

# Oak Foundation Safeguarding Children Policy Procedures and Guidance

## Part 1: For Oak Foundation Staff and Consultants<sup>1</sup>

### 1. Introduction

The following Procedures and Guidance have been developed to support staff in implementing and operating Oak Foundation's Safeguarding Children Policy. This document describes the steps Oak will take to ensure that the principles, approach and practice described in the Policy are realised in practice. Good judgement and common sense will guide the implementation of this Policy at all times and in all situations.

The Procedures and Guidance relate to how Oak Foundation will seek to prevent and respond to issues of child abuse on the part of its own staff and contractors. It is crucial that everyone in Oak Foundation understands the principles and good practices required within Oak and also that they are clear and confident in applying these to others and ensuring any concerns that arise elsewhere are addressed satisfactorily.

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<sup>1</sup> Part 2 will be prepared in 2014 and will apply to Oak Foundation's grantees and partners.

## 2. Definitions

***Please note:** the World Health Organization (WHO) definitions are being used in this Policy as they have a certain legitimacy internationally (they were derived from a review of legal definitions across a large number of countries) and were also cited in the UN Study on Violence Against Children. Oak recognises that the definitions may not correspond entirely with its own understandings and views. However, it sees sufficient merit in the definitions overall to adopt them as a guide for staff and contractors in support of this Policy.*

**Physical abuse** of a child is that which results in actual or potential physical harm from an interaction or lack of an interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

**Emotional abuse** includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potential and in the context of the society in which the child lives. There may also be acts towards the child that cause or have a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts include restriction of movement, patterns of belittling, denigrating, scapegoating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

**Neglect** is the failure to provide for the development of the child in all spheres: health, education, emotional development, nutrition, shelter, and safe living conditions, in the context of resources reasonably available to the family or caretakers and causes or has a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible.

**Child sexual abuse** is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to:

1. the inducement or coercion of a child to engage in any unlawful sexual activity;
2. the exploitative use of child in prostitution or other unlawful sexual practices; and
3. the exploitative use of children in pornographic performances and materials.

**Commercial or other exploitation of a child** refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.

### 3. Code of Conduct

Staff and consultants should be made aware of Oak's commitment to child protection and the requirement of compliance with the principles and practices of the Safeguarding Children Policy and Code of Conduct. Consequences of breaching the Policy and Code should also be made explicit, i.e. disciplinary action up to and including dismissal, termination of employment or other arrangement with the Foundation.

#### **Risk Management**

Oak staff and contractors must apply good practice when working in the proximity of or directly with children. This includes:

- Taking responsibility for ensuring that all those covered by the Policy are accountable and do not place themselves in positions where there is a risk of allegations being made.
- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Where this is not possible, staff should work in a public, open and visible environment. They should ensure that there are others around, at least in the building.
- If a situation makes it impossible to avoid being alone with a child in these conditions, staff should assess risks with a manager and agree strategies to minimise these.
- If a staff member or contractor is required to work on a regular basis with children alone, in addition to the above, they should ensure that the children are aware of the Safeguarding Children Policy, their right to complain and the process for reporting a complaint. Contact should also be made with the child's parents or carers, who should also be briefed on the Safeguarding Children Policy, Oak's commitments to protect children and on their rights to complain as well as their roles and responsibilities in ensuring their children are safe.

## 4. Implementation of the Safeguarding Children Policy

### a. Introduction

The implementation for the Oak Safeguarding Children Policy includes:

- a timetable for implementation;
- roles and responsibilities for ensuring delivery;
- indicators against which implementation can be monitored and reviewed; and
- the timeline, roles and responsibilities for the mapping exercise, using the tool in Annex VI, which will be undertaken for each country where Oak Foundation has an office and priority countries of Oak's programmes.

Resources required (human, financial and time) to support the various activities and initiatives will be made available on a yearly basis.

### b. Recruitment and selection of staff and consultants

#### *I. Application of the Policy to Existing Staff*

- All existing staff are required to adhere to the Policy and accompanying Procedures and Guidance. This includes the signing of the Declaration for existing staff which states that there is no known reason or event that would render them unsuitable for continued employment, and declaring any criminal convictions or ongoing criminal prosecutions against them (see Annex V for sample).

#### *II. Recruitment of staff*

In addition to Oak's standard recruitment processes, the following child protection measures will be applied:

- All applicants will be required to undergo relevant vetting processes (which may include police criminal background checks, subject to local jurisdictions) and, prior to beginning employment with Oak, will sign a declaration stating that there is no known reason or event that would render them unsuitable for the post, and declaring any criminal convictions or ongoing criminal prosecutions against them (see Annex IV for sample).
- Applicants will also be required to submit the names of two referees who will be asked to provide references, including the referee's considered view on the candidate's suitability to be in contact with children. Listed referees must include the applicant's most recent employer and Oak reserves the right to follow up with any previous employer.

- The successful applicant will only be offered a position subject to (a) suitable references, (b) proof of qualifications, (c) relevant vetting/ clearance procedures, and (d) positive proof of identification.

### **III. Selection of consultants ‘working with children’**

#### *Determination of ‘working with children’*

All consultants or other contractors identified as ‘working with children’ will be required to undergo relevant vetting processes (which may include police criminal background checks, subject to local jurisdictions) and, prior to deployment, will sign a declaration stating that there is no known reason or event that would render them unsuitable for the post, and declaring any criminal convictions or ongoing criminal prosecutions against them (see Annex IV for sample).

**‘Working with Children’** is defined as those who are engaged in an activity, on behalf of or funded by Oak, that involves direct contact with, or facilitates access to, children<sup>2</sup>.

Identifying a consultancy or other contract as ‘working with children’ would mean that the consultant or contractor is *required* to be in direct contact with children as an integral part of his/her role, and this requirement would therefore be reflected in the terms of reference.

In cases where direct contact with children is not an integral part of the consultancy or other contract but is likely or may occur given the nature of the work or the duties, a judgement should be made on which child protection recruitment measures should be applied based on the level of risk associated with this contact.

Consideration should be given to the following factors:

**Supervision:** to what extent will the contact be unsupervised or in the presence of other responsible persons, e.g. other colleagues, parents/carers?

**Frequency:** will the consultant or contractor have frequent contact with children?

**Duration:** what will be the extent of the contact with children – e.g. frequent, ongoing contact with the same child/ren or short, one-off contact?

**Vulnerability of child/ren:** are there factors that mean the child/ren may be especially vulnerable in some ways, e.g. are known to be victims of abuse, are living in communities where there are known to be high levels of sexual exploitation of children?

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<sup>2</sup> As per the Oak Foundation Safeguarding Children Policy, p.3.

### **c. Reporting and responding to child protection concerns, complaints, allegations, suspicions, and incidents**

Oak Foundation is committed to responding to all reports or indications, including rumours, that suggest a child may be harmed or at risk of harm.

A Designated Officer (DO) will be appointed and made responsible for ensuring that the reporting procedure outlined below is followed, so that suspected cases of abuse and/or breaches of the Safeguarding Children Policy are responded to appropriately and referred promptly to the relevant authorities as required.

- The DO in Geneva will receive all reports, through email ([complaint@oakfnd.ch](mailto:complaint@oakfnd.ch)), telephone, in-person or through a member of staff, informing the President and Director of Administration within 24 hours, who will ensure that incidents are dealt with appropriately.
- All reports and concerns should be recorded using the form in Annex II. The DO will be responsible for collecting available evidence and gathering information.
- No person who makes a report in good faith will be subject to retaliation. A person may report on an anonymous basis although that may impede the Designated Officer's ability to thoroughly investigate the allegations.
- The President and Director of Administration may inform appropriate colleagues, in the course of the investigation. To the extent possible, the Foundation will strive to maintain confidentiality to protect the effected individual(s). In its goal of engaging in a thorough investigation. The Foundation may, however, be required to disclose the allegations or result of the investigation to the authorities..
- Investigations will be handled by the President (or the Director of Administration in the absence of the President), fairly and consistent with the principles of natural justice (i.e. rule against bias and the right to a fair hearing). Investigations will be objective, transparent, and will be guided by external professional expertise and support when required.
- Disciplinary measures taken as a consequence of the breach of the Policy will be proportionate and justifiable to the nature of the breach. Situations will be reviewed on a case-by-case basis prior to applying sanctions proportionate to the breach.

The reporting mechanisms and referral pathways will be widely publicized and made clear (see Annex I). The Policy and accompanying Procedures and Guidance will be published on Oak Foundation's website and intranet, along with an email address and phone number for reports ([complaint@oakfnd.ch](mailto:complaint@oakfnd.ch)).

#### **d. Adapting the Procedures to different contexts**

A key element in making appropriate and effective responses to child protection concerns is having a clear picture of the local context so that responses are made in line with legal, social welfare and any other considerations. Following the approval of this Policy, a mapping exercise, using the tool in Annex VI, will be undertaken for each country where Oak Foundation has an office and priority countries of Oak's programmes.

The mapping process should identify important information such as the age of consent and the laws that exist for the protection of children, as well as the agencies that have responsibility for investigating child abuse issues and meeting the protection and health needs of child victims, as well as deciding on what steps must be taken when concerns arise about a child. Based on outcomes of the mapping process, Oak will update the reporting procedures described in Annex I.

#### **e. Accountability**

Establishing clear governance and accountability mechanisms is critical to successful implementation of the Policy. The Policy will be 'owned' by the Department of Administration, and the President will be responsible, as delegated by the Board, for overall implementation. The President, assisted by the Director of Administration and Designated Officer, will manage the process of implementation and will report regularly on progress. The President will be accountable to the Board for ensuring Oak is on track to meet its commitments in full, as described in the Policy.

#### **f. Awareness raising and training**

Oak understands that, in order for the Safeguarding Children Policy to be well understood and effectively implemented, it is essential that there are high levels of awareness regarding the Policy and that staff and others are clear, confident and competent in putting the Policy into practice.

Oak, therefore, intends to:

- Disseminate and promote the Policy in a range of ways (e.g. website, hard copies and verbally). Copies of the Policy and accompanying Procedures will be made available and accessible to all stakeholders, both in hard copy and electronically.
- The Policy will address local issues and will function effectively in the local context in which it is being implemented.
- Oak will produce local language versions for countries where Oak has an office to ensure that the Policy is fully understood by all relevant parties, both within and external to Oak.
- Briefings and trainings will be provided as part of an initial roll out of the Policy and these, or elements of these, will be incorporated into standard induction processes for all staff. Training on the Policy will be compulsory and must be completed within one year of the launch of the Policy for existing staff and within 6 months of beginning work with Oak for subsequent new starters.

- Oak will ensure access to regular training updates and refresher courses to ensure that the Policy continues to be embedded and that staff are made aware of changes and developments to the Policy and its implementation.
- In addition, Oak will ensure further training is provided for staff with specific responsibilities for the Safeguarding Children Policy. These groups would include anyone working directly with children and the Designated Officer. Training provided to managers and staff designated to receive and respond to complaints and protection incidents will support those staff in making effective and appropriate responses.
- Oak will provide staff with access to materials and resources that support understanding and implementation of the Policy, and will also encourage sharing of experiences and examples of good practice in implementing the Policy across the Foundation.

#### **g. Monitoring and review**

Oak will ensure that implementation of the Safeguarding Children Policy is subject to regular monitoring and will review the Policy every three years (although changes may be made prior to formal review should legal, policy or practice changes suggest this is necessary).

The DO in Geneva will be responsible for supporting and maintaining an overview of implementation and compliance issues.

Reports on progress towards full implementation of the Policy will be presented by the President to the Board on an annual basis. These reports will include updates and a summary of progress as well as key successes, challenges and obstacles to implementation. The reports will also include any breaches of the Policy, subsequent actions and outcomes so that the nature and frequency of protection incidents can be monitored over time.

## 5. Guidelines for using images and photography of children

### a. Risks

The public use of images and stories of children poses potential protection-related risks<sup>3</sup>.

- Images containing personal information can be used as a means of identifying children, making contact with them at a distance or even tracing them to where they live.
  - Images may be altered or adapted for inappropriate use.
  - Displaying and using inappropriate images, stories etc. or images and stories for which consent and permission have not been obtained, is unethical and may lead to increased organisational risks such as reputational damage.
1. Personal information about a child (such as full name and date of birth or full names of family members) and information that could be used to identify his/her specific location within a country (such as village or community names, school, parish, etc.) should not be used, especially where this is linked to an image. The maximum information given about a child should be first name and name of the district in which they live.
  2. Children that have experienced violence, exploitation, have been otherwise abused or are in some way particularly vulnerable or at risk if identified, should not have their faces displayed or in any other way be represented in a way that may lead to their identification. In addition, their real names should be changed, and this change be indicated. Other identifying details should also be changed.
  3. Images of children in states of undress should not present them in poses that could be interpreted as sexually suggestive or in ways that impact negatively on their dignity or privacy.
  4. All images and stories, along with accompanying details of individuals, should be used and kept according to relevant data and privacy laws. It is recommended that:
    - a. images are stored securely (e.g. lockable safe/cabinet, electronic files password protected, limited access etc.); and
    - b. images are destroyed two years after the date on the consent form unless further consent is agreed.

### b. Consent

5. The informed, oral consent of the child **and** parent/guardian should always be obtained before a photograph or image of a child is used, and its intended and/or possible use(s) explained. The implications of using images, including risks and possible negative consequences, especially

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<sup>3</sup> Based on A Child Protection Toolkit (KCS 2006) and Plan International guidelines.

N.B. Each office must ensure that it complies with local legislation pertaining to data protection and privacy, and should also follow guidance contained in this document where it sets a higher standard.

where images used on websites should also be fully explained. Child friendly consent forms should be used for obtaining consent from children and, where possible, the child and family should be shown the image before it is published.

6. Group Photographs: As with individual photographs, it should be explained to the group what the photographs will be used for and consent sought from individuals in the group. Any individuals who wish to opt out should be allowed to do so.
7. General Photographs: Where using images of children in crowd scenes where it may be difficult or impossible to get consents, the following should be taken into consideration:
  - Would the children attending the event expect photographs to be taken?
  - Would children in the photograph probably consider themselves to be in a public place, with no expectation of privacy?
  - Is it unlikely that anyone would object to the photograph being taken? (An individual could be in a public place, but may not want any images in which they are present being used.)

Where photographs are being taken at a planned event, as far as possible individuals should be told in advance that cameras will be used and how the photos will be used, in order that they can opt out of the event or notify organisers that they do not wish to be featured in any photographs.

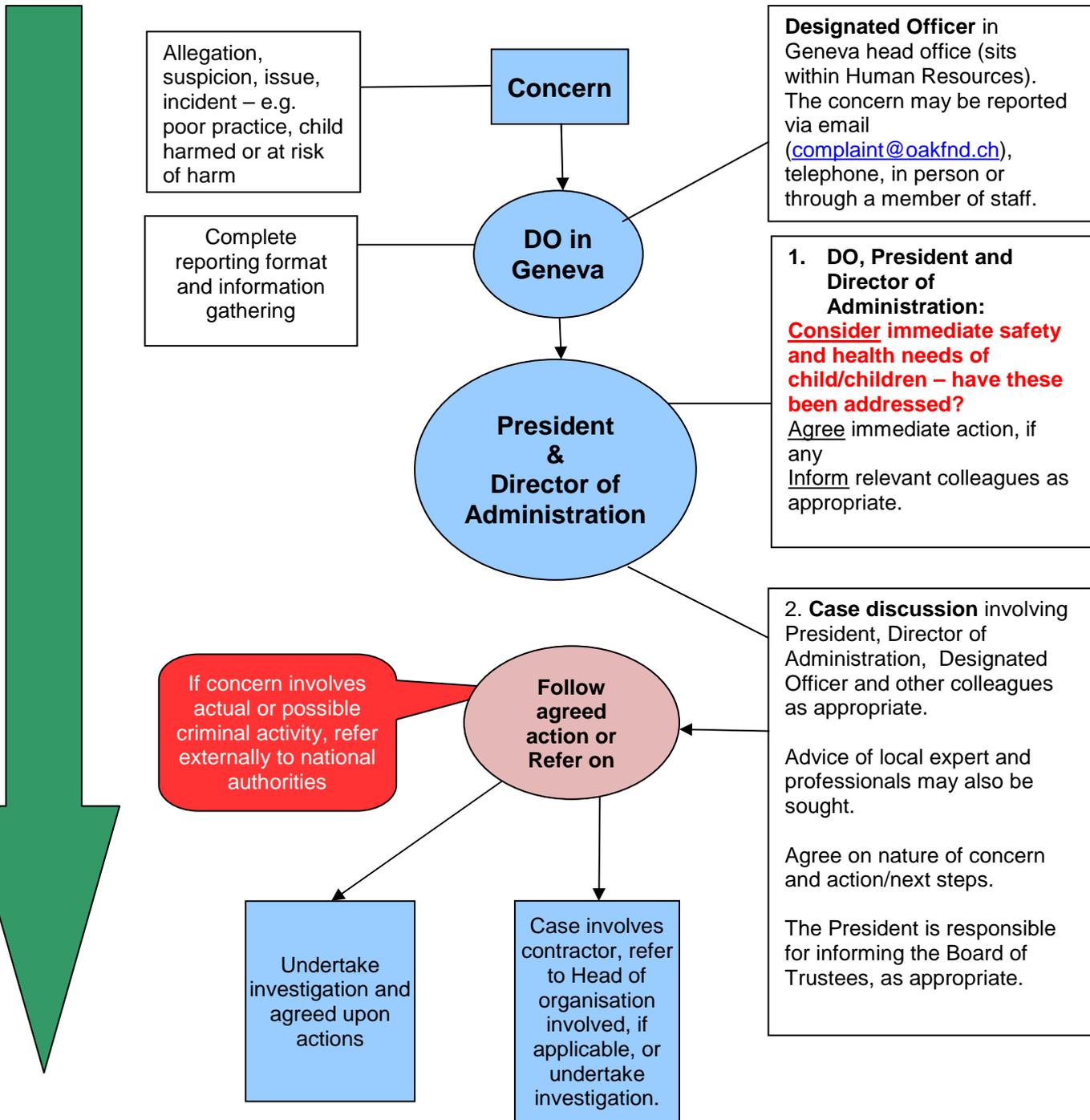
#### **c. Guidelines for use of photographers/writers contracted by Oak**

8. Independent photographers and writers commissioned by Oak are considered as contractors/consultants and as such are subject to the Policy and Procedures and Guidance.

#### **d. Reporting Concerns**

9. Concerns regarding inappropriate use of the images of children should be referred to the DO as described in the Oak reporting guidelines.

## Annex I - CP Reporting Framework for Oak Staff or Contractors



\*\*\* N.B. An 'acting DO' should be nominated when DO is on leave or absent.

## Annex II Oak Safeguarding Children Policy reporting and recording format

<b>C CHILD'S / CHILDREN'S DETAILS</b>	
Name: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
Age: _____	Date of Birth: _____
Address: _____ _____	
Language/s spoken _____	
Any Disability _____	
School _____ Class _____ Teacher _____	
Name and contact details of parents/legal guardians/care takers (delete as appropriate): _____	
Name: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
Age: _____	Date of Birth: _____
Address: _____ _____	
Language/s spoken _____	
Any Disability _____	
School _____ Class _____ Teacher _____	
Name and contact details of parents/legal guardians/care takers (delete as appropriate): _____	

<b>D DETAILS OF THE ALLEGED PERPETRATOR / SUBJECT OF CHILD PROTECTION CONCERN:</b>	
Name: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
Nationality: _____	
Address/Current Location: _____ _____	
Language/s spoken _____	Age: _____
Relationship to victim: _____	
Occupation: _____	Employer: _____
Number and nature of child protection concerns the alleged perpetrator has previously been associated with:	
Any other details (including physical description, current whereabouts):	

**E DETAILS OF OTHER PERSONS/ AGENCIES INVOLVED:**

**PERSON WHO REPORTED THE ALLEGED CP INCIDENT OR CONCERN:**

Name: \_\_\_\_\_ Sex:  Male  Female

Position in / relation to Oak: \_\_\_\_\_

Reported to:

Name: \_\_\_\_\_ Sex:  Male  Female

Position in / relation to Oak: \_\_\_\_\_

**DETAILS OF WITNESS(ES)**

Name: \_\_\_\_\_ Sex:  Male  Female

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Position in or relationship to Oak: \_\_\_\_\_

Relationship to child / young person: \_\_\_\_\_

**EXTERNAL AGENCIES OR PEOPLE CONTACTED (IF ANY):**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Name of agency: \_\_\_\_\_

\_\_\_\_\_

**Contact of agency:**

Name: \_\_\_\_\_ Sex:  Male  Female

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**OTHERS:**

**F INVESTIGATION:**

**Who** was involved in the investigation, roles and responsibilities (investigation team, police/state prosecutor/ governmental authority, interviewees, representative of other agencies, etc.)?

**G OUTCOME AND ACTION**

Child abuse incident / child protection concern(s) occurred:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place \_\_\_\_\_

Child abuse incident / child protection concern(s) was reported:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place \_\_\_\_\_

**MAIN CONCLUSION OF THE INVESTIGATION:**

- Allegations turned out to be true
- Allegations turned out to be false
- Findings not conclusive

**VICTIM RESPONSE:**

**ACTIONS TAKEN:**

**H LESSONS LEARNED, RECOMMENDATIONS, ACTION TAKEN AND APPENDICES**

Lessons learned (strengths and weaknesses in areas such as the Policy and its implementation, management, recruitment, supervision etc):

Recommendations (recommendations to prevent possible abuse and improve the investigation process in the future):

List of appendices/other documentation (e.g. interview reports, file notes, correspondence):

**Completed by:**

**Name:**

**Sign:**

**Date:**

## Annex III Oak Standards for Safeguarding Children<sup>4</sup>

Area of Safeguarding	Standards for Oak Foundation
<b>Policies and Procedures to keep children safe</b>	<p>1. The Foundation has a written, comprehensive Safeguarding Children Policy (that includes a Code of Conduct) that all staff and contractors must follow.</p> <p>2. The consequences of breaching the Policy are clear and linked to organisational disciplinary procedures.</p> <p>3. There are clear, well-publicised reporting procedures in place that allow staff, children and families to raise concerns, confidentially if necessary, about unacceptable behaviour or actual/potential abuse by other staff or contractors and that provide step-by-step guidance on what action to take.</p>
<b>Preventing Harm to children</b>	<p>4. There are policies and procedures or agreed ways of recruiting staff and contractors that include assessing their suitability to work with children, and that where possible, police and reference checks are undertaken.</p>
<b>Implementation and Training</b>	<p>5. All members of staff and volunteers have training on safeguarding when they join the organisation, which includes an introduction to the organisation's Safeguarding Children Policy and Procedures.</p>
<b>Information and Communication</b>	<p>6. Children and families are made aware of their right to be safe from exploitation and abuse at the hands of Oak staff and contractors and how to make complaints, including via a child-friendly mechanism, should any issues or incidents arise.</p> <p>7. Everyone in the organisation is informed of which named staff member has special responsibilities under the Policy and how to contact them.</p>
<b>Monitoring and Review</b>	<p>8. The implementation of organisational protection measures is subject to regular monitoring and review to ensure adequate steps have been taken and the effectiveness of these measures.</p> <p>9. All concerns, incidents or allegations of abuse and complaints are taken seriously, responded to appropriately, recorded, followed up and monitored.</p>
<b>Partnership Responsibilities</b>	<p>10. Contractors/Consultants working with children must meet the above standards and ensure that their sub-contractors working with children also have in place measures that mean they are in compliance with the standards.</p>

<sup>4</sup> Based on standards developed by the Keeping Children Safe Coalition and adapted by DFID

## Annex IV Oak Declaration Form Sample for New Staff and Consultants

### **DECLARATION FOR STAFF AND CONSULTANTS<sup>5</sup> OF OAK FOUNDATION**

To be appended to contract of employment or consultancy

I have read and understood Oak Foundation's Safeguarding Children Policy and accompanying Procedures and Guidance.

I agree to abide by Oak Foundation's Safeguarding Children Policy and Procedures.

I also declare that I have disclosed to Oak Foundation any issue which could give rise to any child protection concern — real or perceived — regarding my suitability for employment or consultancy. I confirm that I have no criminal prosecutions pending, nor have I been previously convicted of any offence involving inappropriate conduct with children.

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Signature

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Date

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<sup>5</sup> This declaration should be signed by all new staff. In addition, consultants and other contractors whose role has been defined as 'working with children' should sign this declaration. Please refer to section 4. b.

## Annex V Oak Declaration Form Sample for Existing Staff

### **DECLARATION FOR STAFF OF OAK FOUNDATION**

I have read and understood Oak Foundation's Safeguarding Children Policy and accompanying Procedures and Guidance.

I agree to abide by Oak Foundation's Safeguarding Children Policy and Procedures.

I also declare that I have disclosed to Oak Foundation any issue which could give rise to any child protection concern — real or perceived — regarding my suitability for continued employment. I confirm that I have no criminal prosecutions pending, nor have I been previously convicted of any offence involving inappropriate conduct with children.

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Signature

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Date

## Annex VI Mapping Tool: Assessment of External Child Protection Context and Resources<sup>6</sup>

Details to be recorded for each country where Oak has an office and for Oak Programmes' priority countries, shall include:

### **A. Summary**

Summary of main protection risks and issues facing children locally, including details of commonplace/culturally accepted practices that may be harmful.

### **B. Statutory Child Protection – Government Ministries etc.**

- Details of any government bodies or agencies with statutory authority for the protection of children – include names and contact details of Senior Officers
- Summary of legislation governing welfare/protection of children and/or national frameworks that describe policy/practice on child protection
- Brief analysis of implementation/enforcement of legislation as far as this is known

### **C. Criminal Investigation/Prosecution – Police and Judiciary**

- Local police position on investigation of criminal assault against children and likelihood of prosecution of such offences
- Legal age of consent in country
- Name and contact details of Senior Police Officer/s to whom referrals may be made

### **D. Other Agencies – Health Services, NGOs, Interagency Forums**

- Details of health and other services that may be accessed as part of victim response
- Names and contact details of NGO's, other agencies (e.g. UNICEF, Save the Children), other relevant bodies and professional networks (e.g. paediatric or child psychology services, child care centres, and any other agencies that might offer expert advice and assistance), including any local joint arrangements for dealing with child protection issues

### **E. Community**

- Details of informal/community based justice and protection mechanisms and how these function

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<sup>6</sup> Adapted from the Keeping Children Safe Toolkit (2006).