

# SOLIDARITY FUND CHILD PROTECTION POLICY

Target audience	All Board members, employees, vendors, donors and beneficiaries	
Responsible Person	Chief Financial Officer of the Fund	
Current Version	V1	
Other relevant policies		

## TABLE OF CONTENTS

Clause number and description	Page
1. DEFINITIONS.....	3
2. INTRODUCTION .....	3
3. LEGAL FRAMEWORK.....	4
4. DUTIES OF ALL EMPLOYEES TO REPORT INCIDENTS AND CONCERNS.....	4
5. SPECIFIC DUTIES OF ALL EMPLOYEES.....	5
6. FILMING AND PHOTOGRAPHY.....	6
7. RECRUITMENT AND SELECTION.....	6
8. IMPLEMENTATION .....	7
9. COMMUNICATING THE CHILD PROTECTION POLICY .....	8

## 1. DEFINITIONS

<b>“abuse”</b>	This covers physical abuse, emotional abuse, sexual abuse, bullying, labour practices that exploit children, and negligence / neglect
<b>“Act”</b>	The Child Protection Act, 2005, as amended from time to time
<b>“adult”</b>	Any person aged 18 years or more
<b>“Board”</b>	The Governing Board of the Fund
<b>“child”</b>	Any person aged under 18 years
<b>“Constitution”</b>	The Constitution of the Republic of South Africa, 1996
<b>“employee/s”</b>	All employees working at all levels and grades (whether permanent, fixed-term or temporary), including directors, senior managers, officers, trainees, seconded staff, home-based staff, casual staff, agency staff, volunteers and interns
<b>“Fund”</b>	The Solidarity Response Fund NPC
<b>“Fund Manager”</b>	The fund manager appointed by the Board to manage the operations of the Fund
<b>“Fund Manager representative / designated Fund Manager representative”</b>	The individual designated by the Fund Manager as being responsible for the administration of this Policy
<b>“Policy”</b>	This Child Protection Policy
<b>“vendor”</b>	A third party that supplies the Fund with goods or services

## 2. INTRODUCTION

### 2.1. Purpose

- 2.1.1. Child protection involves safeguarding the welfare of children by protecting them from physical, sexual, verbal or emotional harm, or the neglect that allows such harm to occur.
- 2.1.2. It is the policy and practice of the Fund to uphold a child protection objective, whether in relation to its own activities or in relation to activities conducted by its partners, agencies or beneficiaries.
- 2.1.3. This Policy describes the responsibilities of any person associated with the Fund for safeguarding the children with whom they come into contact, including the steps that should be taken if a child is suspected to be at risk, and what is appropriate conduct in their interactions with children.

## 2.2. Overarching Principles

- 2.2.1. The Fund is committed to the welfare of children around the world. It promotes and respects the standards of the Convention on the Rights of the Child (1989), which outlines the fundamental rights of children, within its sphere of influence.
- 2.2.2. In addition to employees, the Fund expects its contractual partners, agencies and beneficiary institutions and organisations to adhere to those child protection standards, to undertake everything possible to prevent child maltreatment and to respond and report if maltreatment would occur.
- 2.2.3. The Fund Manager shall use its reasonable endeavours to procure that persons involved in interventions / activities at the request or instruction of the Fund or using funding provided by the Fund commit to adherence to this Policy, and report any suspicion of child maltreatment to a representative of the Fund Manager in a position to receive such a report. The Fund Manager commits to respond always to such reports in a timely, appropriate and effective manner and in a way that ensures that the safety and protection of children are paramount.
- 2.2.4. Notwithstanding the above, the Fund acknowledges that its contractual partners, agents and beneficiaries are fully separate and autonomous entities. It is therefore the sole responsibility of those entities to comply with all legal requirements relating to child protection.

## 2.3. Scope

The Policy applies to all employees of the Fund.

## 3. **LEGAL FRAMEWORK**

- 3.1. The founding principle of this Policy is set out in section 28(2) of the Constitution of South Africa: 'A child's best interests are of paramount importance in every matter concerning the child.'
- 3.2. The Fund's employees will seek to uphold and protect children's rights as set out in the Constitution and the Act.

## 4. **DUTIES OF ALL EMPLOYEES TO REPORT INCIDENTS AND CONCERNS**

- 4.1. As required in terms of the Act, if any employee in the course of conducting their duties has reasonable grounds to conclude 'that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected', including as a result of concerns being communicated to them by someone else, they *must* take immediate steps to ensure that this

is reported 'to a designated child protection organisation, the provincial department of social development or a police official'.

- 4.2. Further, in line with the Act, if any employee in the course of conducting their duties has reasonable grounds to believe 'that a child is in need of care and protection' they *may* take steps to ensure that this belief is reported to 'the provincial department of social development, a designated child protection organisation or a police official'.
- 4.3. A child who is a victim of child labour or a child in a child-headed household may be a child in need of care and protection and *must* be referred for investigation by a designated social worker, in terms of the Act.
- 4.4. In addition to any statutory reports submitted by the employee in circumstances where he or she is required to do so in terms of the Act, the employee should report the incident or concern to the Fund Manager as contemplated in paragraph 2.2.3 above.

## 5. **SPECIFIC DUTIES OF ALL EMPLOYEES**

- 5.1. As required by law, no employee will:
  - 5.1.1. use any form of physical punishment towards a child;
  - 5.1.2. develop sexual relations with a child or allow a child to be sexually abused;
  - 5.1.3. develop relations with children which could in any way be seen to be exploitative or abusive;
  - 5.1.4. expose or subject a child to behaviour that may harm the child psychologically or emotionally;
  - 5.1.5. place a child at risk of abuse by someone else;
  - 5.1.6. allow a child to be bullied by another child.
- 5.2. In line with good practice, and to protect both adults and children, no employee will:
  - 5.2.1. raise their voice at a child or use rude, inappropriate or belittling language towards a child;
  - 5.2.2. give medication to a child;
  - 5.2.3. discriminate against a child or show favouritism towards a child;
  - 5.2.4. seek or arrange contact with a child;

5.2.5. give personal gifts to a child,  
in the course of carrying out their Fund functions.

5.3. In addition, wherever possible, employees should avoid being alone with a child, or leaving a child alone with another adult or child, in the course of carrying out their Fund functions.

5.4. Employees will put children's legitimate needs first by:

5.4.1. being sensitive to and respectful of language and cultural differences;

5.4.2. respecting and heeding children's voice and views.

5.5. The personal details of children will only be gathered for the purposes of the proper conduct of Fund-mandated activities or for monitoring and evaluation thereof, and only with parental consent, and will be stored securely.

## **6. FILMING AND PHOTOGRAPHY**

6.1. Where a Fund representative wishes to take photographs of or film children attending Fund programmes or activities, we will:

6.1.1. ensure we have the permission of the relevant contractual partner, agency or beneficiary, and

6.1.2. ensure we have the permission of the parents or caregivers of children featured in the photographs or film.

6.2. Fund representatives will not photograph or film children where we know that they are in protection of the court or are living in a place of safety.

6.3. The Fund will seek to ensure that photographs and films are created and used in such a way so as not to enable the identification of the children involved.

6.4. The Fund will seek to ensure that photography and filming of children is done in a way that is sensitive to their needs and respectful of their rights.

## **7. RECRUITMENT AND SELECTION**

7.1. The Fund will not knowingly employ anyone whose name is on the National Child Protection Register, or on the Sexual Offences Register.

7.2. All applicants for an employed position at the Fund will be asked to declare at the point of application:



- 7.2.1. that they have never been convicted of a criminal offence involving a child and their name is not on the National Child Protection Register;
- 7.2.2. any criminal convictions that they have.
- 7.3. When the Fund appoints a new employee, Form 29, *Inquiry by employer to establish whether person's name appears in Part B of National Child Protection Register*, will be submitted to the Department of Social Development, and a copy of the response will be held on the Fund's records.
- 7.4. Any contractor, undertaking freelance, consultancy or other contract based work for the Fund who will have direct contact with children, must make the declarations in paragraph 7.2 above and undergo the checks referred to in paragraph 7.3 above.

## 8. IMPLEMENTATION

- 8.1. Any incidents or concerns that arise under paragraph 4 above must be reported immediately to the Fund Manager representative designated for this purpose.
- 8.2. The Fund Manager representative should use the internal form in Annex A, *Form for reporting concerns about a child*, to record any incident or concern reported to them. The Fund Manager representative will decide what action is necessary and ensure that the appropriate procedures are followed. All decisions, actions and follow-up must be recorded in the internal form and reported to the Board.
- 8.3. Where it is the Fund's responsibility to report the incident to one of the appropriate authorities specified in the Act, the Fund Manager representative will use the prescribed form, Form 22, *Reporting of abuse or deliberate neglect of child*, for this purpose.
- 8.4. Confidentiality of both the children and adults involved in any incident will be maintained at all times by employees.
- 8.5. The Fund Manager will be responsible for implementation of paragraphs 8.2 to 8.4 above and has overall responsibility for the implementation of this Policy.
- 8.6. There will be a designated Board member responsible for this Policy. The Board member should be informed of any incidents that arise under this Policy. The Board member should lead a review of the implementation of this Policy at least annually.

9. **COMMUNICATING THE CHILD PROTECTION POLICY**

- 9.1. All Fund Manager representatives are responsible for providing the staff who they manage (including contract staff, contractual partners, agencies and beneficiaries) with a copy of this Policy, and explaining the Policy to new employees during their induction.
- 9.2. Any complaints or queries about the Fund's Child Protection Policy should be directed to and dealt with by the Board.

Policy agreed to by the Solidarity Fund Board on 27 May 2020

SIGNED:



CHAIR OF SOLIDARITY FUND BOARD



## Annex A – Form for reporting concerns about a child

### STRICTLY CONFIDENTIAL

This form is to be completed by the designated Fund Manager representative and/or the employee, as applicable.

Name of employee reporting incident:		
	<i>(please tick)</i>	
	YES	NO
1. Reporting own concerns		
2. Responding to concerns raised by someone else		

Name of child (if known):
Responsible institution (if applicable) where child resides:
Name and position of other person raising concerns (if 2. above applies):
Name of parent or caregiver (if known):
Date of incident or allegation:

Provide full details of the incident or of the concerns you have or that have been reported to you, including times, dates, description of any evidence, whether information is first-hand or the account of others, and whether any steps to report the incident have been or are being taken by others (to be completed by the relevant employee):

Summary and date of discussion with Fund Manager representative and actions agreed (to be completed by the employee):

Will Solidarity Fund submit a Form 22?

Signed (Fund Manager representative)

Date:

Signed (employee)

Date:



## **Annex B – Information Sheet on Child Protection and Confidentiality**

(for employees)

**We all have a duty to promote the wellbeing of children and to protect them from abuse and deliberate neglect. We also need to know what steps we should take if we suspect that a child might be at risk.**

This information sheet is to help employees understand your legal responsibilities for child protection and confidentiality. You have full and sole responsibility for complying with the law in these areas. If you have any questions or doubts, remember that you can always discuss these with the designated Fund Manager representative.

### **Your conduct**

The law says that you must not:

- use any form of physical punishment towards a child;
- develop sexual relations with a child or allow a child to be sexually abused;
- develop relations with a child which could in any way be seen to be exploitative or abusive;
- expose or subject a child to behaviour that may harm them psychologically or emotionally;
- place a child at risk of abuse by someone else;
- allow a child to be bullied by another child.

To protect both adults and children, you should never:

- raise your voice at a child or use rude, inappropriate or belittling language towards a child;
- give medication to a child;
- do things for a child of a personal nature which they are capable of doing for themselves;
- sleep in the same bed as a child with whom you work;
- discriminate against a child or show favouritism towards a child;
- seek or arrange contact with a child;
- give personal gifts to a child,

during the course and scope of your work with children.

You should also not:

- allow visitors to wander around premises for which you are responsible unaccompanied when children are present;
- ignore a child if they tell you about potentially abusive behaviour by someone else.

The law also says that you must keep the personal details of children (including their name, address, age, medical history, etc.) in a safe place and not share them with anyone else.

### **Your duty to report concerns**

If you have reasonable grounds to think that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected:

- You *must* take immediate steps to ensure that this is reported to a social worker or police official, as well as to the designated Fund Manager of the Solidarity Fund. Keep a record of these reports and any follow-up.
- Do not try to investigate the concerns yourself as only someone with special experience should do this.
- Do not discuss your concerns with anyone other than the social worker or police official, and the designated Fund Manager representative.

### **Recognising the signs of abuse and neglect**

It isn't always easy to recognise the signs of abuse and neglect. Every child is unique and what may be normal for one child, could be abnormal for another child. In addition, it is common for children to get bumps and bruises from accidents and falls. If you notice one of the signs below, it doesn't necessarily mean that a child is being abused or neglected as there may be a reasonable explanation. But if the signs are excessive or persistent then it could indicate that there is a serious problem and further exploration is needed by a professional.

If you are worried about a child, keep a written record of what you notice, including dates. If the signs or symptoms carry on or a pattern emerges, report your concerns to a social worker or police officer.

Remember that abuse can take place within a family or in an institutional or community setting. Abuse can be carried out by someone known to a child or by a complete stranger.

Two of the more common signs of abuse or neglect of young children are:

- The child does not cry or respond to a parent's or primary caregiver's presence or absence.
- The child reaches developmental milestones late, such as learning to speak, with no medical reason.

Some signs of possible physical abuse are:



- Bruises, bite marks, burns and fractures which do not have an accidental explanation.
- The child gives inconsistent or unbelievable reasons for an injury.
- The child seems fearful of or avoids being with certain adults.

Some signs of possible sexual abuse are:

- Any allegations made by a child concerning sexual abuse.
- Unusual stains on a child's underwear.
- Sexual activity by the child through words, play or drawing.

Some signs of possible emotional abuse are:

- Extreme anxiety, aggression, withdrawal, destructive behaviour or changes in mood.
- The child is overly anxious to please adults or does not have appropriate boundaries with strangers.

Some signs of possible neglect are:

- Untreated illnesses, injuries or physical complaints which the parent does not respond to.
- The child is significantly underweight but eats well when given food.

#### **What else can you do?**

- Empower children to understand what is acceptable and unacceptable, Think about situations that may present risks to children and manage these.
- Encourage a sense of accountability between adults in your work environment, so that poor practice or potentially abusive behaviour can be challenged.
- Help children to feel that their voice is taken seriously.

**Childline provides advice for adults wishing to discuss any concerns about child protection.  
Their toll-free helpline number is 08000 55 555.**