



**Oak Foundation**

## **Safeguarding Children Policy**

**For Oak Foundation Staff and Contractors<sup>1</sup>**

### **Introduction**

Oak Foundation envisages a world in which all children and adults are protected from all forms of abuse and exploitation. Violence, abuse and exploitation of children are global phenomena and Oak sees such acts as crimes against children that have devastating consequences on their development and on societies as a whole.

As a Foundation, Oak supports fundamental human rights, including the human rights of children, but in spite of the existence of international covenants, regional treaties, and domestic laws, the reality is that children are routinely unable to claim their basic rights. Oak Foundation seeks to contribute to a world in which children have the rights, capacity and opportunity to experience safety from violence and to enjoy their full and equal human rights.

Oak Foundation, through its grant-making, addresses a wide range of social justice issues and, in developing this Policy, commits to ensuring that through *all* of its programmes, it will strive to prevent abuse and promote the safety, protection, wellbeing and development of children. In so doing, Oak also seeks to enhance its reputation as a Foundation of integrity, committed to putting its principles into practice.

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<sup>1</sup> This is an internal document. Measures are taken to apply it to Oak Foundation's grantees and partners.

## Principles

Oak believes that:

- Children should always be treated with respect, regardless of their gender, ethnic or social origin, language, religious or other beliefs, disability, sexual orientation or other status.
- Safeguarding children is 'everybody's business'.
- All children have the right to freedom from all forms of violence, abuse and exploitation.
- All child abuse is an abuse of power and all violence towards children is preventable.
- Although children may be extremely resourceful and resilient, there is an inherent vulnerability in relation to abuse given their general lack of status and power, dependence, stage of development, and reliance on adults.
- Children are most at risk from those people they know and often trust.
- Adults engaged in positions of trust towards children must exercise the highest levels of integrity and good practice.
- There is an obligation on all organisations and professionals working or in contact with children to strive to ensure their operations are 'child safe'. This means that staff and contractors do not represent a risk to children and that programmes, policies and practices are designed and developed in ways that promote the protection of children.

## Individuals or groups the Policy applies to

This Policy applies to:

- all staff employed or engaged by Oak Foundation, including paid full-time or part-time staff;
- Trustees and Advisors to the Board;
- volunteers and visitors sent by Oak, to Oak funded programmes, who may also be in contact with children; and
- interns and other contracted personnel, including consultants, who have been defined as 'working with children'.

## Definitions

**'Child'** refers to an individual under the age of 18.

**Child abuse**<sup>2</sup> 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.

**'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.

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<sup>2</sup> 'World Report on Violence and Health' (WHO 1999 & 2002)

## Code of Conduct

All those covered by the Policy commit to respecting, promoting, upholding and protecting, at all times, the rights of the child as set out in the UN Convention on the Rights of the Child. The standards of behaviour set by the Code (in bullets below) are required of all those covered by this Policy in respect of their conduct towards all children; adherence to these standards will be interpreted within the framework of the UN Convention on the Rights of the Child, Article 5<sup>3</sup>. Anyone found to be in breach of the Code, will be subject to disciplinary action, up to and including dismissal or termination of employment or other arrangement with the Foundation.

- Always treat children with respect regardless of their gender, ethnic or social origin, language, religious or other beliefs, disability, sexual orientation or other status.
- Use language or behaviour towards children that is at all times appropriate and in no way harassing, abusive, sexually provocative or demeaning.
- Sexual activity with children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence<sup>4</sup>.
- Engaging children in any form of sexual activity, including paying for sexual services, i.e. exchange of money, employment, goods, or services, is prohibited. This includes exchange of assistance that is due to them.
- Wherever possible, ensure that another adult is present when working in the proximity of children and when inviting children home, unless the relevant precautions have been taken. Common sense will prevail in applying this to staff's private lives.
- Inappropriate use of any computers, mobile phones, video/digital cameras or other electronic devices, including to access, view, create, download or distribute online sex abuse images of children, is prohibited.
- Physical punishment or discipline or use of inappropriate physical force of any kind towards children is prohibited.

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<sup>3</sup> Oak Foundation recognises the responsibilities, rights and duties of parents and family members as laid down in Article 5 of the Convention on the Rights of the Child, which reads: "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention".

<sup>4</sup> This is consistent with the standard set out in the UN Secretary General's bulletin "Special Measures for Protection from Sexual Exploitation and Sexual Abuse" (ST/SGB/2003/13, section 3, para. 3.2 (5)).

- The use of children for domestic or other labour is prohibited when it: is inappropriate for the child's age or developmental capacity; or interferes with the time available for education and recreational activities; or places him or her at significant risk of injury, exploitation or abuse.
- Immediately report any concerns, suspicions, incidents or allegations of actual or potential child abuse or any breaches of this Policy in accordance with appropriate Procedures and to the Designated Officer (see below) charged with receiving such complaints. 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.

### **Additional safeguarding measures**

Oak Foundation is committed to meeting the child protection standards developed by Keeping Children Safe, a membership network of organisations which works to increase safeguards offered to children. These standards require child protection policies to delineate clearly their substantive elements and procedures, as well as the measures in place for implementation and training, communication of the Policy and monitoring and review. Key elements of the Oak Policy are outlined below and further explained in a Procedures and Guidance document that will be disseminated with the Policy.

#### ***Recruitment and selection***

Oak Foundation acknowledges that creating safe environments for children starts with the appointment of suitably qualified, skilled and vetted staff who have the desired competencies and skills to carry out their function in an effective, efficient and safe manner. The recruitment processes used within Oak aim to be in the best interest of children and will reflect our commitment to protect children and prevent abuse.

#### ***Reporting and responding to concerns***

Oak Foundation is committed to responding appropriately and effectively to all allegations and suspicions of abuse, both current and historical, through complaint mechanisms that are simple, clear, fair and accessible to all stakeholders, including children. Oak Foundation will nominate a Designated Officer in Geneva to this end.

There is a mandatory obligation on all staff and contractors to report concerns, suspicions, allegations and incidents that indicate actual or potential abuse of children and/or any other breaches of this Policy.

All those subject to complaints will be treated 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. To the extent practical, the Foundation will strive to maintain confidentiality to protect the affected individual(s) subject to 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.

#### *Awareness raising and training*

Oak Foundation will ensure that all staff receives introductory training on the Safeguarding Children Policy and that staff induction sessions include a child protection element.

Further learning and development opportunities will be made available appropriate to an individual's role; for example, the Designated Officer role may require more in depth training.

#### *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).