



Child Protection Policy Statement

**Creating a safe
and positive environment for children**

Gabinete de Intervenção em Saúde [Health Intervention Department] (GIS)

(GIS is APDES's office specialised on child intervention)

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Disclaimer: Developing a complete Child Protection Policy Procedure is a process that takes a considerable amount of time and resources. For this reason, the organisation prioritised the Policy Statement and the Code of Conduct (the main documents on this issue), in order to improve the work developed with the children while progressively completing the Procedure with additional contents.

APDES's Child Protection Policy Statement

“State Parties shall protect the child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse”.

UN Convention on the Rights of the Child, 1989, Article 19

As a NGDO that provides individual and group psychological interventions to children and youngsters living in foster homes, APDES - namely GIS (Health Intervention Office) – developed its interventions according to the principles stated in the United Nations Convention on the Rights of the Child (UNCRC). This team has a common purpose: protecting children from harm and promote their rights. Unfortunately, attempts against those rights (abuse, exploitation and neglect in any form) happen in all societies, in the multiple contexts where children are inserted. This Policy Statement presents APDES's values and principles and outlines the actions that must be taken, in order to fulfil our goals and respect our commitment to protect children. This Statement will be adopted from now on by APDES; all staff will comply with it, including the Coordination Council, all paid employees, volunteers, interns, students or anyone working on APDES's behalf. Any decision concerning (alleged) violations of this policy will be dealt with according to the principle of “the best interests of the child”.

A) Purpose

The main goal of the Child Protection Policy Statement (CPPS) is to ensure that all our actions fulfil the needs of all children, by promoting and protecting their well-being. APDES is committed to serve the best interests of the children we work with, by creating and implementing programs that promote their physical and mental health, Human Rights and participation, thus empowering and helping them being able to advocate for their safety and well-being. We make sure our staff complies with APDES's values and we aim to protect the dignity of all groups we work with, especially the children. To do so, we assure the highest standards of conduct and we also collaborate with relevant stakeholders. In short, the main purpose of the CPPS is to protect children who benefit from APDES's services and to promote the central principles that guide our approach of child protection among staff, interns and volunteers.

B) Scope

No child should suffer any harm due to their engagement with APDES or as a result of participating in a GIS program or other kind of activities; their participation in any organisation's fundraising or advocacy campaign should also be safeguarded. These duties should be extended to those individuals/organisations that collaborate with APDES. Therefore, these standards/guidelines apply to all APDES's staff, as well as to the members of APDES Coordination Council, interns, volunteers, consultants, supervisors, representatives of partner organisations, visitors/guests or anyone who has contact with children while working for or in representation of APDES. These agents should act in accordance with these requirements and recognise the sanctions that will be applied to those who don't comply with the policy.

C) Legislation framework of the CPPS

This Child Protection Policy has been developed according to the legal guidelines that safeguard the protection of children:

- United Convention of the Rights of the Child, 1989
- Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, 2012
- Data Protection Act, 1998
- Constitution of the Portuguese Republic – 7th Revision – Constitutional Law number 1/2005, August 12th
- Law number 142/2015, September 8th: second amendment to the law for the Protection of Children and Youngsters at Risk, approved by Law number 147/99, September 1st
- National Assembly Resolution number 2/2015: Youngsters' access to their rights as a way to promote autonomy and social inclusion.
- Law number 83/2015, August 5th: Abolishes the crime of female genital mutilation and establishes the crime of persecution and forced marriage. Adjusts the crimes of rape, sexual coercion and sexual harassment, according to the Istanbul; 38th amendment to the Penal Code, approved by the Decree Law number 400/82, September 23rd.

- Law number 103/2015, August 24th: Establishes the system of criminal identification of individuals charged with crimes against sexual self-determination and minors' sexual freedom; 39th amendment to the Penal Code, approved by the Decree Law number 400/82, September 23rd.
- Law number 113/2009, September 17th: Establishes child protection measures.
- Law number 57/98, August 18th: Establishes the general principles that rules the organisation and functioning of the criminal identification.
- Portuguese Penal Procedure Code and Penal Code.

D) Main principles and values underlining the CPPS

APDES recognises and advocates for the personal dignity and rights of children to whom it has the responsibility and duty to care and respect. We believe that child abuse represents a violation of children's rights and that all children have equal rights to protection from harm (such as the one derived from abuse and exploitation), as established by the UN Convention on the Rights of the Child (1989). APDES does not tolerate any kind of violence, abuse, neglect or exploitation towards children. APDES's staff, interns, volunteers and Direction are committed to create a safe environment for children and to prevent them from being victims of physical, sexual or emotional abuse and neglect. Given the vulnerability of children - and considering that some children are more vulnerable due to the impact of previous experiences - we strongly believe that the children's needs should always be our main priority.

We believe that each child has a fundamental right to life and development. APDES recognises that the children and youngsters are citizens able to create change and have meaningful experiences and perspectives that add value to the decision-making processes. Our intervention relies on the principle that every child "has a voice" to develop their opinions and holds the right to express them without restrictions. Therefore, we believe that children should be involved in all decisions that concern and affect them, while being encouraged to reach their potential. We believe that the promotion of the children's participation is a vital practice to improve the services designed for them. In fact, we believe that working in partnership with children, caregivers and other relevant stakeholders is essential for the promotion of the children/youngsters' well-being.

In our work, we must not discriminate against the children; we should also tackle discrimination and inequality. All children should be treated respectfully, regardless of their gender and gender

identity, age, sexual preferences, nationality or ethnic origin, socio-economic and cultural background, political beliefs, religious, physical or mental health status or criminal record.

We assume that everyone is responsible for promoting the children's protection and reporting any kind of attack against their rights.

E) How we will protect children

- APDES requires that all programs designed and implemented with children must establish procedures to protect them. Those procedures must be regularly reviewed and checked, in order to ensure that they comply with APDES's policies and standards regarding conduct.
- APDES requires the adoption of child protection practices through the implementation of a Code of Conduct (cf. below) for coordinators, staff, interns and volunteers - who will sign the CPPS, as well as the Code of Conduct.
- APDES's staff will have access to training sessions, learning opportunities and support, in order to ensure that they are aware of the issue of child abuse and harm, as well as to guarantee that this CPPS is well understood, perceived as a serious commitment to all actors and that all conditions necessary to accomplish its terms are gathered. Also, proper supervision and support will be provided for staff, interns and volunteers.
- Staff, interns and volunteers will be recruited and selected according to procedures that guarantee the children's safety, such as all the necessary background checks (e.g. including criminal records)¹.
- Members of APDES should make sure that they will deal with any concerns about potential harm to children in a serious way.
- APDES will immediately address all concerns or allegations of abuse and will deal with them in a proper way, providing, at the same time, the necessary help and support to the victim. We will act in a proper and effective way, always according to the principle of "superior interest of the child" (in what concerns their cooperation with any subsequent process of investigation).

¹ Offences considered unacceptable include all kinds of abuse against children, namely physical or sexual abuse, neglect, kidnapping, trafficking, child labor, etc. Violence against women it's also not acceptable (e.g. assault, domestic violence), as well as convictions for human trafficking. Some other convictions may need to be analyzed, depending on the situation (e.g. drug use).

- APDES will implement a safe and comprehensive system to address the violations of the CPPS and Code of Conduct, by involving mechanisms for confidential and safe collection of complaints and accusations; victim support and referral to local/national child protection or child welfare systems will also be guaranteed.
- APDES will develop and implement a comprehensive e-safety policy, with all its associated procedures.
- We will also develop a safety policy for protecting the children's rights of image, namely in what concerns its use in institutional materials (e.g. fundraising campaigns; events' dissemination).
- We will take into major consideration the children's opinions about their own processes; we will listen to them, value and respect their point of view.
- APDES will work in partnership with all the relevant and significant agents in children's lives (e.g. teachers, carers, parents, case managers, etc.), in order to advocate for the protection of children. Concerns related with abuse will be shared with agencies that really need to know about it and the children and caregivers will be involved appropriately.
- Information and good practices on child protection will be shared with the key-actors in the children's lives (e.g. carers, teachers and parents).
- When necessary, APDES will support the partners in the development of child protection policies and procedures, in order to guarantee a child-safe micro and meso-system.
- This CPPS will be adapted according to a child-friendly language and format.

F) Implementation, monitoring and consequences

APDES's Coordination Council is responsible for the implementation of this CPPS, as well as for the monitoring process needed to make sure the staff, interns and volunteers comply with it. Every time there is an issue regarding the CPPS, it should be investigated according to this policy; all disciplinary procedures should be followed and the issues reported to the authorities, so there can be a criminal investigation according to the national legislation. Those who fail to comply with the expected conduct and procedures will be subject of sanctions, which include:

- Disciplinary action

- Dismissal or termination of services
- Disruption of any type of contractual or partnership relationship (e.g. with partners; service providers)
- Legal actions

Regarding the individuals who report the issue leading to further investigations, this CPPS establishes that:

- if the issue ends up not being supported by the investigation, but continues to be legitimate, no sanctions should be applied to the claimant.
- on the other hand, if the claimant acts according to bad intentions, false information or accusations, he/she must be sanctioned according to the procedures described above and charged with abusive use of CPPS.

G) Definitions under the Child Protection Policy Statement

Child is any person under the age of 18, in line with the United Nations Convention on the Rights of the Child.

Child abuse or maltreatment includes, according to the World Health Organisation (1999), “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”.

Child protection is a broad term used to describe principles, policies, standards, guidelines and procedures designed to protect children from intentional and unintentional harm. In the context of this document, it particularly concerns the responsibilities of the organisations and staff, regarding the children they work with.

Child Protection Policy, in its simplified form, is a statement of intent that shows a commitment to protect children from harm, making clear to everyone involved what is required in terms of the children’s protection. It is an instrument to promote a safer environment for children and to state the organisations’ commitment to take care of them.

Informed consent is the ability to give consent in a free and informed way, always taking into account the age and the level of development of the child. For the purposes of using a child’s

photograph (e.g. for advertisement), the person responsible for said child must consent; however, the child should also be informed and understand in what he/she will be involved, so he/she can give their “informed consent”.

Sexual exploitation means any act or attempted abuse from a position of power or trust for sexual purposes (sexually or politically profiting from the sexual exploitation of a person).

Sexual abuse means the actual or threatened physical intrusion of sexual nature (by force or under unequal or coercive conditions).

Physical abuse concerns physical injury to a child (e.g. hitting, shaking) and includes situations when the injuries are known by others and aren’t reported/prevented.

Emotional abuse concerns the harm caused by persistent and/or severe emotional ill-treatment or neglect, resulting in damages present on the behaviour and emotional development of a child. Moreover, neglect happens when the child’s needs - such as food, warmth, medical care and education - are not met or when there is failure to protect a child from danger.

Child Participation takes place when anyone under the age of 18 plays an active role in a process, in accordance with their capacities. It includes allowing children to “think for themselves”; to express their opinions freely and make sure they are respected; to actively involve children in the decisions that affect their lives, the lives of their significant ones and the processes within the micro and macro-systems where they live in and operate.²

Direct contact with children means being in the physical presence of children while the organisation’s work is being developed. It includes occasional or frequent contact, as well as the short or long term contact.

Indirect contact with children includes all the situations when a person has access to children’s personal information, such as names and addresses, photographs or any other personal content, in the context of the organisation’s work. Indirect contact should also be considered for funding entities that support projects aimed at children, since this has an impact on them (therefore requiring responsibilities in terms child protection).

² Adapted from *Save the Children UK*.

APDES's Code of Conduct

The main goal of APDES's Code of Conduct is to protect children from abuse. It establishes the standards for the appropriate behaviour in this matter, as well as the unacceptable conduct. The unacceptable behaviours will be subject of an investigation that could lead to disciplinary measures or criminal proceedings, as stated by the CPPS. The Code of Conduct provides orientation about the expected behaviour of adults regarding children, while working as a framework that protects people who contact with children from unsubstantiated accusations regarding conduct. The APDES Code of Conduct applies to the organisation's staff, interns, volunteers, service providers or others who act on APDES behalf or engage with the organisation, being in direct or indirect contact with children under APDES's intervention. APDES does not dictate how their staff should live their personal lives, but any action done against this Code of Conduct and CPPS outside the working hours will be seen as a violation of those documents, with the respective consequences. APDES will take positive actions in order to prevent that individuals who abuse children establish any kind of involvement with APDES and will act with stringent measures against any member of APDES's staff (or others somehow linked to us) who commits child abuse.

A) APDES's staff, interns, volunteers, service providers and others acting on APDES behalf should always:

- Comply with the principles described in CPPS and behaviours detailed in this Code of Conduct.
- Guarantee a culture of transparency to favour and discuss any concern without constraints; make sure that bad practices don't occur, by maintaining a good sense of accountability.
- Pay attention and be aware of situations that can present risks to children and look for proper ways to manage them.
- Report any concerns about child protection breaches, in accordance with the CPPS procedures and cooperate in any investigation regarding issues or reports of child abuse.
- Talk to children about their contact and relationships with staff or others agents, while encouraging them to speak about any concerns bothering them, by creating a safe environment where children feel respected and understood.
- Empower children by informing them and discussing with them about their rights, acceptable or unacceptable behaviours by adults and steps to take when there are concerns.

- Use a child-centred and participative approach, where children are treated as an active citizen with rights; respect their integrity and dignity and allow them to be actively involved in the decision-making processes concerning their own lives.
- Be aware of the power balance between the adult and the child and avoid taking any advantage of this (abuse of power).
- Avoid being placed in vulnerable or compromising situation; make themselves visible when working with children and try to be accompanied by another adult, except when required in the scope of the intervention (e.g. psychological counselling).
- Analyse and respect the suitability and timing for physical contact with children, namely concerning normal acts, such as holding hands or greeting with a kiss. Children must be comfortable with that.
- Immediately report to coordinators any situation that could be object of misinterpretation by others; avoid behaving in a way that could be misinterpreted by third parties.
- Be caring and responsible; try to be a positive role model.
- Treat equally children, regardless of gender, gender identity and sexual orientation; ethnic background; religious and political options; level of functionality (e.g. cognitive impairment or other disabilities) or life events (e.g. pregnant teenagers). Avoid exercising any type of persuasion regarding the child's options (e.g. religious, political).
- Be aware that child abuse can also be perpetrated by peers; try to avoid putting children in risky situations with their peers, such as mixing older and younger individuals or vulnerable children without supervision.
- Ask permission from the children and their caregivers before taking photographs of them and using their image; be very clear and transparent about the use of those images; make sure the faces or other characteristics aren't visible.

B) APDES's staff, interns, volunteers, service providers and others acting on APDES behalf should never/should avoid:

- Violate or be part of acts of violation of any of the children's rights (e.g. right to privacy).
- Create conditions that place children at risk; abuse and/or exploit children.
- Physically abuse children (beat or assault) and/or involve them in harmful practices.

- Under any circumstances, develop physical or sexual relationships with children, involve them in sexual relationships, behave in a way that is sexually provocative or engage/allow engagement in sexually provocative games with children.
- Perpetrate psychological and emotional abuse; behave in an inappropriate way and/or use language or make suggestions that are disrespectful, improper and offensive, thus causing shame, humiliation or any form of emotional abuse.
- Expose children to inappropriate images, such as pornography or violent pictures that could cause them emotional harm.
- Expose children to child labour and hazardous work.
- Neglect children, which includes not offering them the adequate care and not meeting their needs.
- Participate in any illegal, unsafe or abusive behaviour conducted by children.
- Be alone with the children and invisible from others for an excessive amount of time, including in a car, in your home/or the home of a child; make contact with children that is not under supervision/seen by another staff member.
- Do things the children are able to do for themselves (e.g. dressing or bathing).
- Show favouritism in relation to a particular child, excluding, discriminating or demonstrating a different treatment regarding others.
- Disclose, create conditions for the disclosure and tolerate the disclosure of information that identifies children or family members, in any kind/through any media channel. Exceptions are admitted under the purpose of child protection and/or under free, informed and explicit consent.
- Only allow visits to meet with children by external elements (e.g. funding entities' representatives) in a protected and supervised environment.
- Ignore or undervalue concerns raised by the children about harm being caused to them.

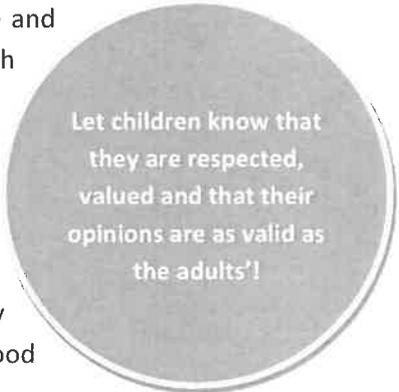
The best strategy to protect children is by empowering them!

It is vital to listen carefully and pay attention to children. Be aware and sensitive to children's concerns and complaints and try to deal with those concerns immediately.

Respect children's rights and dignity in all contexts they're involved in. Be fair when dealing with issues that involve children and adults.

Play a positive role in safeguarding and promoting children's safety and try providing a proper guidance and advices to them. Be a good role model on how to act with children.

But most important: "give" children a "voice"! Let them know they are respected, valued and that their opinions are as important and as valid as the adults'. Promote the participation of children and try to actively involve them in questions that have implications for their lives.



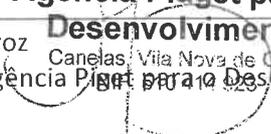
Let children know that they are respected, valued and that their opinions are as valid as the adults'!

APDES's Coordination Council is responsible for providing and explaining the Code of Conduct to all the individuals covered by it (to whom a copy of this CPPS and Code of Conduct will be made available), as well as for supporting and monitoring its implementation.

This policy was last reviewed on: *26/01/2013*

We are committed to review our policy/good practices each year. It has been reviewed and it is, therefore, approved.

Agência Piaget para o Desenvolvimento
José Queiroz
Canelas, Vila Nova de Gaia
(CEO of Agência Piaget para o Desenvolvimento- APDES)



Appendix 1| Statement of commitment - APDES's CPPS and Code of Conduct



Statement of Commitment to APDES's Child Protection Policy Statement and Code of Conduct

All APDES's staff, interns, volunteers or others who act on APDES behalf or engage with the organisation, being in direct or indirect contact with children, should know, accept and comply with the APDES's Child Protection Policy Statement and Code of Conduct. APDES's Coordination Council is responsible for explaining the Code of Conduct to all the individuals covered by it, as well as for supporting and monitoring its implementation.

I, _____ (name),
have read and understood the standards and guidelines outlined in this Child Protection Policy Statement and Code of Conduct.

I agree and subscribe the principles and procedures contained therein and accept the importance of implementing child protection policies and practices while working with APDES, inside and outside my working hours. I'm fully aware of the sanctions that I will suffer in case of failing to comply with those documents.

Signature

Date

___/___/___

We are committed to review our policy/good practices each year.
It has been reviewed and it is, therefore, approved.

José Queiroz
(CEO of Agência Piget para o Desenvolvimento - APDES)

Appendix 2| Consent for the use of quotes, photographs and videotape images



Free and informed consent for the use of quotes, photographs and videotape images of children under APDES's intervention

We freely and consciously authorise APDES to use the photographs/videotaped images/quotes/information gathered during the activity or event (select the correct option), in a document/published material/electronic presentations (please specify the format), with the purpose of (please explain the motive).

No sanctions will be imposed to APDES for our decision and we are aware that we are free to change that decision (e.g. ask for the removal of an image) at any time, without negative consequences.

Signature of guardian

Signature of person responsible for the request

Signature of witness

Signature of child

Date

___/___/___

Appendix 3| Questions/topics for a safe hiring process

APDES's safe hiring process will include: analysis of the conditions needed to work with children and also reference/background checks. We will now present some examples of questions/topics that should be part of the process of selecting staff, interns, volunteers, service providers or others who act on APDES behalf or engage with the organisation, being in direct or indirect contact with children under APDES's intervention.

A) Examples of topics that should be used for reference/background checks (for example, when contacting former employers):

- A description of the personal characteristics of the applicant.
- An explanation on how the applicant could be a good candidate to work with children; or if there is any reason for which the applicant should not work with children.
- A description of the applicant's interaction with children, namely while managing a child with a challenging behaviour (if applicable).
- An assessment of the level of comfort/trust while knowing that the applicant could be working alone with children.
- An assessment of the willingness in hiring the applicant again.

B) Examples of questions for staff, interns, volunteers and service providers selection (at the position interview)^{3 4}

- What type of supervisory situation do you prefer? (check if the applicant's preference for more independent practices does not collide with requirements in the CPPS and Code of Conduct.
- What age-range/gender do you prefer to work with? How would you feel in working with a different age-range and gender? (check for potential rigid preferences in certain age-range or gender; however, try to determine if this preference is a cause of concern or if it is simply related with a broader experience with a particular group of children).

³ Please note that these questions must be analyzed together with other forms of information; they should not determine by themselves whether an applicant should be selected or rejected.

⁴ Questions adapted from Safe Network & NSPCC UK toolkit of the *Safe Activities For Everyone* project.

- Is there anyone who could suggest that you should not work with children? Can you please justify it? What makes you a good candidate to work with children?
- Have you ever worked anywhere where a situation of child abuse occurred? What happened, how was it managed and what did you think about the way it was managed?
- Are you aware of APDES's Child Protection Policy Statement and Code of Conduct? What do you think about them?
- Under what circumstances do you think that it might be appropriate or inappropriate to be alone with a child?
- What kind of aspects can make a photograph or video of child inappropriate for publication in our organisation's newsletter? (check if the applicant mentions privacy issues or the permission granted by the guardian and the child).
- Why do you want this job?
- What would you do in this situation (set up scenarios that involve potential issues or protection policies and check if there is a poor management of the situation, non-compliance with the procedures and conduct established in APDES's CPPS and Code of Conduct).
- What do you like to do in your free time? (check for relationships with adults, in addition to relationships with children).