

Annexure 11 to Service Rules of MC
April 2023

Mobile Creches Safeguarding Policy for Children and Vulnerable Adults

(The earlier Child Protection Policy of Mobile Creches is subsumed under this Policy)

About Mobile Creches

MC came into being at a construction site, in 1969, to provide nurturing care to children of migrant, construction workers. It has grown into an organization that is recognized, today, for its knowledge in Early Childhood Care Development (ECCD), gained from decades of grass root work and engagement with parents, communities, academia, businesses, and policymakers in India.

1. Purpose of the policy

The purpose of this policy is to protect people, particularly children, and vulnerable adults-at-risk from any harm that may be caused due to their coming into contact with Mobile Creches. This includes harm arising from:

- The conduct of staff or personnel associated with Mobile Creches
- The design and implementation of Mobile Creches programs and activities

The policy lays out the commitments made by Mobile Creches and informs staff and associated personnel of their responsibilities about safeguarding.

2. Scope of the Policy

The scope of the policy is to create a safe and protective environment for children and vulnerable adults. It covers prevention, detection, and redressal of any such incident of abuse (as defined in the definition given under definition section) **any harm, or exploitation** in any form at the Mobile Creches workplace and daycare centers, and CBC centers run by MC within its operating hours, and cases in the communities that is reported to or comes to the notice of Mobile Creches.

This policy does not cover:

- Sexual harassment in the workplace – this is dealt with under Mobile Creches’ Policy on the same subject.
- Safeguarding concerns in the wider community not perpetrated by Mobile Creches or associated personnel

3. Definitions

3.1 Safeguarding refers to the responsibility of organizations working with/in contact with / impacting children to take all reasonable measures to

- a. Ensure that the risks of harm are minimized
- b. Where there are concerns about the welfare and Rights of Children of children, to take appropriate actions to address those concerns (i.e. working to agreed policies and procedures and per local laws)
- c. Refers to institutional/internal policies and procedures intended to ensure that children are not exposed to harm and abuse through their contact with the organization, their staff, and their participation projects and programs and that the organization's operations do no harm the children in any way (www.keepingchildrensafe.org).

3.2 A child means every person below the age of eighteen years. The 1989 United Nations Convention on the Rights of the Child (UNCRC), to which India is a signatory, defines a child as an individual who has not attained the age of 18 years.

The Juvenile Justice (Care and Protection of Children) Act 2015, which is the main Indian law for the protection and ensuring rights of children, defines a "child" as a person who has not completed eighteen years of age.

3.3 Child Safeguarding

Refers to preventing and responding to violence, exploitation, and abuse against children including commercial sexual exploitation, trafficking, child labor and harmful traditional practices such female genital mutilation/cutting and child marriage" (UNICEF)

3.4 Abuse and Maltreatment

For this policy MC adopts the definition given by World Health Organization, (2002) According to the World Health Organisation "child abuse" and "maltreatment" is 'all forms of physical and/ emotional ill-treatment, sexual abuse, neglect or negligence 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.'

A. Physical abuse:

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

B. Sexual abuse:

- a. 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.
- b. 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.

C. Child sexual exploitation:

- a. 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.
- b. It usually involves a child being manipulated or coerced, which may involve befriending children, gaining their trust, and subjecting them to drugs and alcohol.
- c. The abusive relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited.
- d. It is a form of abuse that can be misunderstood by children and adults as consensual.

D. Neglect and negligent treatment:

- a. neglect and negligent treatment refer 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, emotional and mental development.
- b. It includes the failure to properly supervise and protect children from any harm and provide for adequate nutrition, shelter and safe living/working conditions.
- c. 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.

E. Emotional abuse:

- a. Persistent emotional maltreatment that impacts on a child's emotional development.
- b. Emotionally abusive acts include restriction of movement, degrading, humiliating, bullying (including cyberbullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment or labeling.

F. Commercial exploitation:

- a. 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.
- b. It includes, but is not limited to, child labor.

G. Corporal punishment (*is a category of physical and emotional abuse*)

- a. Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involve:
- b. hitting (smacking, slapping, spanking) [children] with the hand or with an implement
- c. Other non-physical forms of punishment that are also cruel and degrading that includes:
- d. Belittling, humiliating, denigrating, making scapegoats, threatening, scaring or ridiculing

3.5 Vulnerable Adult

Mobile Crèches comes in contact with many adults in the community whose social, economic or physical vulnerabilities make them more prone to abuse/exploitation than others. Any such individuals who are exposed to violence, harm, abuse, or need support due to mental health problems and/or learning or physical disability which puts them in additional risk, will be identified as a vulnerable adult.

In other words, a vulnerable adult is any person aged 18 or over who is or may need care and support (e.g. health care, relevant personal care or social care) and is experiencing or is at risk of abuse or neglect and, as a result of this, is unable to protect themselves from either the risk or experience of neglect or abuse.

In the context of MC, vulnerable adults may be the following:

- Persons with physical disabilities
- Persons with mental health conditions
- People with learning disabilities
- Elderly and frail people due to ill health, physical disability or cognitive impairment
- People in abusive relationships
- Marginalized communities e.g. homeless, Dalits or minorities

- Persons misusing substances or alcohol addicts
- Pregnant women or young mothers in the community
- People who are ill and unable to carry out normal daily functions or demonstrate incapability to make a decision and need care and support
- Employees or volunteers who work in an area that has anti-social elements or factors like lack of transport that can put them at risk.

3.6 Best Interest of the Child

As defined in the Juvenile Justice (Care and Protection of Children) Act 2015, 'best interest of the child' means the basis for any decision taken regarding the child, to ensure fulfillment of her/his basic rights and needs, identity, social well-being, and physical, emotional and intellectual development.

Article 3 of the UN Convention on the Rights of the Child establishes the best interest of a child as a primary consideration in all actions affecting children. Any decision that affects children should be made based on consideration of their physical, mental and psychological well-being and the need to prevent any harm to them or other children. A child's views and opinions must be given due consideration by their age and understanding while assessing the best interest of a child.

4. Statement of Commitment

As an organization committed to enabling young children of marginalized and mobile populations to develop into competent and confident individuals, and supporting the Convention of the Rights of the Child, Mobile Creches does not tolerate any form of child abuse.

Mobile Creches recognizes that the children that it is working with, in the urban slums and construction sites, are exposed to and come in contact with MC programs staff and others including official visitors, board members, doctors, volunteers, consultants, resource persons, trainees, older children, alumni, and interns; regardless of the duration of their association with the organization. Hence, Mobile Creches needs to ensure that these children are not endangered due to this.

Mobile Crèches expects its employees and others¹ who work with the organization, to have children's best interests at the heart of their involvement with the organization. The purpose of this policy is to ensure that Mobile Creches has procedures in place to prevent and deal with all forms of child abuse, harm and any form of maltreatment.

To meet the objective, Mobile Creches will do the following-

- Take proactive action to **prevent any harm, abuse or exploitation** in any form **at the Mobile Creches workplace and at day care centers run by MC directly and the CBCs and within its operating hours;**
- Institute processes/systems/mechanisms for **early detection, redressal, and follow-up** of all cases of safeguarding concerns **related to children MC is working with, whether at the MC workplace within operating hours or in their homes/community, etc. which is reported to MC or MC staff or which comes to the notice of MC staff**

¹Others' includes official visitors, board members, doctors, volunteers, consultants, resource persons, trainees, older children, alumni, and interns; regardless of the duration of their association with the organization.

- **Take action**, possible within its domain, against **any abuser/alleged person - MC's employee/ any other person (as identified in the footnote above) engaged with MC's children.**

5. Guiding Principles

This Policy is guided by Indian legal provisions and commitments to safeguarding and upholding the human rights of children. These include the following:

- A. The United Nations Convention on the Rights of the Child (UNCRC) with special reference to:
 - a. Best interests or best interests of the child is a child rights principle, which derives from Article 3 of the UN Convention on the Rights of the Child, which says that "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". Assessing the best interests of a child means to evaluate and balance "all the elements necessary to make a decision in a specific situation for a specific individual child or group of children".
 - b. Do no harm – ensuring that actions and interventions designed to support the child do not expose them to further harm. At each step, care must be taken to ensure that no harm comes to children as a result of any decisions made, or actions taken on behalf of the child. Caution should also be taken to ensure that no harm comes to children as a result of collecting, storing or sharing their information.
- B. The Constitution of India with special reference to:
 - a. Article 21 – Safeguarding of life and personal liberty and Article 21A – Right to education
 - b. Article 23 – Right against Exploitation
 - c. Article 39(e) – "that tender age of children is not abused."
 - d. Article 39(f) - that children are given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and material abandonment
- C. The Juvenile Justice (care and Safeguarding of children) Act, Amended 2015
- D. The Safeguarding of Children from Sexual Offences Act, 2015
- E. National Minimum Guidelines for setting up and running crèches under the Maternity Benefit Act 2017
- F. NCPCR Guidelines on Safety and Protection

6. Operationalizing the Policy

6.1 Prevention

- a. Developing guidelines for the 'safety' to cover safety from all kinds of abuse and harm as included in the definition above.

- b. Enabling children based on their maturity and age-appropriately to be able to recognize unacceptable behavior and discuss their rights and concerns.
- c. Sensitization, and Capacity building of caregiving staff through structured training protocols to ensure their responsible behavior with children. The primary responsibility of recognizing signs of abuse lies with adult caregivers.
- d. Sensitizing and orienting its employees to norms of behavior which recognizes the child as an individual with rights (section 6.4. on Code of Conduct in the SOPs)
- e. Sensitizing and orienting all others associated with MC on the Child Safeguarding Policy
- f. Ensuring knowledge about Safeguarding Policy for all stakeholders
- g. Annual Risk Assessment at the organization level

6.2 Detection

- a. Training and sensitizing its employees and others to detect cases of child abuse and other safeguarding concerns. (section 4 on Risk Identification in the SOPs)
- b. Raising awareness of the community on child abuse, its detection, and the need to take appropriate actions.
- c. Make system for proper reporting of any abuse case while protecting dignity of the child (section 8 of the SOPs)

6.3 Action

- a. Safeguarding Committee will be formed for overarching supervision of safeguarding systems.
- b. ED will form an Internal Operational Group with the purpose of prevention, detection and ensuring timely and appropriate action.
- c. An investigation as detailed in SOPs (section 8.2.) will be done within a given time frame
- d. Appropriate action as detailed in SOP (section 8.3.) will be taken

7. Management Structures for Safeguarding

Safeguarding Committee will be formed to implement safeguarding systems and processes. A Safeguarding committee with external members, one board member, and management team representatives will be formed. x Within the Safeguarding committee, an internal safeguarding operations group of the management team will be formed which shall be responsible for supervising and monitoring the implementation of internal systems and processes on a routine basis. Internal Operational Group under the supervision of ED will be responsible for the operationalization of the policy about prevention, redressal and disciplinary action.

- a) Internal Operations Group will be responsible for developing and updating the SOP to ensure the smooth implementation and monitoring of the policy.
- b) Internal Operational Group under supervision of ED will ensure that the department heads/line managers have disseminated the contents and implications of this policy to their team members and others through structured meetings and induction programs,
- c) Managers/Programme Officers/ Supervisors will be responsible for monitoring workplace practices and the work environment for the workplace immediately under their direct supervision. Responsibility would mean ensuring prevention, detection and timely action in case of reported child abuse.
- d) MC while entering into any partnership will ensure that the MoU includes a section on safeguarding procedures along with the expectations on the safeguarding of children.
- e) It would be ensured that Policy is translated into Hindi and disseminated in comprehensible manner to all child care givers. Adequate awareness through posters etc. will be done

8. Constitution, Authorities, and Duties of Safeguarding Committee

A Safeguarding Committee as detailed below to carry out the mandate of the policy

- a. Senior Manager HR
- b. Head Program
- c. Chief Operating Officer
- d. Head Advocacy
- e. Member of Governing Council
- f. External Expert (therapist/counselor specializing with children)

Responsibility of the Safeguarding Committee would include:

- a. Overall supervision of the implementation of safeguarding policy in letter and spirit, in all MC's policies and operations.
- b. Safeguarding Audit once in a year- which would ensure that the systems are in place and the actions have been taken
- c. All matters related to child and vulnerable adult, initiatives, and concerns would be reported to Safeguarding committee
- d. Safeguarding committee would guide Mobile Creches about relevant changes in the policy framework

- e. In normal course policy would be reviewed every three years. In case of some emergent need in the society or change in laws, policy can be reviewed at the time of such need.
- f. Quorum of the committee would be 4 members

9. Authorities and Duties of the Internal Safeguarding operations Group

Internal Operations Group would be constituted with management team of Safeguarding committee as mentioned below:

1. Senior Manager HR
 2. Head Program
 3. Chief Operating Officer
 4. Head Advocacy
- a. Ensure dissemination of Child safeguarding policy
 - b. Ensure the sensitization process and capacity building of caregiver, community, all employees and stakeholders who come into contact with children
 - c. Ensuring adherence to Child Safeguarding Policy
 - d. Immediate action on complaints received, redressal and punishment.
 - e. To take immediate cognizance of the complaints, conduct timely inquiries, provide redressal to the affected child and recommend action against the abuser.
 - f. To seek legal, psychological, medical or police assistance, where required, with the consent of the affected child and/or family members.
 - g. To offer/ ensure required psychological, emotional and physical support to the affected child

10. Confidentiality and Safeguarding

The Committee will address complaints and carry out the investigation process in a manner that respects the confidentiality and privacy of complainants, the child, and alleged offenders.

In exceptional situations, the Complaints Committee may decide to set aside the commitment to confidentiality, such as in cases where legal proceedings are initiated and the organization is required to disclose information, or in cases where disclosure is deemed necessary to protect the interests of others.

Under the terms of this policy, the organization is committed to providing support and Safeguarding to complainants. Measures will also be taken to prevent further abuse of the child on account of having filed a complaint.

Annexure 1

Policy regarding Photography/Video of Children at Mobile Creches' centers and its dissemination

- **Permission from children's parents/guardians for Photography or Videography**
 - At the time of admission of a child at a Mobile Creches center, parents will be requested for permission for occasional photography/videography of the child, and its dissemination, if required for the purpose of the aims and objectives of MC, through a consent form.

- **Photographs/Videos taken of the children should be respectful**
 - Children should have adequate clothing that covers up the sexual organs
 - Photographs/Videos of children in sexually suggestive poses or that in any way impact negatively on their dignity or privacy are not acceptable
 - Stories based on Photographs/Videos of children should not, in any manner, have a negative impact on the dignity of the children

- **Photographs/Videos taken for reporting of activities and for writing proposals**
 - Should focus on the activity at the centre
 - Should be group photographs of children (at least four or five) and not be

- pictures of a single child
- The names of the children may require to be changed, depending on the sensitivity of the case. The decision will be taken on a case-to-case basis.
- **Pictures of a single child**
- These may be clicked in special cases only- a) by MC team for preparation of communication materials required by MC or for projection of MC's impact for external audience b) by an external person in cases when special permission has been taken from the Management
- These may be uploaded on our website with all precautions to ensure that they cannot be copied or downloaded by the viewer.
- These photographs will only be disseminated outside Mobile Creches with the scanned copy of consent.
- If used in any communication document like a poster, brochure etc then the consent form will be available in the source files folder in the picture/communication library folder.

DECLARATION OF COMMITMENT

To be signed by all Mobile Creches Governing Council Members, Staff, Volunteers, Visitors. A copy will be kept on file in the MOBILE CRECHES office.

I declare that:

1. I have read and understand the MOBILE CRECHES Safeguarding Policy for children and vulnerable adults and have attended/ will attend the Child Protection Training.
2. I will work within the procedure as laid out in the MOBILE CRECHES Safeguarding Policy for children and vulnerable adults.
3. I have not been accused or convicted to any offence involving physical or sexual abuse of children or young people.
4. I understand that if a complaint is brought against me regarding the abuse of children while engaged in MOBILE CRECHES activities, the allegation will be thoroughly investigated in cooperation with the appropriate procedures.