

SAFETY AND WELL BEING FIRST - CHILD PROTECTION POLICY FOR SCHOOLS IN KARNATAKA

[Type the document subtitle]



**DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVERNMENT OF KARNATAKA**

October 1, 2014

Draft

SAFETY AND WELL BEING FIRST - CHILD PROTECTION POLICY FOR SCHOOLS IN KARNATAKA

The Child Protection Policy for Schools is a comprehensive approach to ensure child safety and protection through inter-agency networking and inter-departmental convergence. This document contains 3 parts. **Part A** is an **Introduction and provides a Policy Framework**, while **Part B** sets out **Comprehensive Guidelines and Procedures** for protection of children in school, and finally **Part C is the Child Safety Plan** – a Checklist for ensuring Safety Standards in Schools, and used for self-assessment by schools and authorities.

PART A

INTRODUCTION AND OVERVIEW

Children have the inalienable right to protection and safeguarded from all forms of abuse, maltreatment and harm, and this applies to all children in all settings including educational environment. The state of Karnataka, underpinned by the United Nations Convention on the Rights of the Child (UNCRC)¹, has firmly placed the protection of children as priority commitment and put in place policies, mechanisms and measures; and strives towards ensuring that every child feels safe and protected in every way.

Under **Article 19** of the UNCRC, the state has an obligation towards child protection in school or any educational setting². The authorities, teachers and other adults engaged in the process of schooling and teaching are therefore duty bound to provide an environment that supports and promotes children's dignity, development and protection.

As children spend a significant part of their childhood and formative years in schools, it is imperative that the ambience in schools is positive and nurturing, where they feel safe and secure on the premises and with the care providers. Sense of safety and well being is also instilled in students when action is taken against misconduct or abuse, such as corporal punishment, discriminatory practices, bullying and other forms of verbal, emotional or sexual abuse, by teachers, other personnel and other students.

¹ India is a signatory to the United Nations Convention on the Rights of the Child (1989) and the Government of India ratified the same on 11th December, 1992.

² Article 19 of UNCRC – Appendix 1

Any form of humiliating and abusive treatment is not only a violation of the child's right to protection from violence, but also counter-productive to learning and development, which are the primary purposes of schooling.

All children are susceptible to violence and exploitation, however the vulnerability of girl children and the third gender to gender based violence and discrimination are critical areas of concern. These call for attitudinal and behavioural shift that would set in place practices that empowers children and the young, especially the girls.

Providing opportunity and space for children to share their grievances, concerns, fears as much as their suggestions and views with regard to their own safety is imperative and will go a long way in creating the desired 'child sensitive' atmosphere.

APPROACH

The Child Protection Policy is guided by the National Policy for Children, 2013, of Government of India, which is a reaffirmation of the government's commitment to the realization of all rights to children. The National Policy for Children (2013) highlights, "safety and security of all children is integral to their well being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities". It also points out that "mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality'.

Hence, a child centric rights based approach, affirmed by India's commitments to the UN Convention on the Rights of the Child, is deeply implied as the guiding framework for all future actions taken regarding children. This approach enables all children to access, participate in and profit fully from learning opportunities in a space that inspires their confidence and holistic sense of well-being. Participation of children in the process is undeniable right to every child.

CHILD PROTECTION

Child protection is a broad term that encompasses policies, guidelines, standards and procedures to protect children from both intentional and unintentional harm and violence. In the context of schools it applies particularly to the duty and responsibility of authorities, and other stakeholders associated with the schools towards children in the schools.

CHILD PROTECTION POLICY (CPP) FOR SCHOOLS

Child Protection Policy is a statement of intent that defines the school's commitment to safeguard children from harm and abuse. It helps to create a safe and positive environment for children, shows that the school is taking its duty of care seriously, and importantly specifies stakeholders' responsibilities and roles in the protection of children.

The child protection mandate must be reflected not only in the policies but also reflected in every aspect of the school administration and management including in staff recruitment, training and teaching learning transactions that would impact interactions between teachers, students, the school environment and parents – rendering them more child centric.

The policy will apply to all personnel and persons related to the school and who come in direct or indirect contact with children.

- A. Direct Contact with Children:** Being with and in the physical presence of a child or children as part of their professional or school related work, be it regular, occasional, temporary or long term
- B. Indirect Contact with Children:** Those whose work does not require them to be in the physical presence of a child but encompasses access to personal details and information, data on children including photographs, case files etc.

PURPOSE OF THIS POLICY

1. To promote a safe and positive environment in school, conducive for learning and development, in partnership with children
2. To provide the school's position on safety and protection of children and the measures taken for ensuring the same
3. To define roles and responsibilities and accountability of school authorities and other stakeholders
4. To enable staff and others recognize signs of abuse or situation when a child may require protection and help; and importantly enable them to report or bring to the notice of the concerned authority for immediate action
5. To set in place mechanisms for monitoring and review of the implementation of the child protection standards

GOVERNING PRINCIPLES

The Child Protection Policy is guided by the non-negotiable fundamental principles³ for realisation of the rights of all children and includes in particular -

³ Principles laid down under the UNCRC as well as guiding principles under the Juvenile Justice Act 2000

1. **Principle of Best Interest of the Child:** The right of the child to have her or his best interest taken as primary consideration which is a substantive right, a fundamental interpretative legal principle and a rule of procedure⁴.
It also implies that institutions, services and facilities responsible for care or protection of children will conform to standards established by competent authorities, particularly in the areas of safety, health and supervision; and reiterates the rights and duties of parents, guardians, other individuals legally responsible for them⁵.
2. **Principle of Safety:(No harm, no abuse, no neglect, no maltreatment)** All measures will be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care providers and education system
3. **Principle of Equality and Non-discrimination:** All children shall be treated equal and given equal opportunity and treatment. There shall be no discrimination against a child on any grounds including gender, religion, caste, class, place of birth, disability etc. Stigmatising vocabulary or language will also not be used in class or in the school.
4. **Principle of Confidentiality:** Every child has a right to protection of her/his privacy and confidentiality, in matters that call for such. Confidentiality shall be maintained when there has been abuse, especially when there has been sexual abuse.
5. **Principle of Participation:** Every child has a right to be heard, listened to and to participate in all processes and decisions affecting her or his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child. It has been noted that the right of a child to be heard is not only a right in itself, but should be considered in the interpretation and implementation of all other rights.⁶ The parent/guardian and family of the child also have a right to such participation unless decided otherwise by the Competent Authority⁷. It also enables a child to provide informed consent.⁸

Guiding Principles

1. *United Nations Convention on the Rights of the Child, 1989, Article 19,*
2. *The Indian Constitution*
3. *National Policy for Education 1992, which emphasizes child centric approach and prohibits corporal punishment in schools.*
4. *National Policy for Children, 2013 – Guiding Principles X: safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities.*

⁸ Ref Definition provided in appendix

To ensure delivery of the Constitutional safeguards and the commitment to the UNCRC, the Government of India has enacted several legislative measures for protection of children. While all of them encompass provisions for protection or safeguards from some form of violence or abuse the key child legislations in the context of protection of children are the following:

1. The Child Labour (Prohibition & Regulation)Act 1986 (CLPRA)
2. The Juvenile Justice (Care & Protection) of Children Act 2000 and Amendment Act 2006, (JJA)
3. The Commission for Protection of Child Rights Act 2005
4. The Prohibition of Child Marriage Act 2006
5. The Right of Children to Free and Compulsory Education Act 2009 (RTE)
6. The Protection of Children from Sexual Offences Act 2012 (POCSO)
7. The Criminal Law Amendment Act 2013

However, the two primary legislations that govern child protection issues are the Juvenile Justice Act and the POCSO Act. The Juvenile Justice Act is founded on the principles of the UNCRC, is a progressive legislation that provides a framework for the care, protection, treatment and rehabilitation of children in the purview of the juvenile justice system. It mandates child protection mechanisms in all districts of the state such as the Child Welfare Committees (CWC), Special Juvenile Police Units (SJPU) and Juvenile Justice Boards (JJB) and State/District Child Protection Units (DCPU)⁹.

The POCSO is a landmark legislation, and for the first time a special law to address the issue of sexual violence against children. It seeks to protect all children below the age of 18 from sexual assault, sexual harassment and pornography. These offences are clearly defined for the first time in Indian penal law.

The Act provides for stringent punishment to the offenders. Aggravated Penetrative Sexual Assault, for example, carries an imprisonment of not less than 10 years, which can be extended to imprisonment for life. Cases of child sexual abuse will be dealt in Special Courts, on a fast track mode to complete the proceedings in a year and to ensure sensitive dealing of the case.

OBLIGATIONS

1. The Departments of Primary, Secondary and Collegiate Education, and Vocational Training Institutions, Department , Government of Karnataka, Educational Boards and various Authorities under whose aegis schools function are obligated to:
 - a. Ensure all schools have Child Protection Place in place that is implemented for the safety of children

⁹ The Government of Karnataka has set up CWCs, JJBs and DCPUs in all 30 districts of the state while SJPU have been set up the Karnataka State Police in all 40 districts (including Commissionarates and Bangalore City Zones). Contact details are available on the website of the Department of Women and Child Development and Karnataka State Police

- b. Ensure schools have reporting mechanisms in place, and follow prescribed procedures
 - c. Facilitate capacity building of key personnel for effective implementation of the policy
 - d. Promote convergence of concerned departments and agencies in providing required services.
2. All school authorities, Heads of schools, teachers, on contract personnel, service providers and others related to school are obligated to:
- a. Know the content and purpose of the School Child Protection policy
 - b. Follow safety standards and measures
 - c. Report incidence of abuse or harm, safety violation or any untoward incidence to the appropriate authorities for immediate action
 - d. Refer suspected or actual child abuse cases to appropriate authorities, duly following procedures and facilitate referral service support
 - e. Put in place preventive measures and mechanisms for child safety and protection

APPLICABILITY AND SCOPE

The provisions of this policy shall apply "*mutatis mutandis*" to all schools, including government, aided, private schools, junior colleges, vocational training institutions and international schools in Karnataka.

The scope of this policy covers the responsibility of management and school authorities towards safety and protection of children

- Within school premises during school hours and after school hours, including holidays
- In relation to transportation organized by the school and private transport service providers to the extent possible
- Off-site events organised by school management or when students represent schools in outside school events

Those duty bound under the policy include

- Board and Management
- Permanent, temporary and contract staff
- Volunteers, consultants, experts and such
- Service providers
- Any person visiting the school and accessing the premises

DEFINITIONS

1. **'Child'** is any person under the age of 18 years, or one who has not completed eighteen years of age as per the Juvenile Justice Act 2000.
2. **School:** Schools as indicated in this document refers to all schools, junior colleges and vocational institutions, that are government, aided, private, and under any affiliations, catering to the education of children up to the age of 18yrs.
3. **Child Rights friendly.** means any process and interpretation, attitude, treatment and environment, that is humane, considerate, non-discriminatory and is in the best interests of the child.
4. **Child Sensitive Environment.** When the ambience of a place makes a child feel comfortable, be herself/himself without inhibition, and is non-threatening.
5. **Child Abuse:** According to the World Health Organisation, 'Child 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's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.'
6. **Forms of Abuse:** Child abuse includes physical, emotional or psychological, sexual abuse, neglect, maltreatment, discrimination etc. Each is elaborated in the annexure.
7. **Sexual abuse:** Acts or behaviour as defined in the Protection of Children from Sexual Offences Act, 2012 (POCSO)
8. **Neglect:** A condition where there is failure to protect the child from exposure to any kind of harm or danger that results in significant impairment in the health and development of the child. Neglect is often prolonged and includes starvation or not providing nutrition, not providing emotional support, leaving child un supervised or not providing medical, educational, and other basic care such as shelter, clothing etc.
9. **Harm:** An act or behaviour, often intentional, that hurts, causes grievous injury, pain or trauma to the child. Most often this is physical and sometimes could also be self-inflicted. Cutting, burning, misuse of substances and such.
10. **Competent Authorities** include the Child Welfare Committees, Juvenile Justice Board, Special Juvenile Police Units, mandated under the Juvenile Justice (Care & Protection of Children) Act 2000 and Amendment 2006, Special Court under the Protection of Children from Sexual Offences Act 2012, Karnataka Commission for Protection of Child Rights under the Commission for Child Rights Act, 2005.

More details in Part B.

KEY ELEMENTS OF OUR POLICY

This Policy encompasses guidelines for safety and protection of children that includes physical, emotional and personal safety, protection from corporal punishment, sexual abuse, cyber-crime, and emergencies and disasters.

The Policy comprises the following key elements to guide the behaviour and practices of personnel and individuals in relation to the school such as

- ❖ Creating a child safe and child sensitive school environment
- ❖ Prevention of child abuse – dealing with various forms of child abuse including corporal punishment
- ❖ Responding to Child Safety Violations - Complaints mechanisms and response, procedures
- ❖ Recruitment and capacity building of personnel
- ❖ Disciplinary action for misconduct
- ❖ Referral systems
- ❖ Monitoring and Review that includes self assessment, feedback mechanisms and reporting.
- ❖ Convergence and collaboration

The above are elaborated **in Part B** of this document

MONITORING AND REVIEW

Every school management shall be committed to the on-going monitoring and periodic review of the implementation of the Child Protection standards, behavior protocols, response and reporting mechanisms. Annual staff and personnel appraisals will include preventive and proactive measures by the staff members in this area, and their adherence to standards.

The PTA/SMC and Children's clubs/sanghas shall be actively involved in the process of bi-annual review and will be provided opportunity to give their feedback on the protection and safety standards.

The School Management shall review the Child Protection Policy once in two years or if and when situation warrants, and bring in necessary changes, in consultation with all stakeholders.

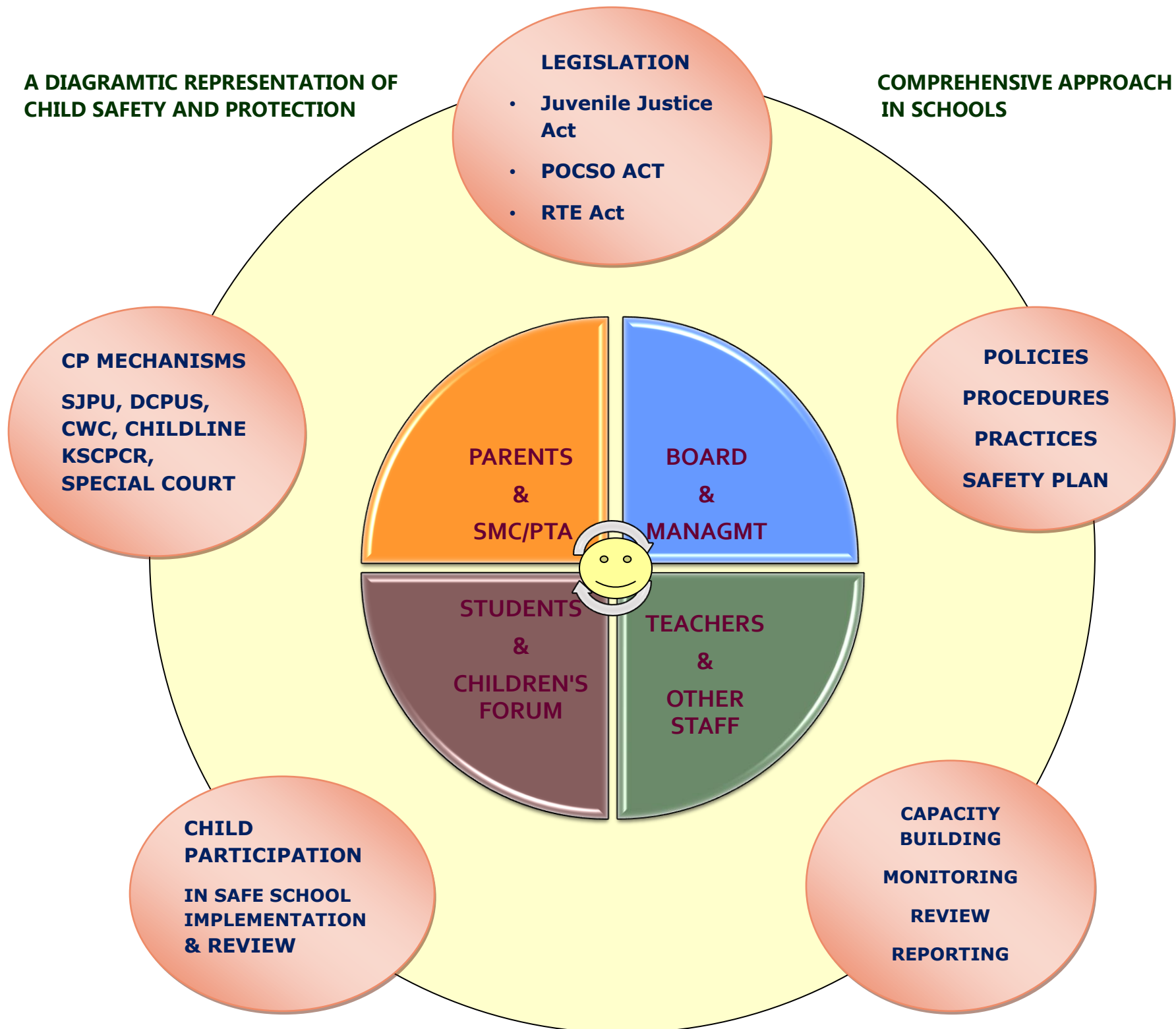
The School Inspection Committee of respective Education/ Vocational training Boards shall also assess the school's adherence to the child protection policy and provide opportunity for parents and students to share their concerns if any.

CONCLUSION

Educationists, be they the government or private are duty bound to protect every child from any form of harm or abuse, at the earliest. Immediate and speedy response to actual or perceived harm or abuse is of vital importance. Sometimes situation may warrant response even when there is no substantial evidence. However caution needs to be exercised to avoid hasty action that has far reaching repercussions. What is paramount is that central to any course of action lies the best interest of the child, and all decisions have to be guided by this core principle.

**A DIAGRAMTIC REPRESENTATION OF
CHILD SAFETY AND PROTECTION**

**COMPREHENSIVE APPROACH TO
IN SCHOOLS**



(List to be completed and arranged in alphabetical order)

Abbreviations

CPP – Child protection policy.

CPC-child protection committee

CPO –child protection officer .

DWCD—department of women and child development .

POCSO--- The Protection of Children from Sexual Offences Act

RTE—Right to Education

GPS-global positioning satellite system

CSA---child sexual abuse

DCPO-district child protection officer

CWC-child welfare committee

JJ Act-Juvenile Justice act

SJPU-Special juvenile police unit

CBSE -central board secondary education

CISCE—indian certificate of secondary education

IB international baccalaureate

IGCSE International General Certificate of Secondary Education .

NGO-Non government organization

PTA- parent teacher association

CP-child protection

GoK-Government of Karnataka

UNCRC-United Nation on convention rights of a child

KSCPCR—Karnataka state commission for protection of child rights.

FIR—first information report

CSV—child safety violation

ICPS-integrated child protection society

SDMC-school development monitoring committee

CCTV—closed circuit television

ICC-internal complaints committee

CSA-child sexual abuse

CBSC Central board of Secondary Education

CPP Child Protection Policy

CPR Cardio Pulmonary Resuscitation

CWC Child Welfare Committee

JJB Juvenile Justice Board

DCPU District Child Protection Unit

DoE Department of Education

DWCD Department of Women and Child Development

SSA Sarva Sikshana Abhyan

UNCRC United Nations Convention on the Rights of the Child

Appendices

Appendix: 1

Article 19 of the United Nations Convention on the Rights of the Child, UNCRC, 1989.

Draft

(India became a signatory of the UNCRC in 1992)

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) ***or any other person who has the care of the child.***
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.