

CMETrust Child Protection Policy



CANADA MATHARE EDUCATION TRUST

February 28, 2017

CMETrust Child Protection Policy

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| Approved by the CMETrust Board | February 28, 2017 |
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1. About Us

Canada-Mathare Education Trust (“CMETrust”) advances education in Kenya, one child at a time. CMETrust is a registered Canadian charity (839060720 RR 0001) incorporated in Ontario, Canada. Since 2006, CMETrust has worked with donors and volunteers in Kenya and Canada to advance education in one of Kenya’s most disenfranchised communities. The Trust provides secondary school scholarships and post-secondary school support to students from Mathare Valley Slum, Nairobi and raises awareness about education and urban poverty in Kenya.

Our values guide what we do and how we do it:



CMETrust’s Child Protection Policy (“**the Policy**”) was developed to ensure that the organization has procedures in place to prevent, report on and respond to all forms of child abuse linked to CMETrust programs and activities. CMETrust’s Board of Directors (“**the Board**”) approved the Policy in February 2017, following consultations with the Kenyan Field Representatives (“**KFRs**”). **Denis Mutiso of the Girl Child Network, a third-party expert on child protection who has worked in Mathare, assisted the Board in designing this policy.**

2. Definitions

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| ACRWC | African Charter on the Rights and Welfare of the Child |
| Certificate of Good Conduct | A document from the police department showing the results of a criminal record check of an individual |
| Child | Any person below 18 years of age and / or enrolled in CMETrust’s secondary scholarship program |
| Child abuse | All forms of physical, psychological, emotional, social and sexual abuse and exploitation |
| Child protection | Any activity or initiative designed or undertaken to guard children from all forms of harm, abuse, exploitation and neglect |
| Complaint | Written allegations of child abuse lodged with CMETrust’s official reporting and response procedures |
| Consent | Agreeing to something after thinking about the issue and making an informed |

decision

CMETrust

Canada-Mathare Education Trust

CMETrust personnel

All persons engaged by CMETrust in carrying out its programs and operations including staff / volunteers, consultants, suppliers and infrastructure contractors and transportation providers

Directors

Members of the Board, which is based in Canada and is responsible for overseeing CMETrust’s activities

KFRs

Kenyan Field Representatives (representatives of CMETrust in Mathare)

Reference checks

Confirmation of an applicant’s background with the stipulated referees in the applicant’s letter and/or résumé

Sexual offence

Any offence/abuse of a sexual nature covered by international protocols such as, but not limited to, UNCRC, ACRWC and national legal frameworks such as the Sexual Offences Act (2006) and the Children Act (2001)

UNCRC

United Nations Convention on the Rights of the Child

3. Scope of the Policy

What

This Policy applies to all current and future programs and activities implemented or supported by CMETrust in Kenya. Programs and activities include:

- Secondary sponsorship program
- Post-secondary sponsorship program
- Alumni program
- Activities conducted during school breaks with children
- Other activities that CMETrust hosts and supports, including scholar recruitment, parent / guardian information sessions, and community outreach events

Who

The Policy applies to all CMETrust personnel. CMETrust personnel comprise two groups:

1. **CMETrust “staff”:** Directors, KFRs, future permanent staff, future contract or temporary staff, volunteers and interns

2. **CMETrust contractors:** consultants, suppliers, infrastructure contractors & transporters

More broadly, individuals in a position of trust, individuals with unsupervised access to CMETrust scholars as well as individuals in direct contact with CMETrust scholars are subject to and guided by the Policy. This can include delivery partners, such as schools, sponsors and visitors.

4. Our Beliefs and Principles

CMETrust believes that every child has the right to:

- Have their health, safety and well-being, and their best interests considered more important than anything else
- Have their welfare and development promoted and safeguarded so that they can achieve their full potential
- Be valued, respected and understood within the context of their own culture, religion and ethnicity, and to have their needs identified and met within this context
- Be listened to and to have their views given careful consideration, and to be encouraged and helped to participate in decisions which affect them
- Not be discriminated on the basis of gender, disability, ethnicity, religion, political, economic status among other class differences

Child abuse infringes on these rights. CMETrust, therefore, does not tolerate any form of child abuse. We are committed to improving the situation of the children we work with and for, through promotion of their rights.

The Policy is guided by principles of the United Nations Convention on the Rights of the Child (UNCRC), regional (African Charter on the Rights and Welfare of the Child), and Kenyan legal instruments that protect children's rights.

5. What We Commit to Doing

CMETrust commits to putting in place, implementing, and improving organizational procedures to prevent, report on and respond to all forms of child abuse linked to CMETrust programs and activities. In particular, CMETrust commits to ensuring that personnel:

- Know about the problem of child abuse and the risks to children
- Minimize the risks to children through prevention mechanisms, (e.g., awareness raising, training, risk assessment in programming)
- Understand what steps to take to report concerns that arise regarding the safety of children
- Ensure that action is taken to respond, support and protect children where concerns arise regarding possible abuse

6. How We Will Do It

People

A CMETrust Child Protection Officer will be responsible for identifying risks from programming and activities, working with CMETrust staff to mitigate risks, receiving and managing reported cases of abuse, participating in investigations, documenting all processes, working with relevant authorities on conclusion of such cases.

The Child Protection Officer will, at a minimum, have an in-depth understanding of Kenyan legal policy frameworks as regards to human rights and child protection, knowledge of risks to children and approaches to reduce risks, and an understanding of the local operating environment in Mathare.

All CMETrust staff will sign and abide by the Policy and its provisions including the Code of Conduct.

Recruitment procedures will include stringent screening measures to ensure suitability for working with children in Mathare. This includes ensuring that the candidates avail a Certificate of Good Conduct from the Police Department or the Directorate of Criminal Investigation, recommendation letters from referees, and reference checks. CMETrust will not hire, contract, or engage anyone with a prior conviction for child abuse, pedophilia, or related offences. This includes prohibiting direct or indirect access to children, or information about children under CMETrust's care.

The Child Protection Officer will provide inception and refresher training on child rights and child protection issues, information about the Policy and related operating procedures, and consequences of non-compliance to CMETrust staff working in Mathare.

Ultimate responsibility for effective implementation of the Policy rests with the Board.

Information

Contact details of the organization's Child Protection Officer will be widely available and publicized to all CMETrust staff, contractors, delivery partners, scholars and their carers.

The Policy and its provisions, including the Code of Conduct, will be made widely available, in appropriate formats.

All CMETrust contractors will have access to the Code of Conduct and acknowledge receipt and understanding prior to engagement with CMETrust.

All other individuals, including sponsors and delivery partners, that work with CMETrust as well as visitors to CMETrust operations will have access to the Policy and its provisions, including the Code of Conduct. They will acknowledge receipt and understanding prior to engagement with CMETrust.

Practices and Processes

All CMETrust programs and activities in Mathare are subject to the National Children Participation Guidelines published by Kenya's National Council for Children's Services. In assessing what is suitable for each program or activity, CMETrust staff should consider:

- Requiring parental or guardian’s consent for children’s participation
- Informing children about why and how they will benefit from participation
- Achieving voluntary participation of children without any form of coercion
- Assessing gender and cultural sensitivities that could limit participation
- Assessing age and evolving capacity of the children to participate

All CMETrust programs and activities in Mathare will consider safety of children from abuse, harm or exploitation during planning, implementation and review.

Local reporting and response procedures will be set up and improved over time so as to support identifying and dealing with child-abuse concerns, guided by the principle of acting in **“the best interest of the child”**.

Whistleblowing is supported under this Policy. It is mandatory for all CMETrust staff to report immediately to the nearest Children’s Office and book the matter to the nearest Police Station (Gender and Children’s Desk) if there is a genuinely held belief that the Child Protection Policy has been compromised or breached. Failure to report suspected cases of child abuse is an offense of abetting and aiding to commit a crime, which is punishable under the laws of Kenya.

7. Code of Conduct

The rules of appropriate behavior outlined below are designed to both protect children from abuse and protect staff from false accusations of inappropriate behavior. Taken together they constitute the CMETrust Code of Conduct for working with children. Creating shared accountability among adults is important. This ensures that poor practice or potentially abusive behavior does not go unchallenged.

All CMETrust personnel should:

- Treat children with respect and recognize them as individuals in their own right.
- Regard children positively and value them as individuals who have specific needs and rights and a particular contribution to make.

- Work with children in a spirit of cooperation and partnership based on mutual trust and respect.
- Value their views and take them seriously.
- Work with them in ways that enhance their inherent capacities and capabilities, and develop their potential.
- Strive to understand them within the context in which they live. **CMETrust personnel need to be aware that they may work with children who may use a relationship to obtain special attention because of the circumstances and abuses they may have experienced. CMETrust personnel should note that the adult is always considered responsible for abuse no matter the actions of a child.**

CMETrust personnel and partners must never:

- Develop physical/sexual relationships with the children.
- Develop relationships with the children that could in any way be seen as exploitative or abusive.
- Use computers, mobile phones, and video and digital camera inappropriately and never to exploit or harass children or to access child pornography.
- Behave physically in a manner which is inappropriate or sexually provocative.
- Fondle, hold, kiss or touch children inappropriately or in a culturally-insensitive way.

These are serious sexual offences under the Kenyan Sexual Offense Act 2006 and should be reported to police promptly.

CMETrust personnel and partners must never:

- Hit or otherwise physically assault or physically abuse the children.
- Hire children for domestic or other labour which: (1) is inappropriate given their age or developmental stage; (2) interferes with their time available for education and recreational activities; and/or (3) places children at significant risk or injury.
- Act in ways that may be abusive or may place the children at risk of abuse.
- Use language, make suggestions or offer advice which is inappropriate, offensive or abusive.

- Do things for the children of a personal nature that the child participant could do on their own.
- Permit, or participate in, behavior of the children that is illegal, unsafe or abusive.
- Act in ways meant to shame, humiliate, belittle or degrade the children, or otherwise commit any form of emotional abuse.
- Discriminate against, show differential treatment, or favor particular a particular child to the exclusion of others.
- Stay alone overnight with one or more children whether in the staff members' house, project premises or elsewhere.
- Spend excessive time alone with any child, away from other people.
- Attend duty whether in the offices or field under the influence of alcohol or any drug/s or substance/s of abuse.

with termination of a contract or engagement in the case of serious complaints.

CMETrust has a duty to report complaints to authorities for investigation.

8. Failure to Comply

In cases of non-compliance with the Policy, CMETrust will apply the following two principles:

1. A complaint shall be considered credible until clear and convincing evidence proves otherwise.
2. The accused shall be presumed innocent until clear and convincing evidence shows otherwise.

Consequences of non-compliance are as follows for the two groups of CMETrust personnel:

CMETrust staff: depending on the nature of the alleged abuse, the individual may face a warning, suspension, or termination of their engagement with CMETrust.

CMETrust may suspend duties upon receiving a complaint to ensure due process and no interference in investigations. In the event of suspension, the Board will determine whether any adjustment to the individual's compensation is appropriate. If the offense is proved by clear and convincing evidence, the individual in question shall be removed of his or her duties. If the offense is dismissed, the individual is entitled to any compensation that was withheld during the suspension period.

CMETrust contractors: depending on the nature of the alleged abuse, the individual could face a warning,