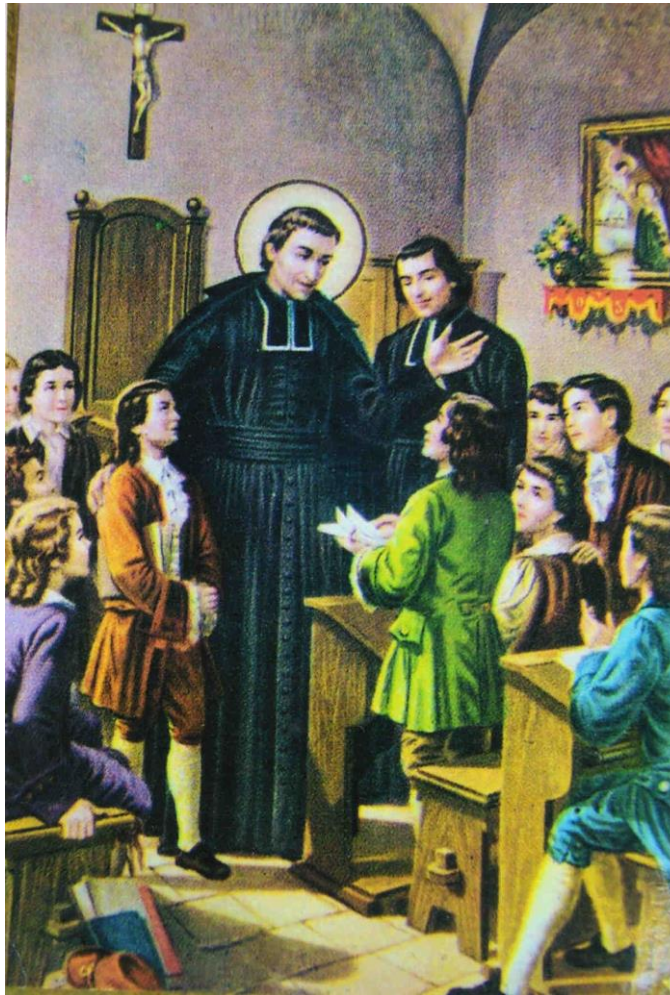


# THE CHILD AND ADULT AT RISK SAFEGUARDING PROTOCOL

## *Policy & Procedures*



Let us sacrifice our today so that our Children can have a better tomorrow (A.P.J. Abdul Kalam)

Montfort Brothers of St. Gabriel,  
Province of North East India

## **PREFACE**

Dear Brothers,

Child and Adult at Risk safeguarding is nothing but safeguarding of human rights and human promotion – a fundamental right of the Child and Adult at Risk and a fundamental duty of the adult world. Its importance is all the more highlighted in today's society due to the diminishing / changing value system, both in the family and society. It is incumbent on us educators, religious in particular, to safeguard and uphold the dignity and rights of the Children and Adults at Risk, beginning with those studying in our institutions.

Every Brother and Teacher / staff is expected to make use of this hand book and follow its tenets, in all aspects to make every Child and Adult at Risk feel secure, safeguarded and cared for. It is our moral and legal duty.

I wish to thank all the Brothers for preparing this document for the benefits of all the stake holders.

**Bro. Varkey M T**  
**Chairman**

## **Introduction**

According to the United Nations Convention on the Rights of the Children and Adult at Risk - that India ratified in 1992- all Children and Adult at Risk are born with fundamental rights.

- \* Right to Survival - to life, health, nutrition, name and nationality.
- \* Right to Development - to education, care, leisure, recreation and cultural activities.
- \* Right to Safeguard - from exploitation, abuse and neglect.
- \* Right to Participation - to expression, information, thought and religion.

And they have a right to achieve these dreams.

The Union Cabinet on 6th August 2014, cleared the Juvenile Justice (Care and Safeguard of Children Bill, 2014 for introduction in the current session of parliament. The repeal and re-enactment of the Bill is stemming from the need to ensure public safety and provide justice to victims. There cannot be any dispute on the society's need to be safe and juvenile crimes to be prevented. We strongly condemn all sexual or otherwise violence, be it by adults or juveniles, none of which can be justified by any means whatsoever.

According to UNICEF violence against Children and adults can be, "physical and mental abuse and injury, neglect or negligent treatment, exploitation and sexual abuse. Violence may take place in homes, schools, orphanages, residential care facilities, on the streets, in the workplace, in prisons and in places of detention." Such violence can affect the normal development of a Child and Adult at Risk impairing their mental, physical and social being. In extreme cases abuse of a Child and Adult at Risk can result in death.

We who are closely in link with Children and Adults at Risk in our schools have great responsibility and a moral duty to safeguard the rights of the Children and Adults at Risk and safeguard them from all dangers and abuses so that they develop into mature wholesome personalities useful to the society and to the nation.

## **1. Definition of a Child and Adult at Risk in the context**

A Child and Adult at Risk is defined as anyone who has not reached his/her 18<sup>th</sup> birthday. 'Children and Adults at Risk' therefore means 'Children and Adult at Risk (young people) below the age of 18. We use the definition of a Child and Adult at Risk according to 1989 United Nations Convention on the Rights of the Child and Adult at Risk.

## **2. Child and Adult at Risk safeguarding Protocol**

It is a document for safeguarding the safety and wellbeing of Children and Adult at Risk and young people outlining respective roles, responsibilities, procedures, information exchange and dispute resolution mechanisms as agreed upon by the parties involved.

### **3. Purpose of this Protocol**

The purpose of this protocol is to define the respective roles and responsibilities of the Brothers and staff of our schools in our Province working together to safeguard Children and Adults at Risk and young people from abuse and neglect. It provides information for our schools to take appropriate action when it is believed that a Child and Adult at Risk has suffered harm, or is likely to suffer harm, through abuse or neglect.

### **4. Our vision**

A happy, healthy and creative Child and Adult at Risk whose rights are safeguarded and honored in a society built on respect for dignity, justice and equity for all.

### **5. Our Mission**

- a) To enable people to take responsibility for the safeguard of all those deprived Children and Adults at Risk especially in our schools and to motivate them to seek resolution through individual and collective action thereby enabling Children and Adult at Risk to realize their full potential.
- b) To enable all our teachers and collaborators to pledge their particular strengths and resources to secure, safeguard and honor the rights of the Children and Adults at Risk in our schools.

### **6. Child and Adult at Risk Safeguarding Policy**

A Child and Adult at Risk Safeguarding Policy is an organization's commitment to safeguard Children and Adult at Risk from abuse, exploitation and organizational negligence. This is reflected in the way an organization conducts its activities and the way its staff behave. Child and Adult at Risk Safeguarding Procedures stipulates the way an organization puts its policy into action. Procedures include safer and conducive environment for the Child and Adult at Risk and for those working with them, code of conduct for staff, awareness of the issue and its long lasting effect on the affected Child and Adult at Risk, family and institution, institutional and legal predicaments on the perpetrator, guidance on the appropriate use of Children and Adults at Risk images and information and requirements for staff to report suspected or actual abuse etc.

#### **Why this policy-**

We believe that each Child and Adult at Risk is a gift from God born with an inherent dignity and right to respect.

The Safeguarding of the Children and Adults at Risk and youth who are under our care is not only our duty and responsibility but also our priority.

This policy for Children and Adults at Risk in our institutions is a loving commitment and contribution to the welfare, safeguard and empowerment of the Children and Adults at Risk in our care.

## 7. Guiding principles

The following are some of the guiding principles for laying down the policy for safeguarding Children and Adults at Risk under our care:

### 7.1 Safeguarding Children and Adults at Risk is everyone's business

Safeguarding Children and Adults at Risk is everyone's responsibility: parents, communities, governments and business all have a role to play. We envisage an unprecedented level of collaboration between the School Community, parents and non-government organizations to safeguard Children and Adults at Risk. The National Framework of our country provides the foundation for improving the safety and wellbeing of vulnerable Children and Adults at Risk.

Child and Adult at Risk Safeguarding policy is based on the principle of partnership and shared responsibility across a broad range of human service professionals, including schools and licensed Children and Adults at Risk's services. Most Children and Adults at Risk are best safeguarded and cared for within their own family; however, when parents or guardians are unwilling or unable to safeguard their Children and Adult at Risk from significant harm, the safeguarding of the Child and Adult at Risk becomes the responsibility of the wider community and, at times, requires statutory Child and Adult at Risk Safeguarding intervention.

The schools therefore play an important role in the prevention of Child and Adult at Risk abuse and neglect through their access to information about family functioning and the needs of Children and Adults at Risk. When a school or licensed Children and Adults at Risk's service staff member forms a belief that a Child and Adult at Risk has been harmed or is at risk of being harmed, they must take action that is timely, respectful and coordinated.

### 7.2 Best interests' principles

The 'every Child and Adult at Risk every chance' reforms are underpinned by principles that promote the right of every Child and Adult at Risk to live a full and productive life in an environment that builds confidence, friendships, security and happiness irrespective of their family circumstances or background.

For the purposes of this protocol, acting in the best interests of the Child and Adult at Risk includes:

- reporting to the School Child and Adult at Risk Safeguarding Cell all allegations or disclosures of physical abuse, sexual abuse, emotional abuse and neglect.
- reporting to the School Child and Adult at Risk Safeguarding Cell when a belief is formed that a Child and Adult at Risk has been harmed or is at risk of being harmed.
- making the Child and Adult at Risk's ongoing safety and wellbeing the primary focus of decision-making.
- sharing appropriate information, expertise and resources with other service providers supporting the Child and Adult at Risk.
- safeguarding and promoting the cultural and spiritual identity of a Child and Adult at Risk and maintaining their connection to their family or community of origin.
- enabling the Child and Adult at Risk and the Child and Adult at Risk's family to access appropriate services in order to reduce the long-term effects of abuse or neglect.

### **7.3 Collaborative practice**

Collaborative work between our Schools and Government or licensed Children and Adults at Risk's services agencies can improve outcomes for Children and Adults at Risk, young people and their families. Effective collaboration on the creation of a working relationship based on principles of trust, respect and shared decision-making contributes to ensuring the safety and wellbeing of all Children and Adult at Risk and young people by safeguarding them from significant harm.

### **7.4 Duty of caretakers**

Our staff or volunteers working in our schools and licensed Children and Adults at Risk's services have a duty of care to support and safeguard the Children and Adult at Risk and young people with whom they are professionally involved. When staff members form a reasonable belief that a Child and Adult at Risk or young person has been harmed or are at risk of harm, they are ethically bound to take action to safeguard the safety and wellbeing of that Child and Adult at Risk or young person. Duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation,
- fails to do something that a reasonable person in that person's position would do in the circumstances,
- acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care.

### **7.5. Children and Adult at Risk from culturally and linguistically diverse (CALD) backgrounds**

- Culturally respectful approaches and considerations are to be adopted when working with Children and Adult at Risk, young people and families from CALD backgrounds.
- Cultural differences in Child and Adult at Risk-rearing practices are to be acknowledged and considered within the relevant cultural context, but should not compromise the Child and Adult at Risk's safety and wellbeing.

### **7.6. Children and Adults at Risk with refugee backgrounds**

- Children and Adults at Risk and families with refugee backgrounds commonly share experiences of trauma, dislocation and loss.
- Pre-migration experiences coupled with settlement challenges can significantly affect family wellbeing and parenting capacity. While these issues require sensitive consideration, they should not compromise the Child and Adult at Risk's safety and wellbeing.

### **7.7. Children and Adults at Risk with disabilities**

- The protocol between the School Child and Adult at Risk Safeguarding and Disability Services endeavors to promote a best practice approach to Children and Adults at Risk with a disability and their families.
- While these issues require sensitive consideration, they should not compromise the Child and Adult at Risk's safety and wellbeing.

## **8. Role of our Schools**

- 8.1 The Schools have a grave responsibility to provide Children and Adults at Risk Safeguarding Services for all Children and Adults at Risk and young people under their care till the age of 18 years.
- 8.2 The Schools should provide possible services to Children and Adults at Risk, young people and their families in order to safeguard Children and Adults at Risk and young people from significant harm within their families.
- 8.3 When the Child and Adult at Risk is assessed as being 'at risk' within the family or School 'The Child and Adult at Risk Safeguarding Cell' of the School will – in the first instance and in accordance with the law – take every reasonable step to enable the Child and Adult at Risk to remain in the care of his/her family by strengthening the family's capacity to safeguard him/her.
- 8.4 When, even with support, a Child and Adult at Risk is not safe within the family, the School Child and Adult at Risk Safeguarding Cell will intervene and give all possible help to remove the Child and Adult at Risk and bring the matter before the Children and Adult at Risk's Court.
- 8.5 The School Teachers/ staff in their close daily contact with students should observe and identify when a Child and Adult at Risk or young person appears to be at risk of harm due to abuse or neglect and report the same to the school Child and Adult at Risk Safeguarding cell.
- 8.6 The Schools ensure that they work in close collaboration with the civil authorities and Police personnel to give adequate safeguarding to the Children and Adults at Risk who needs safeguarding from Child and Adult at Risk abuse.
- 8.7 When parents and guardians are unable or unwilling to safeguard their Children and Adults at Risk from significant harm the schools may intervene to create an integrated Child and Adult at Risk safeguarding and family service system that supports vulnerable Children and Adults at Risk, young people and their families.
- 8.8 Teachers are encouraged and obliged to discuss any concerns about the safety and wellbeing of students with the school principal or member of the school leadership team.
- 8.9 The School staff must respect confidentiality when dealing with a case of suspected Child and Adult at Risk abuse and neglect, and may discuss case details and the identity of the Child and Adult at Risk or the young person and their family only with those involved in managing the situation.
- 8.10 When a Child and Adult at Risk or young person has moved to another school, professional judgment should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a Child and Adult at Risk's general wellbeing or special needs, and the role of the school in any ongoing care plans.
- 8.11 The Schools may conduct interviews of Children and Adults at Risk and young people without parental knowledge or consent. However, a Child and Adult at Risk will be interviewed only in exceptional circumstances and if it is in the Child and Adult at Risk's best interests to proceed in this manner.
- 8.12 Children and Adults at Risk and young people should be advised of their right to have a supportive adult present during interviews. If a Child and Adult at Risk is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the Child and Adult at Risk.

- 8.13 A staff member may be identified as a support person for the Child and Adult at Risk or young person during the interview. Prior to the commencement of the interview
- 8.14 School staff does not require the permission of parents, or guardians to make a report to the School Child and Adult at Risk Safeguarding cell, nor are they required to tell parents or guardians that they have done so.
- 8.15 It is the responsibility of the School Child and Adult at Risk Safeguarding cell to advise the parents or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the Child and Adult at Risk arrives home.
- 8.16 If there is an allegation of abuse by a staff member or visitor at a school, the matter must be immediately reported directly to the Local Police and the School Child and Adult at Risk Safeguarding Cell for investigation.
- 8.17 'The best interests of the Child and Adult at Risk must always be paramount' in all the decisions and follow up activities. This principle guides every aspect of collaboration in the Child and Adult at Risk Safeguarding process and must be given priority if a dispute about roles and responsibilities arises.
- 8.18 Differences of opinion may occur between the School Child and Adult at Risk Safeguarding Cell, the staff, parents and other bodies. Such differences have the potential to affect the outcomes for the families involved and need to be addressed promptly in a professional and effective manner.
- 8.19 Differences of opinion should be resolved in a manner that ensures:
- the Child and Adult at Risk or young person's safety and wellbeing is paramount
  - they are resolved at the most immediate level possible and they are addressed as soon as possible after they arise.
- 8.20 The following model could be used as a basis for resolving differences by practitioners, when they disagree about the type of action to be taken for a Child and Adult at Risk or young person.
- Identify the problem by allowing both parties to state their case (that is, state their position and the rationale behind this position).
  - Attempt to work through the dispute to develop a number of strategies to address the disagreement.
  - Discuss and negotiate with the other party to achieve a most suitable resolution.
- 8.21 A log of differences should be maintained and any recurring areas of concern should be addressed collaboratively at the School level.
- 8.22 If the differences are not settled at the School level, the matter be referred to the Governing Body for final decision.

## **9. The Province Policy**

As a result of reflection of our commitment to the vision and mission, and considering the fact that Children and Adults at Risk are often vulnerable to abuse and exploitation, we, the Brothers of St. Gabriel, Province of North East India have decided to place highest importance to the safeguarding and safety of Children and Adults at Risk in all our Institutions and service centers. A potent factor in education is respect for the dignity of every human person. Greater is the dignity of Children and Adults at Risk for they are the true reflection of God on earth.



In the recent years, there has been an increasing recognition that the abuse of Children and Adults at Risk can and does happen in organizations, and a growing acceptance of the potential risks to Children and Adults at Risk from adults' unintentional and deliberate actions. Unintentional acts can happen due to a lack of 'due diligence' and organizational negligence. We are concerned about the welfare and safety of Children and Adults at Risk and recognize that we have a fundamental duty of care towards all Children and Adults at Risk we engage with and it stems from our conviction and teaching of Jesus, **"Whoever causes a little Child and Adult at Risk to sin, it would be better for him to have a millstone hung around his neck and he be drowned in the sea."** (*Mt: 18/26*). We take this responsibility seriously to ensure that we are doing all we can to safeguard Children and Adults at Risk from abuse, both from within our organization and outside the organization, (our educational institutions) and to take appropriate action if such abuse occurs.

Its purpose is to help us and all associated with us in the proper dissemination of Education in our institutions, to develop a common understanding of Child and Adult at Risk safeguarding issues, develop good practice across the diverse and complex areas in which we operate and thereby increase accountability in this crucial aspect. It is hoped that, this policy, when put into practice, will help in making sure that Children and Adults at Risk are safeguarded. It also ensures that the staff and other representatives of us in our institutions too are safeguarded. This aspect of good governance is also critical in maintaining the reputation and credibility of our institutions; moreover; safeguarding is a right of the Child and Adult at Risk.

### **9.1. Professional Ethics Commission or Child and Adult at Risk Safeguarding Cell within our educational institution.**

All our Educational enterprises will have a Child and Adult at Risk Safeguarding Cell. This Cell will consist of members designated by the Province Leadership in consultation with the local community. The panel will have the Community Leader, Principal, Vice-Principal, Co-ordinators, a male and female staff, two representatives from the parent body and a legal advisor. The local committee will inform, consult, co-ordinate, and seek advice and guidance from the Province level Child and Adult at Risk Safeguarding Cell which will be constituted and announced by the Province Administration.

### **9.2. Province level Professional Ethics Commission or Child and Adult at Risk Safeguarding Cell**

There will be a Province Level Child and Adult at Risk Safeguarding Cell constituted by the Province Leadership. The names, designation, address and contact details will be made available to the Local cell by the Province Administration.

### **9.3. Procedure of Registration of the offence.**

The complaint alleging a case of sexual abuse should clearly state the - name and address of the victim, together with the name and address of the alleged offender. The complaint should be dated, the date of the offence and if possible, with the date of birth of the victim. It should carry a brief account of the offence, its frequency, place, time, circumstances and should be signed by the petitioner. If the complaint is made by a third party, it should be by someone who has locus standi: such as parent, guardian, family member or a legal delegate. If the petition is signed by someone else other than the above, the party should obtain an authorization from the victim or from a legal representative of the victim. If the complaint does not have the above-mentioned details, the petition is sent back for clarification and details. It should be noted that the cell/committee stands to accept only written and not a verbal complaint.

### **9.4 Modus operandi of the Professional Ethics Commission/Child and Adult at Risk safeguarding Cell**

Upon receiving a written complaint, the committee verifies the authenticity of the complaint. The committee in turn informs the Province level committee and seeks its intervention and advice for further action. The local committee in turn initiates preliminary enquiry under the direction of the Province level commission. During the enquiry, all attempts are to be made to safeguard the good name of the accused and the victim and undue revelation of the enquiry, statements, progress etc. to the public are to be avoided. Hence, in order to prevent any miscarriage of justice and to safeguard the reputation of both the parties, both the preliminary enquiry and the subsequent processes are to be conducted respecting the privacy of the individuals concerned.

In the ensuing enquiry; the complainant and the alleged offender are to be heard. The alleged offender has the right to know the accusation and the conclusion of the Preliminary Enquiry Committee. Witnesses presented by the complainant and alleged offender are to be heard too. Utmost patience is to be displayed by the cell while listening and no biased conclusions to be arrived at keeping in mind the principle that every accused is innocent until proved guilty. The chairperson has the right to curtail the list of witnesses if he/she feels that the case has been sufficiently instructed. The cell may call for witnesses ex-officio, documentary evidences such as letters, e-mails, audio-video recordings, photographs etc. The cell may also seek the opinion of legal or such experts who are in the same field. All statements are to be recorded and signed by the cell, witnesses, the alleged offender and the victim or his/her representatives in the presence of both the alleged offender and complainant with date and time.

The final report and findings are to be submitted to the Province level commission within ninety days. The local cell may request for an extension of this period for specially stated reasons. The conclusions of the local cell are to be communicated to the petitioner and the alleged offender by the Chairman of the Province level commission with the clear

understanding that the conclusions are purely findings of the cell and the same are not binding in the civil law of the country.

If the Province Level Commission accepts conclusion of the Local cell that the offender is guilty and poses a potential threat to the minors of the institution, he is to be immediately suspended from all offices and dismissal procedures are initiated. If need be, legal proceedings too are resorted to in which the law of the land would take its due course.

It is to be noted that if any person makes a false complaint in connection with Child and Adult at Risk Abuse or provides false information solely with the intention of tarnishing the image, humiliate, exhort, threaten or defame another person or institution, he/she is liable to be punished for a minimum period of six months or fine or with both under the civil law of India. (Child and Adult at Risk safeguarding Act, 2012 - No. 32 of 2012) The adult who makes a false complaint or provides false information against a Child and Adult at Risk, knowing it to be false, thereby victimizing such Child and Adult at Risk is also liable to be punished under the said Act with imprisonment extending to an year or fine or with both. On the other hand, if a false complaint is made or false information has been provided by a Child and Adult at Risk, no punishment shall be imposed on such Child and Adult at Risk as such but remedial, advisory or disciplinary measures may be initiated by the Local Child and Adult at Risk Safeguarding Cell.

At any given stage, the victim cannot claim any compensation, monetary or otherwise from the institution where the offender was discharging his duties, as it is understood that the institution hires only the service of the employees for a remuneration agreed upon, and is not responsible for his behavior, character, personal interests, private life and traits.

#### **9.5. Post abuse rehabilitation and remedial facilitation**

On the presumption/conjecture that such victims are young, the trauma can be long lasting, demoralizing to the victim and the family and hamper the mental and physical well-being. Certain remedial measures as suggested may be initiated and extended by the Professional Ethics Commission.

- a. *Counseling / therapy at the expense of the institution.*
- b. *Contacting and facilitating expert agencies.*
- d. *Extension of counseling/therapy to the victim and family.*
- e. *Keeping regular contact with the victim and family.*
- f. *Extension of medical facilities if needed.*
- g. *Transfer of the victim to any other sister concerns if desirable and acceptable.*
- h. *Offering all moral support to the victim and family.*
- i. *Any other?*

#### **9.6. Preventive Measures.**

On the conjecture that "Prevention is better than cure," and "Charity begins at home", we strive to create an atmosphere that promotes safety and growth of those entrusted to us so that they can gradually assume responsibility for their own growth as human beings and persons of faith. In this

regard, our mission also includes the creation of such an environment, to the best of our ability, in all our educational enterprises.

1. *Ensuring that buildings are Child and Adult at Risk friendly with adequate space, lighting, ventilation and structural design that facilitates healthy and effective supervision.*
2. *Ensuring that sufficient space is provided for the Children and Adults at Risk to give vent to their energy, develop their talents and learn the basics of social living and life of faith through prayer, sports, music, dance, drama, academics, religious and moral instruction, etc.*
3. *Challenging discrimination of any kind, based on age, gender, religion, status, caste, social background and sexual orientation.*
4. *Establishing Codes of Best practice in the areas of Safeguarding, Discipline and Peer Respect which are aimed at creating a healthy environment and preventing harmful behavior of any kind.*
5. *Providing information about the right of every individual.*
6. *Developing printed material on the nature of abusive behavior and ensuring that the information is disseminated appropriately.*
7. *Keeping in public spaces of the Centre, information of the procedures- for reporting known or suspected abuse.*
8. *Appointing a Professional Ethics Commission/Child and Adult at Risk Safeguarding Cell in every institution of ours with clearly defined role and responsibility for safeguarding Children and Adults at Risk and encouraging an atmosphere of openness.*
9. *Establishing and ensuring that Procedures for responding to alleged abuse are in place and acted upon.*
10. *Ensuring that the Professional Ethics Commission/Child and Adult at Risk Safeguarding Cell is examining and evaluating all reports of abusive behavior.*

## **10. Meaning of Child and Adult at Risk abuse**

"Anything which individuals, institutions, or processes do (act) or fail (omissions) to do which directly or indirectly harms Children and Adults at Risk or damages the prospects of safe and healthy development into adulthood," is referred here as Child and Adult at Risk abuse. Child and Adult at Risk abuse or maltreatment constitutes all forms of physical and/or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the Child and Adult at Risk's health, survival, development or dignity in the context of a relationship of responsibility, trust or power'. Child and Adult at Risk sexual abuse is the involvement of a Child and Adult at Risk in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the Child and Adult at Risk is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child and Adult at Risk sexual abuse is evidenced by an activity between a Child and Adult at Risk and an adult or another Child and Adult at Risk 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.

## **11. Forms of Child and Adult at Risk Abuse**

Child and Adult at Risk abuse has many forms: physical, emotional, sexual, neglect and exploitation. Any of these that are potentially or actually harmful to a Child and Adult at Risk's health, survival, dignity and development are abuse.

### **11.1. Physical abuse**

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a Child and Adult at Risk or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

Physical abuse can include beating, shaking, burning and assault with implements, pinching/ pushing, hurling objects at a person, making a Child and Adult at Risk kneel for an extended period of time, being made to stand for hours on end inside the class / outside the class/ in the sun, making a Child and Adult at Risk run in the playground for a long period of time which proves injurious to health, bullying.

Physical injury and significant harm to a Child and Adult at Risk or young person may also result from the failure of a parent or caregiver to adequately ensure the safety of a Child and Adult at Risk, exposing the Child and Adult at Risk to extremely dangerous or life-threatening situations.

#### **11.1.1 Physical abuse - Possible Physical Indicators:**

- 1) Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs.
- 2) Any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints or handprints, buckles, iron, teeth, etc.
- 3) Burns that show the shape of the object used to make them, such as an iron, grill, cigarette; or burns from boiling water, oil or flames.
- 4) Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the Child and Adult at Risk's age and development.
- 5) Cuts and grazes to the mouth, lips, gums, eye area, ears, and external genitalia.
- 6) Human bite marks.
- 7) Bald patches where hair has been pulled out.
- 8) Multiple injuries, old and new.
- 9) Poisoning.
- 10) Internal injuries.
- 11) The Child and Adult at Risk or young person states that an injury has been inflicted by someone else (caregiver or other), or offers an inconsistent or unlikely explanation or can't remember the cause of injury.
- 12) Unusual fear of physical contact with adults (for example, flinches if unexpectedly touched).
- 13) Wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries.
- 14) Wariness or fear of a parent/caregiver; reluctance to go home.
- 15) No reaction or little emotion displayed when hurt.
- 16) Little or no fear when threatened.

- 17) Habitual absences from school without explanations (the caregiver may be keeping the Child and Adult at Risk or young person away until signs of injury have disappeared).
- 18) Overly compliant, shy, withdrawn, passive and uncommunicative.
- 19) Fearfulness when other Children and Adults at Risk cry or shout.
- 20) Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others.
- 21) Excessively friendly with strangers.

### **11.1.2 Physical Abuse- Possible Behavioral Indicators**

- 1) Regressive behaviour, such as bed wetting or soiling.
- 2) Poor sleeping patterns, fear of dark, nightmares.
- 3) Sadness and frequent crying.
- 4) Drug or alcohol misuse.
- 5) Poor memory and concentration.
- 6) Suicide attempts

## **11.2 Emotional abuse**

Emotional abuse occurs when a Child and Adult at Risk or young person is repeatedly rejected, isolated or frightened by threats or witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the Child and Adult at Risk or young person is disturbed or their emotional development is at serious risk of being impaired.

Psychological or emotional abuse may occur with or without other forms of abuse. The Child and Adult at Risk or young person may develop personality or behavioral disorders, or become filled with self-doubt and internalized rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, or mental or even physical development.

Any action that causes mental trauma for a Child and Adult at Risk (by severe or persistent emotional ill treatment or rejection) resulting in behavioral problems.

- i. Humiliating a Child and Adult at Risk by calling him/her names (especially in front of his peers, teachers and parents).
- ii. Hurling verbal abuses at a Child and Adult at Risk.
- iii. Startling a Child and Adult at Risk by banging on the desk or striking the desk with an object.
- iv. Misrepresenting a Child and Adult at Risk's learning disability as a discipline problem.
- v. Denying a student adequate time for recess/ games.
- vi. Abusing a Child and Adult at Risk's parents in class.
- vii. Making negative comparisons to other students/ siblings.
- viii. Turning a blind eye to bullying.

### **11.2.1 Emotional abuse – Possible Physical & Behavioral Indicators**

- 1) Speech disorders.
- 2) Delays in physical development.
- 3) Failure to thrive (without an organic cause).

- 4) Overly compliant, passive and undemanding behaviour.
- 5) Extremely demanding, aggressive, attention seeking behaviour.
- 6) Anti-social, destructive behaviour.
- 7) Low tolerance or frustration.
- 8) Poor self-image.
- 9) Unexplained mood swings.
- 10) Behaviors that are not age appropriate - for example, overly adult (parenting of other Children and Adults at Risk), or overly infantile (thumb sucking, rocking, wetting or soiling).
- 11) Mental or emotional delays
- 12) Fear of failure, overly high standards, and excessive neatness
- 13) Depression, suicidal tendencies.
- 14) Running away.
- 15) Violent drawings or writing.
- 16) Contact with other Children and Adults at Risk forbidden

### **11.3 Sexual abuse**

Sexual abuse is the physical exploitation of a Child and Adult at Risk which violates social taboos or family roles, resulting in serious emotional damage. A Child and Adult at Risk is sexually abused when any person uses their authority or power over the Child and Adult at Risk or young person to engage in sexual activity. Child and Adult at Risk sexual abuse involves a wide range of sexual activity and may include fondling genitals, masturbation, oral sex, vaginal or anal penetration by finger, penis or any other object, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

#### **11.3.1 Sexual abuse – Possible Physical & Behavioral Indicators**

- 1) Injury to the genital or rectal area, such as bruising or bleeding.
- 2) Vaginal or anal bleeding or discharge.
- 3) Discomfort in urinating or defecating.
- 4) Presence of foreign bodies in vagina and/or rectum
- 5) Inflammation and infection of genital area.
- 6) Sexually transmitted diseases.
- 7) Pregnancy, especially in very young adolescents.
- 8) Bruising and other injury to breast, buttocks and thighs
- 9) Anxiety related illnesses such as anorexia or bulimia
- 10) Frequent urinary tract infections.
- 11) The Child and Adult at Risk or young person discloses sexual abuse
- 12) Persistent and age inappropriate sexual activity, including excessive masturbation, masturbation with objects; rubbing genitals with adults, playing games that act out a sexually abusive event.
- 13) Drawings or descriptions in stories that are sexually explicit and not age appropriate.
- 14) A fear of home, a specific place, a particular adult; excessive fear of men or of women.
- 15) Poor or deteriorating relationships with adults and peers.
- 16) Poor self-care/personal hygiene.
- 17) Arriving early at school and leaving late.
- 18) Complaining of headaches, stomach pains or nausea without physiological basis.

- 19) Frequent rocking, sucking or biting.
- 20) Sleeping difficulties.
- 21) Reluctance to participate in physical or recreational activities.
- 22) Regressive behaviour, such as bedwetting or speech loss.
- 23) Sudden accumulation of money or gifts.
- 24) Truancy or running away from home.
- 25) Delinquent or aggressive behaviour.
- 26) Depression.
- 27) Self –injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, attempted suicide.
- 28) Sudden decline in academic performance, poor memory and concentration.
- 29) Wearing of provocative clothing, or layers of clothes to hide injuries.
- 30) Promiscuity.

## **Potential Abuse**

Situations where medical and social assessments indicate a high degree of risk that a Child and Adult at Risk may be abused in future, including situation of another Child and Adult at Risk in the same household having been abused or where there is known abuser, is classified as potential abuse.

### **When to be concerned**

Staff should be concerned if a student –

1. Has any injury which is not typical of the bumps and scrapes normally associated with Children and Adults at Risk's activities.
2. Regularly has unexplained injuries.
3. Frequently have injuries, even when apparently reasonable explanations are given.
4. Offers confused or conflicting explanations about on how injuries were sustained.
5. Exhibits significant changes in behaviour, performance or attitude.
6. Indulges in sexual behaviour which is unusually explicit or inappropriate to his or her age.
7. Discloses an experience in which he or she may have been significantly harmed.

### **Dealing with a disclosure:**

If a student discloses that he or she has been abused in some way, the member of staff should –

1. Listen to what is being said without displaying shock or disbelief
2. Accept what is being said
3. Allow the Child and Adult at Risk to talk freely
4. Reassure the Child and Adult at Risk, but not make promises which it might not be possible to keep
5. Not promise confidentiality, as it might be necessary to refer the case to the counsellor.
6. Reassure the pupil that what has happened is not their fault
7. Stress that it was the right thing to tell
8. Listen, rather than ask direct questions
9. Ask open questions rather than leading questions
10. Not criticize the perpetrator
11. Explain what has to be done next and who has to be told



**People who could be involved in Child and Adult at Risk abuse:**

1. Students
2. Staff members – both teaching and nonteaching
3. Parents
4. Outsiders – relatives, friends, etc.

**Procedure to be followed in case of abuse of a student:**

1. Abuse by a student-

- Student reports the case of abuse to the class teacher.
- Class teacher reports to the supervisor.
- A minor issue is settled by the supervisor by advising the students involved in the case. In major issues the matter is taken up with the Principal / Counsellor.
- Students are sent for counselling and for medical checkup if the issue is major i.e. in case of serious harm.
- Parent / Principal is to be informed by the Head Mistress/ Coordinator in minor cases and in major cases.
- The student who is affected is monitored by the coordinator for at least one week.
- The record is maintained by the Head Mistress/ Co-ordinator of any such incidents that takes place in the section.

Note: Student who has been the victim can refer the case directly or with the help of a fellow student, to the counsellor.

2. Abuse by a teacher-

- Student reports to the Co-ordinator/ Head Mistress/ Counsellor/ parent.
- A report is written by the Head Mistress/ Co-ordinator/ Counsellor and maintained by the Head Mistress/ Co-ordinator.
- Head Mistress/ Co-ordinator/ counsellor/ parent informs the Principal.
- The teacher concerned is called by the Head Mistress/ Co-ordinator/ Principal and questioned on his/her views on the matter reported by the student.
- The supervisor warns the teacher in minor issues and the Principal in major issues.
- A memo is issued to the concerned teacher by the Principal.
- Parents are informed by Head Mistress/ Co-ordinator/ Principal and assured that action will be taken on the teacher and no such incident will occur henceforth.
- In the case of the teacher resorting to abuse/ harassment in spite of the repeated warnings (thrice) then he/she will be taken to the Management Committee for further action.
- The student is counseled by the counsellor.

3. Abuse by a support/nonteaching staff

- Student reports to the class teacher/ Parent/ Counsellor and a report is maintained by the concerned authority.
- The class teacher/ Parent/ Counsellor informs the Head Mistress/ Co-ordinator/ Principal.
- The Head Mistress/ Co-ordinator then informs the Principal.

- The Principal takes up the issue with the concerned head of the support staff.
  - The support staff is called and warned by the concerned head of that department.
  - In extreme cases the matter is taken to the Management Committee and the concerned person is terminated.
4. Abuse by a parent
    - Student reports to the class teachers/ counsellor a report is maintained by the concerned authority.
    - The matter is brought to the notice of the Head Mistress/ Co-ordinator/ Principal.
    - The Parent is called to the school and advised.
    - The student is sent for counselling to the school counsellor.
  5. Abuse by a relative
    - Student reports to the class teacher/ counsellor a report is maintained by the concerned authority.
    - The matter is brought to the notice of the Head Mistress/ Co-ordinator/ Principal.
    - The Parent is called to the school and the matter is discussed for further actions.
    - The student is sent for counseling to the school counsellor.
  6. Abuse by outsiders (during trips, picnics, etc.)
    - Student reports to the class teacher/ counsellor a report is maintained by the concerned authority.
    - The matter is brought to the notice of the Head Mistress/ Co-ordinator/ Principal.
    - The student is sent for counselling to the school counsellor.
    - The teacher in charge reports to the concerned authorities where the trip/ picnic takes place.
    - The parent is informed about the issue.
  7. Abuse by workers other than school staff (Contractors, etc.)
    - Student reports to the class teacher/ counsellor a report is maintained by the concerned authority.
    - The matter is brought to the notice of the Head Mistress/ Co-ordinator/ Principal.
    - The Principal takes up the issue with the concerned head of the staff.
    - The staff is called and warned by the concerned head.
    - If the issue continues and if no action is taken by the concerned head, the matter is taken to the Managing Committee.
    - The head of the concerned person is called by the chairman and discussed strictly which may even lead to the cancellation of the schools contract with them.

Cases directly referred by the students to the counselling center will be taken up with the Principals/ supervisors only with the permission of the student.

#### **11.4. Neglect**

Neglect includes a failure to provide the Child and Adult at Risk or young person with an adequate standard of nutrition, medical care, clothing shelter or supervision to the extent where the health or development of the Child and Adult at Risk is significantly impaired or

placed at serious risk. A Child and Adult at Risk is neglected if they are left uncared for over long periods of time or abandoned.

Two types of neglect are discussed below:

#### **11.4.1. Serious neglect**

Serious neglect includes situations where a parent has consistently failed to meet the Child and Adult at Risk's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the Child and Adult at Risk are severe. For example, where:

- 1) The Child and Adult at Risk's home environment is filthy or hazardous in the extreme and poses a threat to the Child and Adult at Risk's immediate safety or development and is characterized by the presence of animal or human faeces or urine, decomposing food, syringes or other dangerous paraphernalia.
- 2) The Child and Adult at Risk is provided with consistently insufficient or inadequate food or nourishment for the Child and Adult at Risk's healthy development.
- 3) The Child and Adult at Risk has a serious medical condition for which the parent has consistently failed to obtain treatment or dispense prescribed medication.
- 4) The parent consistently leaves the Child and Adult at Risk unattended, exposed to or in the care of strangers who may harm the Child and Adult at Risk.

#### **11.4.2. Medical neglect**

Neglect of medical care refers to a situation where a parent's refusal of, or failure to seek, treatment or agree to a certain medical procedure leads to an unacceptable deprivation of the Child and Adult at Risk's basic rights to life or health.

#### **11.4.3. Neglect – Possible Physical Behavioral Indicators**

- 1) Consistently dirty and unwashed.
- 2) Consistently inappropriately dressed for weather conditions.
- 3) Consistently without adequate supervision and at risk of injury or harm.
- 4) Consistently hungry, tired and listless, falling asleep in class.
- 5) Unattended health problems and lack of routine medical care.
- 6) Inadequate shelter and unsafe or unsanitary conditions.
- 7) Abandonment by parents.
- 8) Failure to thrive.
- 9) Begging or stealing food.
- 10) Gorging when food is available.
- 11) Inability to eat when extremely hungry.
- 12) Alienated from peers; withdrawn, listless, pale, and thin.
- 13) Aggressive behaviour.
- 14) Delinquent acts, for example, vandalism, drug and alcohol abuse.
- 15) Little positive interaction with parent/caregiver.
- 16) Appearing miserable or irritable.
- 17) Poor socializing habits.
- 18) Poor evidence of bonding, little stranger anxiety.
- 19) Indiscriminate with affection.

- 20) Poor, irregular or non-attendance at school or kindergarten/Child and Adult at Risk care.
- 21) Staying at school long hours.
- 22) Self –destructive.
- 23) Dropping out of school.
- 24) Taking on an adult role of caring for parent.

## **11.5. Family violence**

Family violence is defined as violence (either actual or threatened) which occurs within a family including physical, verbal, emotional, psychological, sexual, financial or social abuse. Where there are strong indicators that incidents of family violence are placing Children and Adults at Risk at significant risk or danger, School Child and Adult at Risk Safe-guarding Cell/ Police must be informed. Family violence is a criminal offence and can be liable to prosecution.

### **11.5.1. Family violence – Possible Physical & Behavioral Indicators**

- 1) Speech disorders.
- 2) Delays in physical development.
- 3) Failure to thrive (without an organic cause).
- 4) Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs. Any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints or handprints, buckles, iron, teeth, etc.
- 5) Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the Child and Adult at Risk's age.
- 6) Overly compliant, shy, withdrawn, passive and uncommunicative.
- 7) Extremely demanding, aggressive, attention seeking behaviour.
- 8) Anti-social, destructive behaviour.
- 9) Low tolerance or frustration.
- 10) Showing wariness or distrust of adults.
- 11) Demonstrated fear of parents and of going home.
- 12) Becoming very passive and compliant.
- 13) Depression.
- 14) Anxiety.

## **11.6. Other Abuses**

### **11.6.1. Exploitation**

Exploitation can be commercial or otherwise whereby the Child and Adult at Risk is used for some form of labor, or other activities that are beneficial for others. Example: Child and Adult at Risk labor or Child and Adult at Risk prostitution.

### **11.6.2. Risk-taking behaviour**

While risk-taking behaviour in adolescence is a normal aspect of healthy development, some behaviour may require attention from Child and Adult at Risk Safeguarding Cell when they carry

potentially severe or life-threatening consequences. Examples include severe alcohol or drug use; unsafe sexual activity including prostitution; solvent abuse and chroming; and violent or dangerous peer group activity (for example, train surfing).

## **11.7. Powers and functions of the Officers of the Child and Adult at Risk Safeguarding Committee of the Institution**

### **A. Child and Adult at Risk Safeguarding Officer (Coordinator)**

The Child and Adult at Risk Safeguarding Officer coordinates the task of safeguarding envisaged by this policy in the institution and works in close collaboration with the Principal / Head of the Institution.

#### **i) Skills:**

He / She should be a good listener.

He / She should have the ability to empathize, keep confidence and be objective.

He / She should be generally friendly and approachable.

He / She should be a person of great prudence, wisdom and ability to discern.

#### **ii) Scope:**

He / She assumes responsibility to ensure that the Child and Adult at Risk Safeguarding Policy is adhered to.

He / She ensures that any breach of the policy is promptly reported.

He / She looks after the safeguarding and safety of the Children and Adults at Risk and young persons.

#### **iii) Responsibilities:**

1. He / She reports any breach of the code of safeguarding behavior put in place of the Institution.
2. He / She is personally available and maintains a climate that encourages individuals in disclosing / reporting any allegation of abusive behavior especially of a sexual nature.
3. He / She writes a report according to the format given in “Procedure of Registration of the Offence”
4. He / She ensures the safeguarding, immediate care and attention needed for all such individuals involved in the reporting or witness of abusive behavior.
5. He / She maintains confidentiality of all sensitive reports of concern or allegation of abusive behavior.
6. He / She ensures the confidential and safe custody of all original handwritten notes signed and dated along with all typed / printed reports.

7. After the initiation of the enquiry by the Diocesan / Provincial Child and Adult at Risk Safeguarding Committee, when a Child and Adult at Risk has to be interviewed, he / she (the coordinator) will get someone professionally skilled to interview Children and Adults at Risk, if such a person is not available in the Child and Adult at Risk Safeguarding Committee. Special Care is to be taken while interviewing Children and Adults at Risk with intellectual or psychiatric disability.
8. He / She (the coordinator) has the discretion to close the matter if there is no cooperation from the complainant or there is no sufficient reliable information and notify the same to the Diocesan / Provincial Child and Adult at Risk Safeguarding Committee.

However, it is to be carefully noted that the post of the Child and Adult at Risk Safeguarding Officer (Coordinator) does not empower him / her to report to legal authorities or to initiate any investigation in the name of the Diocesan / Province Level Child and Adult at Risk Safeguarding Committee on his own without authorization by the Diocesan / Provincial Level Child and Adult at Risk Safeguarding Committee.

## **B. Secretary**

A Secretary is appointed from among the members of the Child and Adult at Risk Safeguarding Committee of the Institution and shall record the minutes of the meeting, its deliberations and decisions as well as the other relevant matters or actions of the Committee.

## **C. Contact Person**

One person is to be appointed to be a Contact Person who on being informed of the complaint, will get in touch with and assure the complainant that the matter will be taken seriously and investigated in accordance with the procedures mentioned in the Child and Adult at Risk Safeguarding Policy.

## **D. Duties of the Child and Adult at Risk Safeguarding Committee of the Institution and Recording Procedures**

1. The Child and Adult at Risk Safeguarding Committee maintains a file on every case or matter considers / investigates. Each file shall contain a written report of investigation conducted, conclusions reached with stated reasons and a final written summary to be forwarded to the Diocesan / Provincial level Child and Adult at Risk Safeguarding Committee (Commission for Professional Standards)
2. It ensures the safe keeping of all files and the availability of the same in future when required.
3. It treats as confidential all records, documents, information received from or reported by the members.
4. It directs the contact person to meet with the alleged victim for the purpose of filling in details required, providing information and providing statements.
5. It ensures that the final directives from the Diocesan / Provincial Child and Adult at Risk Safeguarding Committee is followed up and implemented.

### **11.8. Diocesan / Provincial level Child and Adult at Risk Safeguarding Committee (Commission for Professional Standards)**

The Bishop / Provincial will constitute a Diocesan / Province level Child and Adult at Risk Safeguarding Committee (Commission for Professional Standards) that will supervise, direct and coordinate all Child and Adult at Risk safeguarding efforts of all the institutions under its jurisdiction.

1. The Diocese / Province level committee will consist of 5 – 7 members and is appointed for a term of 3 years and may be renewed at the end of the term.
2. One of the members of the Diocesan / Province level Committee is the designated Secretary of the Committee.
3. Another member is the designated Media Spokesperson.
4. One member who is appointed by the Bishop / Provincial is the Child and Adult at Risk Safeguarding Officer (Coordinator) of the Diocesan / Province level Child and Adult at Risk Safeguarding Committee and he / she has the power to act in the name of the Bishop / Provincial, if so delegated.

### **Functions of the Diocesan / Province level Child and Adult at Risk Safeguarding Committee (Commission for Professional Standards) are:**

1. To prevent abuse and through the Child and Adult at Risk Safeguarding Officers and Committees of all institutions in the Diocese / Province initiate and sustain any enquiry and all interventions aimed at safeguarding of Children and Adults at Risk from abuse by educating and maintaining a continued awareness of all matters relating to abusive behavior.
2. To ensure that the Principal / Head of the Institution formally assesses on a regular basis all initiatives and activities in his / her institutions to prevent risks and safeguard Children and Adults at Risk from any type of abuse.
3. To see that all staff in every institution consent to upholding the code of safeguarding behavior drawn up for implementation.
4. To ensure that no one who has allegedly been abused is in any manner exposed to further victimization rather he / she is safeguarded from the alleged perpetrator and steps are taken to restore emotional well being.
5. To ensure that all Child and Adult at Risk Safeguarding Officers (Coordinators) and all Child and Adult at Risk Safeguarding Committees of all institutions in the Diocese / Province are answerable to the Diocesan / Province level Child and Adult at Risk Safeguarding Committee.
6. On receiving any communication regarding Child and Adult at Risk abuse from any of the Child and Adult at Risk Safeguarding Committees of any institution of the Diocese / Province, to call for meeting of the Diocesan / Province level committee to discuss the facts and gravity of the offence and suggest to the Bishop / Provincial to initiate enquiry or

not by the local (institutional) Child and Adult at Risk Safeguarding Committee. The Bishop / Provincial will do the needful.

7. To meet and assess the enquiry report and related materials received from the local (institutional) Child and Adult at Risk Safeguarding Committee, and propose action to be taken to the Bishop / Provincial who will do the needful to direct the institution concerned regarding action to be taken.
8. To make known the findings of the Diocesan / Province level Child and Adult at Risk safeguarding Committee as and when required, to the complainant and the accused through the Child and Adult at Risk safeguarding Officer / spokesperson of this committee or through the Principal or the Contact person of the Child and Adult at Risk Safeguarding Committee of the institution.
9. To maintain a file of all cases brought before it and treat as confidential all documents and reports.
10. To maintain contact and network with the parallel Child and Adult at Risk Safeguarding committees of other Dioceses / Provinces if such Committees exist.
11. To keep everyone concerned updated on contemporary thought and research on all issues and developments on abusive behavior.

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## **Governing Body Resolution**

At the meeting of the Provincial Council (Governing Body) of the Montfort Brothers of St. Gabriel, Province of North East India, held at the Provincial House, Guwahati, on 6<sup>th</sup> December 2015, the following resolution was unanimously passed:

"The Governing Body of the Montfort Brothers of St. Gabriel, Province of North East India, resolves that the Child and Adult at Risk Safeguarding document drawn up, be implemented in all its institutions and centers of activity governed by it from 1<sup>st</sup> January 2021."

**President,**  
**Institute of the Montfort Brothers of St. Gabriel,**  
**Province of North East India**

