

Child Protection Policy



**The Protection of Children From
Sexual Offences (POCSO 2012) Act**

CATHOLIC DIOCESE OF LUCKNOW

Bishop's House

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Dear Fathers, Sisters, Teaching and Non-Teaching Staff,

Children are precious gifts from God. And human life is sacred as God is its Author. He is also our origin and final destination. It is God's magnanimity that having created them in his own image and likeness as male and female, he has chosen human beings to be co-creators of the human race with him. In God's wonderful design, husband and wife in that sacred bond of conjugal union fructify the marriage and bring forth new human life.

This miracle of life is a precious gift from God. Parents having received this gift in that act of conception, have a duty to accept, preserve, protect, bring forth and educate the child in a loving ambience of the home. Teachers help the parents and the Society at large in educating children. It goes without saying that the duty to protect the child rests primarily with the parents, and then with teachers and the State has a bounden duty to ensure that this is done by parents and teachers.

However, there are umpteen instances of negligence of this God-given duty of protecting and educating children. Cases of abuses – verbal, physical, emotional and even sexual – are on the increase. There are also neglect and exploitation of children for various reasons by vested interests.

The Government of India in 2012 enacted a legislation entitled, **Protection of Children from Sexual Offences (POCSO)** Act. It is mandatory now for all Institutions involving children, Schools, Hostels, Hospitals, Orphanages, Crèches etc to implement this Act and ensure protection of children. Every institution is to have a Child Protection Committee in place to handle issues of violation of this Act.

The Catholic Diocese of Lucknow has drawn up a Child Protection Policy to be implemented in all our Institutions be they Schools, Hostels, Dispensaries, Hospitals, Orphanages, etc.

A few people have helped us to draw up this Policy. I wish to thank them sincerely on behalf of the Diocese: Fr. John Chakkanatt CMI, Bro. Mathew SG, Fr. Paul Rodrigues, and Ms. Leena Rodrigues, IMP. Mr. Elton De Souza went through the text and made corrections and proof-reading before it was printed. My sincere thanks to all of them for this painstaking work.

Now I am happy to present this **Child Protection Policy** to all our Institutions to be followed in letter and spirit. It is not a matter of protection of children from sexual offences alone, but protection from all types of offences and ensuring their proper education and development.

I wish all of you every success in this important task. God bless you all.

Yours sincerely in Christ,

† **Gerald John Mathias**
Bishop of Lucknow

Given at Bishop's House, Lucknow, on the First day of July 2015.

1.0 Preamble

This Child Protection Policy of the Catholic Diocese of Lucknow, based on the POCSO Act, 2012, enacted in the Indian Parliament with the assent of the President of the Union of India on 19th June, 2012, is to protect children under its care, in any of its institutions such as educational institutions, hostels, health care centres, social service forums or wherever children, are somehow beneficiaries in its jurisdiction anywhere in India, from offences of sexual assault, sexual harassment, pornography and matters connected therewith or incidental to.

- 1.01 This Child Protection Policy of the Catholic Diocese of Lucknow is intended for the proper development of a child, that his/her right to privacy and confidentiality is protected and respected by every person by all means and through all stages of a judicial process involving the child.
- 1.02 It also envisages that the best interests and well being of children be protected at every stage to ensure the healthy, physical, emotional, intellectual and social development of the child.
- 1.03 The policy also avows, besides signing an undertaking by all members, that all members in any of the institutions take all measures to prevent inducement or coercion of a child to engage in any unlawful sexual activity, such as prostitution or any other illegitimate sexual or pornographic practice.
- 1.04 This child Protection Policy of the Catholic Diocese of Lucknow takes upon itself the responsibility of bringing the staff members found guilty of heinous crimes against children, within the arms of the law.

2.0 Short Titles and Definitions

Accused is the person or persons alleged to have committed abusive behaviour, provided that the allegation is in the form of a signed statement.

Aggravated is the term added to the accused with sexual assault or sexual harassment, who are staff of educational institutions, hostels, hospitals or religious institutions etc.

Allegation is any disclosure of an act of inappropriate behaviour of an abusive nature.

Child or young person is a minor who has not completed eighteen years of age.

Complainant is an individual who formally reports abusive behaviour.

Contact person is one who receives a signed statement of abuse from a complainant.

Disclosure is the revelation of any information, in whatever form to any personnel of the institution.

Institution is a school, college, training centre, hostel/boarding established by the Catholic Diocese of Lucknow.

Perpetrator is an individual who has committed any form of abusive behaviour.

Personnel are adults working in the institution.

Protection Officer is a member of the staff working on the Child Protection Committee to ensure that all protective measures for safeguarding children and young people are in place and implemented.

Sexual Assault is an abusive sexual act/manipulation of any body part/object with that of a child to any extent or vice-versa.

Sexual Harassment is any act, word, gesture, exhibit, object, sound, or any threat or coercion by any form of media or that which entices a child with pornographic intent.

Victim is an individual against whom abusive behaviour has been directed.

Volunteer is any person who gives freely his/her time, service and experience to participate in the activities of the institution.

3.0 What is the Child Protection Policy?

A Child Protection Policy is the organization's commitment to protect children from abuse, exploitation and organizational negligence. This is reflected in the way an organization conducts its activities and the way its staff behave. Child Protection procedures are measures that an organization takes to put its policy into action. Procedures include measures to produce a safe and conducive environment for children and for those working with them, a code of conduct for staff, awareness of the issues and their long lasting effects to deal with an affected child, family and institution, institutional and legal measures to deal with the perpetrator, guidance on the appropriate use of the children's image and information and requirements of the staff for reporting suspected or actual abuse, etc.

It is also meant to enable all children to access rights, opportunities and resources for survival, protection, development and participation, to ensure for them a safe and happy childhood and to secure their future

prospects in collaboration with the State, non-State actors, the families of children, efforts to offer every child a nurturing, respectful and safe environment based on an agenda of equity and the best interests of the child.

4.0 What is Child Abuse?

Child abuse or maltreatment constitutes all forms of physical and emotional ill treatment, sexual abuse, neglect or negligent treatment, commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity.

4.1 Types of Abuse

There are many types of abuse defined by the Supreme Court of India but there are 5 types of abuse which are commonly spoken of and dealt with. They are physical abuse, emotional abuse, verbal abuse, sexual abuse, and neglect.

4.1.1. Physical Abuse includes hitting, kicking, shaking, throttling, throwing, poisoning, burning, drowning, suffocation, slapping, pinching etc. It can also refer to when a caretaker or the one in charge, deliberately ill-treats the person under his/her care. It may even be the result of over disciplining and physical punishment that is inappropriate to the child's age.

4.1.2. Emotional Abuse is the persistent emotional ill-treatment of a person so as to cause severe and persistent adverse effects to the child's emotional development. The expression in the eyes and the whole body language may involve making children feel worthless, useless, good-for-nothing or unloved, inadequate or valued only in so far as they meet the needs and expectations of others.

It may also involve causing children frequently to feel frightened or in danger, or the deprivation or corruption (where a person is in a position to do so) of the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. It is an act of omission or commission leading to the denial of a child's basic needs.

4.1.3. Verbal Abuse Words which give emotional or intellectual pain in anyway to the listener and hurt either emotionally or otherwise, are considered to be abusive. Words like stupid, ugly, lazy, cry-baby, dummy, loser, moron, etc. cause lasting emotional pain.

4.1.4 Sexual Abuse Child sexual abuse is the involvement of a child or young person in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which he/she is not developmentally prepared and cannot give consent, or that which violates the laws or social taboos of society. Child sexual abuse is evidenced by an activity between a child and an adult or another child, who by age or development, is in a position of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. (Refer: Chapter II of POCSO, Act 2012):

It involves :

- repeated attempts to contact the child directly or through electronic or digital media.
- the use of real or fabricated depictions of the child through electronic media or otherwise to entice or to condescend.
- undue physical contact or touching.
- the convenient and calculated use of cameras, cell phones and other recording gadgets.

- unhealthy favouritism.
- excessive use of social networks to keep in contact with the child etc.

4.1.5. Neglect

Neglect involves, deliberate or absolute carelessness or negligence, failing to provide for or secure for children their rights to safety and development.

Neglect is sometimes passive in as much as it relates to failure in carrying out some key aspects of care and protection of children at the appropriate time. Such neglect could result in significant impairment of the child's health or development, including failure to grow emotionally and socially.

Neglect leaves a trail of evidence in the way children are affected. Care givers who do not act on this evidence are also guilty of neglect.

Severe neglect or repeated failure to provide timely care, thereby endangering the child is criminal negligence e. g. deliberate failure to provide medical care is exposing a child to severe harm or even death.

4.2 Exploitation

Exploitation refers to the use of children for someone else's advantage, gratification or profit, often resulting in unjust, cruel and harmful treatment of the child. This is detrimental to the child's physical, mental, emotional, moral, social, health and development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill treatment. Any assignment given to children should take into account the age, capacity and the best interests of the child.

4.3 The Child Protection Policy of the Catholic Diocese of Lucknow and its Commitment to Child Protection

The Catholic Diocese of Lucknow is committed to the protection of children from any perceived or real danger/risk to their lives, their personhood and childhood with a focus on reducing vulnerability. Hence the policy shall:

- plan and implement programmes to reduce the risks faced by vulnerable children and collaborate with stakeholders at all levels to ensure that children are protected from all forms of inhuman, degrading treatment including abuse, exploitation, neglect and violence.
- create awareness against harmful customary practices such as child marriage, corporal punishment, ragging, human sacrifices, honour killings and witch hunting.
- advocate before the State for special protection measures, schemes and rehabilitation measures to address the special needs of children at risk.
- make efforts to enrol school dropouts back in school and prevent children from dropping out of school so that they may not fall into the dangerous situations of child labour and other forms of exploitation.
- build the capacity of personnel who have the responsibility for the care of children with adequate information, education and training in the right attitudes and practical skills.
- create awareness among children about their rights, about how to respond to situations of risk and thus train them to protect themselves.

- The Child Protection Policy of the Catholic Diocese of Lucknow believes that abuse, neglect, exploitation and violence against children are not acceptable in any form. If it is known that a child is being abused, exploited, neglected, or is a victim of violence, keeping silent or being indifferent would be wrong.

5.0 Principles of the Policy

The Child Protection Policy is based on the basic principle that each child is a gift from God born with an inherent dignity and right for respect.

- 5.01 Protection of children and the youth who are under the care and protection of the institutions becomes besides being a responsibility also a priority.
- 5.02 We (The care-givers) are to safeguard children from all possible, physical, emotional and spiritual dangers. We have to share the responsibility of the State in the care and protection of children especially the marginalized and the vulnerable.
- 5.03 This policy for children in our institutions is a living commitment and contribution to the welfare, protection and empowerment of the children under our care.
- 5.04 (The care-givers) have to protect the rights of the children under their care so that they are protected from any harm and get every opportunity for development as individuals without any discrimination of any kind.
5. 05 The children of the institutions have to be educated regarding their rights and what constitutes a violation. They must be trained to participate in the exercise of their rights as well as to ensure that they know whom to contact if there is any violation.

- 5.06 The policy is also designed to keep the staff, students, and volunteers educated and trained in acceptable and non acceptable behaviour so that they may safeguard themselves from allegations of misconduct.
- 5.07 The Constitution of India guarantees certain rights to every person in this country including children. All children have equal rights. No class, origin, custom, tradition, cultural or religious practice shall be allowed which violates, restricts or prevents children from enjoying these rights.
- 5.08 Child Rights are universal, inter-related, interdependent, indivisible and inalienable. The best interests of the child shall be the paramount consideration in all actions concerning or affecting the child.
- 5.09 The safety and security of children shall be of prime importance. The children will be protected from harm, abuse, neglect, exploitation, discrimination and violence as they have the right to protection.
- 5.10 The physical social, psychological, emotional, intellectual, moral, cultural and spiritual development of children shall be addressed in totality.
- 5.11 A family setting is the most conducive to the all-round –development of children. Therefore, parents should take keen interest in the all-round development of their children, and help in providing the conducive ambience.
- 5.12 The principles of equity, justice and non-discrimination shall guide all actions concerning children.
- 5.13 Individuality, age, gender, and recognition of special needs and vulnerability will set the direction for any/ all programmes and interventions related to children.

- 5.14 Consultation and participation of children in a manner appropriate to their age, in all matters affecting them, is an indisputable right of every child and shall be respected in all our dealings with children.
- 5.15 Taking positive measures for the care and protection of children is the primary responsibility of the State, and these measures are to be carried out by the State, adhering to the “Right” perspective. Collaborating with the State in implementing its laws, policies and schemes for the care and protection of children will be an important contribution of the Catholic Diocese of Lucknow while being faithful to the guiding principles and standards of this policy.
- 5.16 The publishing of information and depiction of children in whatever form will be done, respecting the privacy, dignity and the best interests of the children and with utmost circumspection.
- 5.17 Children have the right to access information that is important to their development and well-being. Children should also have access to children’s books and other forms of media appropriate to their growth and development.
- 5.18 The preventive system of education with its principles of reason, religion and loving kindness shall be practised in all the institutions of the Catholic Diocese of Lucknow for the overall development and protection of children.
- 5.19 Consistent with the mandates enshrined in the Constitution of India, the international standards of the Child Right Convention of the UN, legal directions as in the Juvenile Justice Act and other relevant legal systems, of the country, and in keeping with the spirit of the Preventive System of Child Policy of the Catholic

Diocese of Lucknow in collaboration with the State and other non-State sectors, shall create a safe environment for children.

Hence this policy is implemented to enable children, staff and volunteers to express their concern on witnessing an act of physical, sexual, emotional and mental harm to any child.

6.0 Objectives of the Policy

The Child Protection Policy of the Catholic Diocese of Lucknow, in all its services and support to all the children for whom it assumes responsibility, commits itself to:

- 6.1 ensuring the necessary standards of human and infrastructural resources, so as to enable children to develop to their full potential.
- 6.2 establishing strong preventive, and promotive measures which lead to the care and protection of children.
- 6.3 creating an environment wherein the aspirations of children are a part of all decisions on matters concerning them.
- 6.4 consulting, networks and collaborating with likeminded people for the care and protection of the rights of children.
- 6.5 making every effort to improve knowledge, attitudes and practices among children and personnel regarding Child Rights and their violations, and to finding out and making known how and where to access protection and in supporting them in situations that threaten or violate children.
- 6.6 adopting the preventive System or the “Pedagogy of Presence” that uses reason, religion and loving kindness

to enable the best in every child to blossom; to creating an environment of preventive care by taking active steps to prevent any harm to the child; to providing a healthy environment that supports the integrated development and protection of the young; to creating a culture of rights so that any violation of child rights becomes rare and difficult; to protecting the young from falling into situations of risk, harmful influence and situations of abuse and exploitation.

7.0 Priority Areas for Policy Implementation

7.1 Survival

7.1.1 The right to life and survival is an inalienable right of every child. It is important to accord the highest priority to promoting the health and well-being of children. Hence the Catholic Diocese of Lucknow shall:

7.1.2 make efforts to eliminate crimes against life such as abortion, female foeticide and infanticide. Every child has a right to be born and live.

7.1.3 make efforts to prevent child marriage and ensure the right age at the time of marriage.

7.1.4 provide for child-friendly and safe physical spaces by ensuring easily accessible facilities, a clean environment, adequate infrastructure facilities, living spaces, playgrounds, safe drinking water, sanitation facilities etc.

7.2. Development

There is no substitute of any sort for quality and age-appropriate education for the physical, emotional and cognitive development of children, so as to empower them to live confident and happy lives with life skills for their own safety and protection. Hence, the Child Protection Policy of the Catholic Diocese of Lucknow shall:

- 7.2.1 provide and promote quality, child-friendly, gender-sensitive and relevant school education.
- 7.2.2 provide opportunities for sports, leisure, recreation and creativity, provide early childhood education, prevent children from dropping out of education, promote better enrolment, ensure quality primary and upper primary education for all as non-negotiable, and promote secondary education.
- 7.2.3 enable children to develop holistically, draw out their aspirations and focus on their aptitudes by reviewing the curriculum with a special focus on mental health from a perspective of self esteem, confidence and life skills.
- 7.2.4 train children to prepare themselves to face the challenges of life.
- 7.2.5 address issues of children affected by life threatening and /or stigma attached diseases such as HIV/AIDS.
- 7.2.6 educate children about their rights and teach them to access help when their rights are violated
- 7.2.7 make necessary efforts to secure or to restore to children a meaningful access to their own culture, religion and language, so that they may know, understand and value their own identity.
- 7.2.8 provide care, support and services to the children in a spirit of accompaniment, supportive supervision and in a friendly family-like atmosphere, offering a caring presence to the child.
- 7.2.9 while caring for children, give them sufficient freedom, be reasonable towards them, provide emotional support, discipline them with loving kindness, and avoid corporal punishment and public humiliation.

- 7.2.10 educate and take care of children in an environment which respects and tolerates all cultures and religions. This is the existential expression of a core belief of the Child Protection Policy of the Catholic Diocese of Lucknow which stands for the conviction of being 'loyal to one's own faith and culture, while duly respecting the faith and culture of another". This principle should be concretely translated into action, by fostering in the children an attitude of openness towards God, towards human beings and towards the world, while at the same time, duly respecting the culture and religion of each child.
- 7.2.11 provide a trained counselor to help children who need professional counselling for personal growth.

7.3 Protection

A positive and protective environment for children can foster their development, progress, health and education leading them to become knowledgeable, committed and compassionate men and women when dealing with others. This is ensured by caring and enabling policies, regulations and services.

- 7.3.1 To ensure a protective environment for children always and everywhere, the Child Protection Policy of the Catholic Diocese of Lucknow will network with likeminded people towards transforming society to become a caring community that protects and takes care of its children.
- 7.3.2 Child protection involves creating a child safety net in society to protect children from the vulnerability underlying many forms of harm and abuse. Children need protection from abuse, neglect, exploitation and violence.

8.0 Child Protection Committee

All the educational institutions will have a Child Protection Committee, appointed by the Management Committee of the Institution, to deal with the alleged cases of abuse of children and young people.

- 8.1 The committee shall be comprised of 5 competent persons consisting of a student counsellor, three members of the staff (one male and two female) and another person endowed with wisdom and prudence. The Chairperson of the Child Protection Committee will be appointed for a term of three years by the Management Committee.
- 8.2 Contact Persons: Two members of the staff – preferably female - are to be appointed (by the Management Committee) as contact persons who on being informed of any complaint will get in touch with and assure the complainant that the matter will be taken seriously and investigated in accordance with the procedures. The Contact Person is bound to take immediate remedial steps and, in case of a need, medical care of the victim.
- 8.3 The members of this Committee are appointed for a term of three years, renewable for another term of three years.
- 8.4 The function of this Committee is to ensure proper investigation of child abuse cases, especially those of a sexual nature involving children and young people so as to verify the guilt or innocence, and to suggest penalties and provide advice.
 - 8.4.1 The Committee will, within a period of 15 days, submit its findings to the Managing Committee of the School and seek advice and guidance, if required.

8.4.2 On receiving the information about any complaint with regard to Child Protection Violation, the Contact Person shall immediately inform the Principal and the Chairman who will convene a meeting of the Child Protection Committee.

8.4.3 The Principal shall immediately inform the S.H.O. of the local Police Station in writing, providing whatever information he has about the offence. However, he will not disclose the name and identity of the victim.

8.5 Powers and functions of the members of the Child Protection Committee:

8.5.1 The Chairman of the Committee

The main function of the Chairman of this Committee is protection envisioned by this policy and to safeguard the children from child abuse.

8.5.1.2 The Chairman of the Child Protection Committee, after having called the first meeting shall inform the Management Committee whether there is a *prima facie* case against the accused.

8.5.1.3 Should there be a case, the Management Committee shall suspend the accused till the whole enquiry is completed and action is taken on the report of the enquiry.

8.5.1.1. Skills of the Chairman

- should be a good listener and a good communicator.
- have the ability to empathise, keep confidence and be objective.
- should be generally friendly and approachable .

8.5.1.2. Scope

- assumes responsibility of ensuring that the policy is adhered to in his/her institution
- ensures that any breach of policy is properly reported.
- ensures the protection and safety of the children and youth.

8.5.1.3 Responsibilities

- acts promptly when there is a breach of the code of Protective Behaviour.
- is personally available, whenever required, and maintains a climate that encourages individuals in disclosing/reporting any allegation of abusive behaviour especially sexual behaviour.
- writes a report of the incident which has taken place.
- ensures immediate medical attention needed, and ensures the protection of all individuals involved in the reporting or as witnesses of abusive behaviour.
- upholds confidentiality of the report concerned or allegations of abusive behaviour.
- ensures the confidential and safe custody of all original written or typed reports signed and dated.

8.5.2 Secretary

A secretary appointed from among the members of the Committee shall record minutes of the meetings, its deliberations and decisions as well as other relevant matters/actions.

9.0 Duties of the Child Protection Committee and Recording

The Child Protection Committee :

- 9.1 shall maintain a file on every case or matter it considers. Each file shall contain a written/typed report of the

investigation conducted, conclusions reached with stated reasons and a written/typed summary to be forwarded to the Managing Committee.

9.2 shall ensure the safety of all files and the availability of the same in the future. It shall treat as 'confidential' all records, documents, information received by the members.

9.3 shall direct the contact person to meet with the alleged victim for the purpose of filling in details required, providing information and inviting statements.

9.4 **Child Protection Committee of the Catholic Diocese of Lucknow**

9.4.1 The Child Protection Committee of the Catholic Diocese of Lucknow is the Governing Body of this Society.

9.4.2 The victim or the accused may appeal to the Child Protection Committee of the Diocese, if he/she is not satisfied with the findings of the School Committee and/or action taken by the Managing Committee.

9.4.3. On receiving the findings of the Child Protection Committee regarding sexual abusive behaviour from any one of the institutions under its charge, it will call a meeting of the Committee to discuss the facts and gravity of the offence so as to find out if proper procedures and guidelines have been followed and a fair, just and independent investigation has taken place.

9.4.4 The decisions of the Child Protection Committee of the Catholic Diocese of Lucknow will be final and binding.

9.5 **Reporting abusive behaviour**

A disclosure of abusive behaviour may be made in any of the following possible ways.

- 9.5.1 Where the victim himself/herself discloses it.
- 9.5.2 The victim discloses to another person e. g. parents/guardians/friend/staff member, who then discloses it to the Contact Person or a member of the Child Protection Committee.
- 9.5.3 An individual directly discloses behaviour based on his/her independent observation.

9.6 **How to report**

Disclosure about abusive behaviour, which should be reported immediately, may take the form of a written letter, email, phone call, audio-video recording, photograph, a verbal conversation or through personal observation.

9.7 **Procedure of Registration of offence**

- 9.7.1 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 offender.
- 9.7.2 The complaint should be dated. It should also include the date and place of the offence and if possible, mention the date of birth of the victim to determine the age of the victim at the time of the offence.
- 9.7.3 It should carry a brief account of the offence, its frequency, place, time, circumstances, and should be signed by the petitioner.
- 9.7.4 If the complaint is made by a third party, it should be done by someone who has *locus standi*, such as a parent, guardian, family member or a legal practitioner.
- 9.7.5 If the petition is signed by someone other than the above, the party should obtain authorization from the victim or from a legal representative of the victim.

- 9.7.6 If the complaint does not have the above mentioned details, the petition will be sent back for clarification and details. It should be noted that the Committee must accept only written and not verbal complaints.
- 9.8 It is important and mandatory to maintain a register in every institution wherein all important information with regard to incidents are recorded. A guideline/format of the record shall include the following:
 - 9.8.1 Data and category of the reporter.
 - 9.8.2 Data and category of the victim.
 - 9.8.3 Data and category of the abuser.
 - 9.8.4 Time/date/place of accident/incident of abuse (accident and incident to be specified).
 - 9.8.5 Type of abuse.
 - 9.8.6 Person/s, category of person/s involved in reported abuse.
 - 9.8.7 Mode/means of abuse.
- 9.9 Modus Operandi of Child Protection Committee**
 - 9.9.1 Upon receiving a written complaint by any member of the Child Protection Committee, the Committee verifies the authenticity of the complaint and the Chairman convenes a meeting of the Committee.
 - 9.9.2 The Child Protection Committee then initiates a preliminary enquiry. During the enquiry, all attempts must be made to protect 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 protect the reputation of both the parties, both the preliminary enquiry and subsequent processes are

to be conducted in such a manner as to safeguard the identity of the individuals concerned.

- 9.9.3 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 represented and alleged offenders are to be heard as well. Utmost patience is to be displayed by the Committee during the enquiry and no biased conclusions should be arrived at, keeping in mind the principle that every accused is innocent until proved guilty. The Committee may call for witnesses *ex officio*, documentary evidences such as letters, emails, audio-video recordings, photographs, etc. The Child Protection Committee 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 Committee, 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.
- 9.9.4 The final report and findings are to be submitted to the Management Committee of the Institution within 15 days. The Child Protection Committee may request for an extension of this period for specially stated reasons. The conclusions of the Child Protection Committee are to be communicated to the petitioner and the alleged offender by the Chairman/Secretary of the Child Protection Committee, with the clear understanding that the conclusions are purely findings of the Committee and that the same are not binding according to the civil law of the country.
- 9.9.5 If the Management Committee of the Institution accepts the conclusions of the Child Protection Committee that

the offender is guilty and poses a potential threat to the minors of the institution, he/she is to be immediately dismissed from the institution as per the provisions of the code of conduct of the institution. If need be legal proceedings, too, may be adopted in which case the law of the land would take its due course.

9.9.6 It is to be noted that if any person makes a false complaint in connection with child abuse or provides false information solely with the intention of tarnishing the image, humiliating, threatening or defaming another person or institution, legal action shall be taken against him/her. (Refer: Sec. 22 of POCSO Act 2012)

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

9.10. Training, Evaluation and monitoring.

The Catholic Diocese of Lucknow will organize training to ensure that all committee members, staff, and volunteers understand the content of this Child Protection Policy. This training will be mandatory for all members of the staff. The scope of the training will cover many other issues also and shall not be limited only to definitions of child abuse, characteristics, causes, handling or disclosure, reporting systems and laws.

Code of Protective Behaviour and Undertaking

(All members of the staff must necessarily sign this undertaking as part of continued appointment as member of staff before the head of the institution. The signed undertaking countersigned by the head of the institution has to be kept in the file of the member of staff.

(i) I hereby state that I shall ensure:

1. the best interests of children and young people by protecting their physical, emotional, intellectual, social, moral and spiritual development which will enable them to become good citizens.
2. that I shall respond to each child or young person as a unique creation of God, who has the right to determine his/her own future.
3. that I will seek to establish a caring, protective and respectful relationship with each child or young person.
4. that I shall be alert to the vulnerability of certain groups of children and young people being isolated, bullied or hurt.
5. that I am open and not secretive about my activities associated with my service in the institute.
6. that I will interact with every child, young and/or vulnerable person in a manner which demonstrates respect, dignity, integrity, empathy, understanding and patience.
7. that I will be a model of socially appropriate adult behaviour to children and young people which reflects the capacity of listening to, understanding and being respectful towards others.

8. that I shall respect and treat children as individuals capable of forming and expressing their ideas and opinions.
9. that I shall respect any resistance to involvement from a child or young person, in any activity that is not part of my legitimate service to the institution.
10. that my relationships will be governed by the age and stage of development of children or young persons.
11. that I shall respect children's rights to privacy and confidentiality.
12. that I shall protect and support children against all forms of physical, or mental violence, injury, abuse, neglect, maltreatment or exploitation, including sexual assault and exposure of children to psychological stress through reality shows and competitions, through effective procedures and programmes, as well as assist with identification, reporting, referral investigation and treatment for judicial involvement.
13. that I shall keep the doors open, or have transparent doors, so that there is visual access to the activities inside during interviews, counselling, instruction, tuition etc.
14. that I shall try to avoid any physical touching in response to the need of a child and never resort to any of an inappropriate kind, immaterial of the apparent need.
15. that while being available to a child or young person, I will maintain the professional boundaries of my relationship with them.

16. that my first priority is the care, safety and protection of children or young persons.
17. that I shall only physically restrain a child or young person, when there is a danger to the individual or to other individuals in the area.
18. that I shall announce myself if legitimate business of the institution requires me to enter any area of privacy for children or young people.
19. that I shall maintain confidentiality about information known to me about a child or young person.
20. that I will be vigilant and attentive to any harm towards children and young people and shall immediately report any concern I have of the same, to the Protection Officer, in my institution.
21. that I shall speak out upon any genuine case of abusive behaviour, no matter what.
22. that I shall refer all media queries to the spokesperson designated for the task, and otherwise give no comments.
23. that I shall comply with all the procedures of the Child Protection Policy

(ii) *I hereby state that I shall not:*

1. indulge in any type of indecent touching of the bodies of children or cause to show or touch any part of my body.
2. discriminate against any child on the basis of age, sex, place of birth, disability, race, ethnicity, socio-economic status, caste, cultural practices, work, activity or behaviour.

3. subject any child to any type of physical punishment in public or in private.
4. shout at children nor use any indecent words to address them, nor shall I by gestures; giggling, smirking, or looks demean them in any way.
5. take any child into a closed and secluded area, such as a staff room, library, lab, washroom etc.
6. subject any child to shame or belittle any child.
7. contact children over the telephone or by email. My primary contact will be with the head of the institution or the parents/guardians of the child.
8. in any way provide alcoholic beverages, tobacco, drugs or anything prohibited by law to children.
9. give gifts to children studying in the school except in public on special occasions like birthdays.
10. show or cause to show children pornographic materials through any media whatsoever.
11. take photographs of children while they are nude, partially nude or undressing.
12. undermine any parent's authority by ridiculing the parent's beliefs or allowing children to do things against the wishes of their parents.
13. ask a child to keep any secret from his/her parents or the authorities.
14. as a part of punishment resort to caning, pinching, keeping children standing out, making them run, kneel down, etc.

15. engage in behaviour or use any verbal abuse causing shame or humiliation or causing mental or psychological strain, belittling, and calling bad names.
16. use inappropriate, offensive or discriminatory language when speaking especially with children or young people.
17. swear in the presence of children or young people.
18. do things of a personal nature that a child or young person can do for him/herself, such as assist with toileting or changing clothes.
19. enter any area of privacy for children or young people, unless legitimate business of the institution requires me to do so.
20. take children or young people that I am professionally engaged with, to any own home/hotel, or sleep in the same room or bed with any of them.
21. slap, hit or physically assault a child or young person.
22. develop and/or use disciplinary means, which are physically or emotionally derogatory to a child or young person.
23. engage in any sexual conversations or discuss sexual activities, unless they are part of a legitimate lesson and the discussion has been approved for sex education.
24. indulge in any manner of activities that are, or could be interpreted to be, aimed at sexualisation of any relationship with a child or young person.

25. develop a sexual relationship or one that may be deemed exploitative or abusive, with children or young people.
26. indulge in behaviour with children or young people that leads to close physical contact.
27. show sexually oriented or inappropriately printed or digitalized material, such as magazines, videos, films etc. to children or young people or carry them in the premises of the institution or in my possession when involved in an activity of the institution or outside of it.
28. behave provocatively or inappropriately with a child or young person.
29. expose areas of my body considered private, in an inappropriate manner in the presence of children or young people.
30. condone or participate in the behaviour of children or young people that is illegal, unsafe or abusive.
31. act in a manner that shows unfair and differential treatment of particular children or young people.
32. photograph or video a child or young people, without their consent and that of his/her/their parents or guardians.
33. hold, kiss, cuddle or touch a child or young person in an inappropriate, unnecessary or culturally insensitive way.
34. seek to make contact and spend private time with any child or young person outside legitimate official programme time.

35. interact with children or young people I am professionally involved with, over the internet or on social networking sites.
36. use any officially or individually owned computer, mobile phones, videos or cameras to inappropriately access websites that are illegal or have inappropriate content for the purpose of exploiting or harassing children or young people.
37. transport children or young people, without the permission of their parents or legal guardians, except under the direction of the Principal in the event of an emergency.
38. receive personal gifts/money/services from individuals partaking of the services of the institution as a condition of service.
39. neglect to take action when a child or young person is in real need.
40. let allegations made by a child or young person go unchallenged.
41. seek to avoid any involvement by not speaking up for the rights of any person, especially children and youth who are being abused.
42. make any report that is aimed at 'getting even' or 'fixing' another individual.

I, _____ ,
*have received, read, and understood the provisions and its corresponding implications, hereby, fully agree to abide by the entire contents of the document entitled **Child Protection Policy** of the Catholic Diocese of Lucknow, and affix my signature with my full consent. I acknowledge and consent to being held personally accountable for any breach of this Code of Protective Behaviour and Undertaking in the spirit behind it, ethically and legally, and agree to make my signature below the statement of adherence and a condition for my continued appointment as a member of the staff of the institution.*

Signature

Date:

In the presence of: _____,

Signed: by the manager/principal/head of the institution affixing a seal.