

Child Safeguarding Policy for Breaking the Silence

Purpose

This Policy aims to set out approaches and procedures to safeguarding and promoting the welfare of children and vulnerable adults by the Breaking the Silence (BTS). It applies to all aspects of BTS's work and to everyone working for it, including permanent and temporary employees, consultants, members of the Governing board, staff members of the partner organisations, beneficiaries, contractors and vendors.

1. Definitions

BTS has adopted following definitions for the purpose of this policy.



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Breaking the Silence

Plot # 2/4, Lalmatia, Block-G, Mohammadpur
Dhaka-1207

Child

Every person being below the age of 18 years

Persons with
disabilities

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder

April 2019

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1. Definitions

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Issues	Definition
Bullying	Bullying is when an individual or a group of people with more power, repeatedly and intentionally cause hurt or harm to another person or group of people who feel helpless to respond. Bullying can continue over time, is often hidden from others, and will probably continue if no action is taken. ¹ Bullying can occur in a variety of environments.
Child	Every human being below the age of 18 years.
Persons with disabilities	Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder

¹ National Centre against Bullying, 2018. *Definition of bullying*. [online] Available at: <<https://www.ncab.org.au/bullying-advice/bullying-for-parents/definition-of-bullying/>> [Accessed 21 November 2018]



Issues	Definition
	<p>their full and effective participation in society on an equal basis with others.²</p> <p>People with disabilities have rights equal to all citizens, including fundamental basic human rights that are mentioned in Persons with Disabilities' Rights and the Protection Act, 2013 and other related laws of Bangladesh.</p>
Safeguarding	<p>Taking all reasonable steps to prevent harm, particularly sexual abuse, exploitation and harassment from occurring; to protect people, especially vulnerable children and adults, from that harm; and to respond appropriately when harm does occur.</p> <p>This definition draws from BTS values and principles. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.</p>
Safeguarding children	<ul style="list-style-type: none"> • Protect children from all form of abuse & maltreatment specially sexual abuse; • Prevent impairment of children's health or development; • Ensure that children are growing up in circumstances consistent with the provision of safe and effective; care;
Safeguarding vulnerable adults	<ul style="list-style-type: none"> • Protect the rights of adults to live in safety, free from abuse and neglect; • Work together to prevent and stop both the risks and

²Article 1, UNCRPD and Optional Protocol

Issues	Definition
	<p>experience of abuse or neglect;</p> <ul style="list-style-type: none"> • Make sure that the adult's wellbeing is promoted including, where appropriate, taking fully into account their views, wishes, feelings and beliefs in deciding on any action;
Sexual Abuse	<p>Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. It defines the term "sexual abuse" as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.³</p>
Sexual Harassment	<p>Any action or comment known to be offensive, embarrassing, humiliating, demeaning or unwelcome to the recipient with sexual overtones either direct or indirect notions.</p> <p>Sexual harassment includes</p> <ol style="list-style-type: none"> Unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances; Attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers; Sexually coloured verbal representation;

³United Nations, Glossary on Sexual Exploitation and Abuse, Second Edition (2007), p. 6.



Issues	Definition
	<ul style="list-style-type: none"> d. Demand or request for sexual favours; e. Showing pornography; f. Sexually coloured remark or gesture; g. Indecent gesture, teasing through abusive language, stalking, joking having sexual implication; h. Insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on bench, chair, table, notice boards, walls of office, factory, classroom, washroom having sexual implication; i. Taking still or video photographs for the purpose of blackmailing and character assassination; j. Preventing participation in sports, cultural, organizational and academic activities on the ground of sex and/or for the purpose of sexual harassment; k. Making love proposal and exerting pressure or posing threats in case of refusal to love proposal;
Staff/Others	Anyone who works for BTS. This is to include directly or indirectly employed staffs, members, contractors, consultants, vendors, volunteers and interns.
Survivor	The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience and the capacity to survive, however it is the individual's choice how they wish to identify themselves.
Vulnerable Adults	Women, persons with disabilities, people from ethnic communities, senior citizens, sick, refugees and whoever else may be recognized as vulnerable in any local, national or international context.

1. Recruitment

BTS undertakes specific background check for candidates for employment. As per the Human Resources and Development Policy, reference checks are obtained from previous employers and reference indicated in the personal history are kept in the respective staff's personal file. However, BTS is not authorized to carry out criminal background check of the candidates for any recruitment.

2. Expectations from Employees

Everyone working for BTS has a responsibility to familiarize themselves with this safeguarding policy and the procedures thereof. They are expected to maintain a proper focus on the safety and welfare of children and vulnerable adults in all aspects of their work.

Anyone who works for the organization must inform their respective Supervisor/Manager/focal person if they or any adult living in their household become(s) the subject of an allegation involving a safeguarding concern or abuse against a child or vulnerable adult. In case of any confusion, they should seek advice from the respective Supervisor or Manager or focal person.

Any allegations of misconduct towards children and/or vulnerable adults by those working for BTS will be managed using the procedure thereof.

3. Safeguarding Training

BTS is committed to ensuring that everyone who works for the organization does understand their safeguarding responsibilities and do keep their knowledge up to date. All employees shall be provided safeguarding training within three months of joining. There will also be regular and refresher training for designated staff members on safeguarding children and vulnerable adults, including on specific areas of risk and safeguarding practice.

4. Safeguarding Officer/Focal Person

BTS, from its senior staff members, will designate one or more Safeguarding Officer/Focal Person. The Safeguarding Officer/Focal Person shall be responsible for implementation of this policy and related operational plan, orientation of newly appointed staff, safeguarding training for the staff, report and investigate

safeguarding violation, and maintaining of the register of safeguarding. The branch office is also required to designate a Safeguarding Officer/Focal Person as well with similar objective.

5. Prevention of Abuse

BTS's responsibilities

BTS will:

- Ensure all staff members have access to, are familiar with, and know their responsibilities within the framework of this policy;
- Design and undertake all its programmes and activities in a way that protects people from any risk of harm that may arise from their coming into contact with BTS. This includes the way in which information about individuals in our programmes is gathered and communicated;
- Implement stringent safeguarding procedures when recruiting, managing and deploying staff and associated personnel;
- Ensure staff members receive training on safeguarding at a level commensurate with their role in the organization;
- Follow-up on reports of safeguarding concerns promptly and according to due process;

Staff Responsibilities

Safeguarding of Children

BTS staff and associated personnel shall not:

- Engage in sexual activity with anyone under the age of 18;
- Sexually abuse or exploit any child;
- Subject a child to physical, emotional or psychological abuse, or neglect;
- Engage in any commercially exploitative activities with children including child labour or trafficking;

Safeguarding of Adult

BTS staff and associated personnel shall not:

- Sexually abuse or exploit the adults who is at risk
- Subject an adult who is at risk to physical, emotional or psychological abuse, or neglect.

6. Protection from Sexual Abuse and Exploitation

BTS staff and associated personnel shall not:

- Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries of assistance;
- Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics;

Additionally, BTS staff and associated personnel are obliged to:

- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy;
- Report any concerns or suspicions regarding safeguarding violations by a BTS staff member or associated personnel to the appropriate staff member.

7. Commitment

As part of the safeguarding policy BTS will-

- Designate a Safeguarding Officer/Safeguarding Focal Person from senior staff members;
- Promote and prioritise the safety and wellbeing of children, women and persons with disabilities;
- Ensure that all of the staff members are properly oriented on BTS's Safeguarding Policy. This policy will be part of the policy framework within the Human Resources Manual which is required to be explained to every new staff member as part of their induction and they must confirm receipt and compliance with the policy with their signature (Please refer to Annex A for the acknowledgement form);
- Ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate learning opportunities to recognise, identify and respond to sign of abuse, neglect and other safeguarding concerns relating to children, women and persons with disabilities;
- Ensure appropriate action is taken in the event of incidents/concerns of abuse and support provided to the individual/s who raise or disclose the concern;

- Ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored;
- Prevent the employment/deployment of unsuitable individuals;
- Keep a detailed register of safeguarding issues raised and process of dealing with them;
- Not tolerate possession or access to any material that is abusive towards children, women and persons with disabilities;
- Not engage children, women or persons with disabilities, in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child, the child is below the age of consent or the act(s) are an offence under relevant laws;
- Not allow any of the staff members to invite unaccompanied children into their home, unless they are at immediate risk of injury or in physical danger;
- Refrain staff members from physical punishment or discipline of children and from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

The policy and procedures will be widely disseminated and are mandatory for everyone involved with the BTS. Failure to comply with this policy and procedures will be addressed without delay and may ultimately result in dismissal/exclusion from the organization.

Reporting and Responding Procedures

Reporting

Reports may reach BTS through various means and routes. This may be in a structured format such as a letter, e-mail, text or message via social media. It may also be in the form of informal discussion or rumor. If a staff member hears something in an informal discussion or chat that they think is a safeguarding concern, they should report this to BTS's Safeguarding Officer/Focal Person immediately or within 24 hours at the latest.

Concerns

If a safeguarding concern is disclosed directly to a staff member, the person receiving the report should bear the following in mind:

- Listen
- Empathize with the person
- Ask who, when, where, what but not why
- Repeat/ check the understanding of the situation
- Report to the appropriate staff member/Safeguarding Officer/Safeguarding Focal Person

Documentation

The person receiving the report should then document the following information, using an Incident Report Form if there is one:

- Name of person making report
- Name(s) of alleged survivor(s) of safeguarding incident(s) if different from above
- Name(s) of alleged perpetrator(s)
- Description of incident(s)
- Dates(s), times(s) and location(s) of incident

Forwarding

Any staff member receiving or coming across any information or alleged incident of abuse shall report to the Safeguarding Officer/Focal Person immediately or within 24 hours at the latest.

Confidentiality

Due to the sensitive nature of safeguarding concerns, confidentiality must be maintained during all stages of the reporting process, and information shared on a limited 'need to know' basis only. This includes senior management who might otherwise be appraised of a serious incident.

8. Roles and Responsibilities for Case Management

The Safeguarding Officer/Focal Person will be the key person in managing the case.

If the report alleges a serious safeguarding violation, the Safeguarding Officer/Focal Person may wish to hold a case conference. This should include:

- Senior Management Team
- HR Manager/Coordinator

The case conference should decide the next steps to take, including any protection concerns and support needs for the survivor and other stakeholders.

9. Provide Support to Survivor where needed/requested

The Safeguarding Officer/Focal Person, in consultation with the senior management, will provide appropriate support to survivor(s) of safeguarding incidents, if requested. This will be in line with the operational plan.

Assessing protection or security risks to stakeholders

For reports relating to serious incidents: Safeguarding Officer/Focal Person will undertake an immediate risk assessment to determine whether there are any current or potential risks to any stakeholders involved in the case, and develop a mitigation plan if required.

Safeguarding Officer/Focal Person will continue to update the risk assessment and plan on a regular basis throughout and after the case as required.

10. Decision on the Next Steps

Safeguarding Officer/Focal Person decides the next steps. These could be (but not limited to)

- No further action (for example if there is insufficient information to follow up, or the report refers to incidents outside the organization's remit)
- Investigation is required to gather further information
- Immediate disciplinary action if no further information needed
- Referral to SMT

11. Decision on Outcome of Investigation Report

Senior Management Team (SMT) will make a decision based on the information provided in the investigation report. Decisions relating to the Subject of Concern should be made in accordance with existing policies and procedures for staff misconduct.

If at this or in any stage in the process criminal activity is suspected, the case should be referred to the relevant authorities *unless this may pose a risk to anyone involved in the case*. In this case, the SMT together with other senior staff will need to decide on how to proceed. This decision should be made bearing in mind a risk assessment of potential protection risks to all concerned, including the survivor and the Subject of Concern.

The Safeguarding Officer/Focal Person will document all decisions made resulting from the case clearly and confidentially.

12. Learning and Improving

BTS, through implementation of this policy, is determined to keep improving knowledge and understanding of how best to protect children and vulnerable adults. It is to review related practices bi-annually to check whether it was effectively preventing and managing safeguarding in the work. The purpose of the reviews is to reflect on lessons about when the systems need to improve to protect children and adult in risk better in future.

The policy will be reviewed a year after development and then every two years, or in the following circumstances:

- Changes in legislation and/or government guidance
- As a result of any other significant change or event.



Annex

**BTS's Recruitment and Personnel Management Policy–
Acknowledgement Form**

Name of the Employee or Intern: _____

Position: _____

Department/Unit: _____

I have received, read and I fully understand all policies, guidelines and procedures included in the Recruitment and Personnel Management Policy of BTS.

In particular:

I have read the BTS Safeguarding Policy and I fully understand its contents. I do hereby confirm that I am in complete compliance with all provisions of the policy and that I will continue to observe the spirit of the commitment in all my activities on behalf of BTS. I will comply with the guidelines set out in these policies and understand that failure to do so might result in disciplinary or legal action.

Date: _____ Signature: _____

Please sign and return to the HR Team. This document will be filed in the employee's or intern's personal file.

Terms of Reference for BTS Safeguarding Officer/Safeguard Focal Person

Background

The Breaking the Silence (BTS) has developed the Safeguarding Policy for the employees of the BTS. BTS believes that all individuals have right to live without fear, live free from sexual harassment and abuse, sexual violence, exploitation, and any abuse of power regardless of age, gender, sexuality, disability, religion and ethnicity. BTS is determined on zero tolerance policy for sexual abuse, exploitation and harassment by any of its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out any form of. This type of behavior is against BTS's beliefs, values and mission; and safeguarding is a priority of the BTS.

BTS has decided to designate a Safeguard Officer/Focal Person to ensure implementation of the Safeguarding Policy.

Roles and Responsibilities

Roles and responsibilities of the BTS Safeguard Officer/Focal Person is to support BTS in day-to-day implementation of the BTS Safeguarding Policy with technical support from the Senior Management Team.

Specific duties include-

- To act as the main point of contact within BTS for safeguarding;
- To ensure that staff members are aware of the BTS Safeguarding Policy and their responsibilities under it (for example by providing training and guidance);
- To advise and support staff members and partners with the implementation of the safeguarding policy, including risk assessments;
- To ensure that all the staff members of BTS are properly oriented on the Safeguarding Policy;
- To ensure that everyone understands their roles and responsibilities in respect of the safeguarding policy and is provided with appropriate learning opportunities to recognize, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children, women and vulnerable people;
- To ensure that the name and contact details of the Safeguard Focal Person(s) are made available so that people know how to raise a concern/where to seek advice;
- To act as first point of contact for concerns regarding protection incidents of children, women and vulnerable people and to raise those concerns to the Senior Management team as appropriate;
- To ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored;
- To update the risk assessment and plan on a regular basis throughout and after the case as required;
- To document all decisions made resulting from the case clearly and confidentially;
- To support the implementation and monitoring of the Safeguarding Policy by providing an annual progress report to the Senior Management Team together

with a plan for further action required to implement the Safeguarding Policy at all levels.

Skills and Characteristics

- Have knowledge and experience about safeguarding and protection of children, women and vulnerable people;
- Have respect and authority within the office so that her/his opinions are valued;
- Be approachable, with good communication skills with adults and children;
- Be able to keep calm when a concern is raised, especially if anyone needs assistance;
- Be able to work with others to ensure that the policy is implemented, and respond where an incident related to protection of children, women and vulnerable people occurs;
- Commitment to safeguarding children, women and vulnerable people and upholding their rights – together with the ability to advocate for and defend safeguarding;
- Training and presentation skills;
- Be able to keep information confidential.