the contact information provided to ask for your consent again. However, it is important to mention that the nature of social media (e.g. Facebook) is such that material posted will continue to be accessible in the long term.

If you are comfortable with us photographing, filming and/or interviewing you and/or the child(ren) for whom you are legally responsible, then please complete the form below. In the case of children under the age of 18 we would ask that BOTH the child (if aged 6 or older and able to give informed consent) AND the child's guardian (eg parent, caregiver, social worker) sign the form. Thank you.

## MIRACLE FOUNDATION INDIA CONSENT FORM

DATE CONSENT OBTAINED:

I/we agree to be photographed, filmed, recorded or interviewed by Miracle Foundation India and for this material to be used for in printed, broadcast and online publicity, on social media, in newspapers and magazines or in reports and presentations to our donors and our supporters – both in this country and internationally. I/we agree to the following:

	YES	NO
Being photographed		
Being filmed		
Being recorded (voice)		
Being interviewed		
My/our face being visible		
My/our real name being used (only for subjects aged 18 or over)		
COMMENTS (e.g. more than one subject and they agree to different things)		

I have been told and understand how my story and/or images will be used. I know that I do not have to answer all of the questions and that I can decide not to continue at any time.

NAME	DATE OF BIRTH	SIGNATURE	DATE

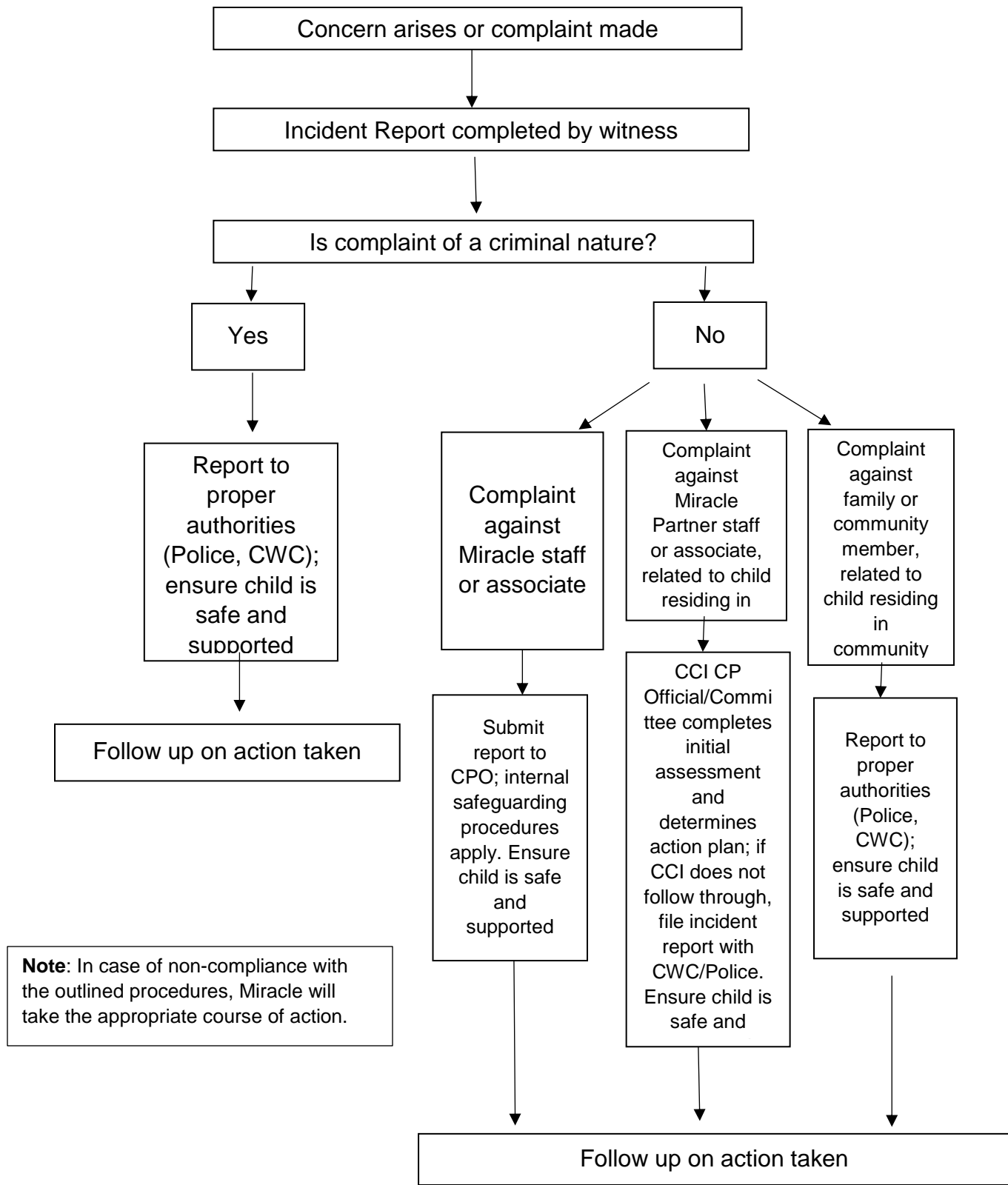
### **For children under the age of 18: Parent/guardian declaration**

I have read and understood the above and give permission for the child(ren) named above to be photographed, filmed, taped and/or interviewed by Miracle Foundation India.

Signature: \_\_\_\_\_ Relationship to child \_\_\_\_\_

Signature of child (over 6 years old): \_\_\_\_\_

## Annexure E - Reporting Flow Chart



## Annexure F – Child Protection Incident Form

**Child's name:**

**Referral details:**

Time:

Date:

Place:

**Referrer's details:**

Name:

Address:

Contact telephone no:

Job Title:

Relationship to child

**Child's details (where available):**

Name:

Age:

Date of birth:

Gender:

Address:

Household structure:

School:

Class:

Teacher:

Ethnicity/Tribe:

Language spoken:

Religion:

Any Disability:

Identity no:

Status/whose legal responsibility:

**Was the abuse observed or suspected?**

**Is this concern based on first-hand information or information divulged to you by someone else?**

**Did the child disclose abuse to you?**

**Details of concern: Date, time, and location of alleged incident**

**Nature of the allegation - neglect, physical abuse, emotional abuse, sexual abuse:**

**Your personal observations (visible injuries, child's emotional state, etc). Make a clear distinction between fact and opinion or hearsay.**

**Write exactly what the child or other source said to you and how you responded to him/her. (Do not lead the child – record actual details.)**

**Were any other children/people involved in the alleged incident?**



**Alleged Perpetrator's details (if known):**

Name:

Address:

Age:

Date of birth:

Employment details:

Nature of job:

Identify if partner agency is the employer:

Relationship, if any, to child:

Current location of alleged perpetrator:

**Current safety of child including location:**

**Has emergency medical attention been required?**

**Provided by:**

**Who else knows? Include contact details.**

Agencies:

Family members or other individuals:

**Actions taken to date** e.g. Referral to police, children's services, social welfare, other.  
Give contact details and date and time of action.

**Report taken by:**

Name:

Position and Location:

Date:

Signature (on hard copy):

**Action to be taken**

**Decision for immediate action as agreed in Child Safeguarding Policy** (Please specify who is to do what and when and give names and contact details of people to be contacted.)

Referral to police (if not, why not?)  
Yes/No

Referral to Local Authority for child protection /welfare  
Yes/No

Other action required to protect child from further risk from alleged perpetrator:

Referral for medical treatment/ to meet health needs  
Yes/No

Signature of person arranging above action:

## Annexure G – Risk Register

Risk Description	Causes	Consequences	Existing Controls	Current Risk Assessment – with existing controls			Plan to Mitigate Risk and Timeline	Change to Risk Level after Action
What can go wrong?	What would cause it to go wrong?	What is the impact if it does go wrong? (Choose One)	What policy, procedure, practice is in place that minimizes risk?	Effectiveness of Existing Controls (Choose One)	Current Risk Likelihood (Choose One)	Current Risk Rating (Choose One)	What will be done? Who is accountable? When will it happen?	Risk Rating (Choose One)
Lack of focus on Child Protection within the organization as a whole, especially for those with indirect or no contact with the children.	*Lack of effective child safety risk management strategy outside of CCI's *Fail to ensure that training and guidance is provided to all staff and associates *Lack of understanding of roles and responsibilities related to child safety	<b>Severe</b> Major Moderate Minor Insignificant	*CPP and training focused on CCI's staff and children	Ineffective <b>Needs Improvement</b> Acceptable Effective	Almost Certain Likely Possible <b>Unlikely</b> Rare	Extreme High Medium <b>Low</b>	*Develop risk register to define possible risks to child safety, and reassess regularly *Appointment of Child Safety Officer in US and India *Provide training on CSP to staff and associates *All staff and associates sign Code of Conduct *Child Safety incorporated into staff/associate recruitment *Abide by the Guidelines for	Extreme High Medium <b>Low</b>

							Design & Delivery of Programs *Implement Communications Policy & Guidelines	
Children are at risk of mistreatment or abuse when participating in a Miracle Foundation program or activity	*No written policies or procedures/the y are not implemented *Child protection not considered or incorporated when designing programs, creating policy, etc.	<b>Severe</b> Major Moderate Minor Insignificant	*Current CPP in place for CCI's	Ineffective <b>Needs Improvement</b> Acceptable Effective	Almost Certain Likely Possible <b>Unlikely</b> Rare	Extrem e High <b>Mediu</b> m Low	*Develop CSP for entire organization *Identify staff members responsible for making sure policy is up to date and implemented effectively *develop and maintain Risk Register for organization	Extrem e High Mediu m <b>Low</b>
Confidentiality and integrity of children's information compromised	*Lack of clear policy regarding use of child's information *Lack of understanding by staff & associates of the necessity *Information is too readily available *Donors support the organization with the condition of	Severe <b>Major</b> Moderate Minor Insignificant	*Confidentialit y Policy for CCI's *Donors and volunteer guidelines	Ineffective <b>Needs Improvement</b> Acceptable Effective	Almost Certain Likely <b>Possible</b> Unlikely Rare	Extrem e High <b>Mediu</b> m Low	*Follow the guidelines outlined under Reporting/Respon ding to Concerns /Confidential Record Keeping in the CSP *Communicate protocol with all staff, interns, etc. regarding sharing information with third party contacts such as donors, press, etc.	Extrem e High Mediu m <b>Low</b>

	visiting CCI/families as per their convenience.							
Children are not represented with dignity and respect in media or other presentations/publications	*Children are not asked for their consent prior to photos, videos, etc. *Media representatives are unaware of proper ways to represent the children	Severe <b>Major</b> Moderate Minor Insignificant	*Media Policy	Ineffective <b>Needs Improvement</b> Acceptable Effective	Almost Certain Likely <b>Possible</b> Unlikely Rare	Extreme High <b>Medium</b> Low	*Implement updated Communications Policy & Guidelines *Implement revised Consent form for Photographing, Filming, and Interviewing Children and Adults	Extreme High <b>Medium</b> Low
Recruitment of staff/associates without a clear commitment to child safety	*Rushed recruitment process *No mention of child protection in recruiting process *Lack of reference/background checks	Severe <b>Major</b> Moderate Minor Insignificant	*Some reference/background checks are being completed, but not consistently	Ineffective Needs Improvement <b>Acceptable</b> Effective	Almost Certain Likely Possible <b>Unlikely</b> Rare	Extreme High Medium <b>Low</b>	*Adhere to Recruitment practices outlined in CSP	Extreme High Medium <b>Low</b>
Unquestioning trust of long term staff/associates, CFOs, and partners or norms	*Complacency in learning and participating in training *Powerful position in the organization	Severe <b>Major</b> Moderate Minor Insignificant	*Current CPP in place for CCIS	Ineffective Needs Improvement <b>Acceptable</b> Effective	Almost Certain Likely <b>Possible</b> Unlikely Rare	Extreme High Medium <b>Low</b>	*Refresher training for staff, associates, CFOs and partners by senior members	Extreme High Medium <b>Low</b>
Families cannot protect children as they are unaware of	*Lack of education for families	Severe <b>Major</b> Moderate	*FBC Unit 7 Family Preparation,	Ineffective <b>Needs Improvement</b>	Almost Certain Likely	Extreme High	*Provide education to families regarding	Extreme High

practices for recognizing, responding and reporting abuse	*Lack of proper living condition	Minor Insignificant	Education, and Support - Positive Discipline & Attachment	Acceptable Effective	Possible Unlikely Rare	Medium Low	recognizing, responding, and reporting abuse *Provide information on resources available to offer support to family and child	Medium Low
Partners lack CSP or do not adhere to Miracle Foundation's CSP	*Partners have not developed their own CSP *Partners are not aware of Miracle Foundation's CSP and their need to adhere to it *Partners aware of Miracle Foundation's CSP, but still don't adhere to it *Partners aware of Miracle Foundation's CSP, but have limitation in adopting it (projects related to government	Severe Major Moderate Minor Insignificant	*CPP and training focused on CCI's staff and children	Ineffective Needs Improvement Acceptable Effective	Almost Certain Likely Possible Unlikely Rare	Extreme High Medium Low	*Miracle CSP is part of the agreement between Miracle and new partners. *Require that all partners receive training on Miracle Foundation's CSP and sign the Code of Conduct	Extreme High Medium Low

	homes or state strategies)							
Children have no voice in things that impact them	*Child participation is not encouraged *Children are not active agents in their own protection	<b>Severe</b> Major Moderate Minor Insignificant	*Children's Committees *Children's evaluation of LSE *Space for child's wishes on ICP, SIR, Placement Plan	Ineffective <b>Needs Improvement</b> Acceptable Effective	Almost Certain Likely Possible <b>Unlikely</b> Rare	Extreme High <b>Medium</b> Low	*Develop methods to include the child's voice in program planning and evaluation *Children's Leadership Council/Youth Advocacy Program	Extreme High Medium <b>Low</b>
Children do not report mistreatment, bullying, or abuse.	*Children do not know the appropriate person to report concerns to *Children do not feel like they will be heard/supported by the adults in their lives *Children do not recognize the mistreatment as forms of abuse (eg, corporal punishment) *Children are afraid of repercussions of reporting	<b>Severe</b> Major Moderate Minor Insignificant	*CPP and training focused on recognizing, responding, and reporting abuse	Ineffective <b>Needs Improvement</b> Acceptable Effective	Almost Certain Likely Possible <b>Unlikely</b> Rare	Extreme High <b>Medium</b> Low	*Continually reinforce training of staff who have direct contact with children in sensitive responding and communication skills *Train children in recognizing and reporting abuse *LSE Unit: Bullying is Never OK (Train children in recognizing and reporting bullying)	Extreme High Medium <b>Low</b>

Children are placed in unsafe family environments	*Lack of risk assessment regarding the placement *Hurried placements	<b>Severe</b> Major Moderate Minor Insignificant	*Staff training in assessing family environments *Procedures are in place for child's transition to family home, accompanied by SW in early visits	Ineffective <b>Needs Improvement</b> Acceptable Effective	Almost Certain Likely <b>Possible</b> Unlikely Rare	Extrem e High <b>Mediu</b> m Low	*Implement Risk Assessment Tool in family home assessments	Extrem e High Mediu m <b>Low</b>
Lack of funds to implement procedures to keep children safe.	*Not budgeting to meet the children's safety needs	<b>Severe</b> Major Moderate Minor Insignificant	*Multi step review process of budgets; prepared by team on the ground and reviewed at various staff levels, board, and external auditors.	Ineffective Needs Improvement <b>Acceptable</b> Effective	Almost Certain Likely Possible <b>Unlikely</b> Rare	Extrem e High Mediu m <b>Low</b>	*Annual budget of organization has budget heads for the interventions regarding CSP.	Extrem e High Mediu m <b>Low</b>



## Annexure H – Resources for Reporting and Responding to Abuse

### **India**

**Childline** – Toll-free 24 hour helpline for children in need of protection and emergency services, as well as links to services for long-term care. Call 1098

Juvenile Justice Act – Chapter 9 Other Offenses against Children

Juvenile Justice Model Rules – Rule 76 Abuse and Exploitation of Child

POCSO Act 2012 and Amendment 2019