



TITLE : CHILD SAFEGUARDING POLICY & PROCEDURE

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## **INTRODUCTION**

MERCY Malaysia upholds the United Nations Convention on the Rights of the Child to protect children from all forms of violence. In all actions concerning children, the best interest of the child shall be a primary consideration.

MERCY Malaysia will ensure that its projects provide a safe environment for children in the delivery of humanitarian and development programme and recognises that it is the shared responsibility of all MERCY Malaysia personnel to prevent and respond to child exploitation and abuse.

## **PURPOSE**

The purpose of the policy is to safeguard children who come into contact with MERCY Malaysia from deliberate or inadvertent actions and failings that place them at risk of child abuse, sexual exploitation, injury and any other harm.

## **SCOPE**

This policy applies to all Members of Executive Council, MERCY Malaysia personnel (paid employees and volunteers) and anyone representing the organisation

### Policy Principles:

- All personnel and representatives of MERCY Malaysia shall behave appropriately and safely towards children and adhere to the Child Safe Professional Behaviours contained in the MERCY Malaysia Code of Conduct
- MERCY Malaysia shall engage personnel using child safe recruitment practices and provide training on the Child Safeguarding Policy, MERCY Malaysia Code of Conduct and reporting procedures prior to commencement of employment or engagement. MERCY Malaysia will prevent a person from working or being in contact with children if they pose an unacceptable risk to children.
- All personnel and representatives of MERCY Malaysia shall proactively create and maintain a safe environment for children who come into contact with the organisation
- All personnel of MERCY Malaysia shall immediately report any suspected or alleged case of child exploitation, abuse or breach of the Code of Conduct.
- MERCY Malaysia shall apply procedural fairness and principles of natural justice when making decisions that affect a person's rights or interests when responding to concerns or allegations of child exploitation or abuse.
- When dealing with a child safeguarding concern, the best interests of the child will be the priority and MERCY Malaysia will ensure the safety, health and emotional needs of the child are being met to the best of its ability.
- MERCY Malaysia, its personnel and partners shall share the responsibility to effectively manage risks to the safety or wellbeing of children who come into contact with the organisation.



## Glossary

Child	For the Purposes of this Policy MERCY Malaysia considers a child to be a person under the age of 18 years.
Child abuse and neglect	Includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation. (WHO definition)
Child exploitation	One or more of the following: <ul style="list-style-type: none"> <li>• Committing or coercing another person to commit an act or acts of abuse against a child</li> <li>• Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material</li> <li>• Committing or coercing another person to commit an act or acts of grooming or online grooming</li> <li>• Using a minor for profit, labour, sexual gratification, or some other personal or financial advantage</li> </ul> (DFAT Child Protection Policy 2017 definition)
Commercial Sexual Exploitation of Children	Where there is an exchange in which one or more parties gain a benefit – cash, goods or kind – from the exploitation for sexual purposes of someone aged below 18. (ECPAT International definition)
Child Safeguarding	The term refers to the policies, procedures and practices that MERCY Malaysia employs to ensure it is a child safe organisation

### Other relevant international instruments:

- Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Sustainable Development Goal 16.2 to end all forms of violence against children

## CHILD SAFEGUARDING PROCEDURES

### 1. Child safe recruitment and screening of employees and volunteers

- A message be included on the MERCY Malaysia website when advertising for the recruitment of employees and volunteers, that all potential employees and volunteers will undergo recruitment and screening requirements to ensure they meet MERCY Malaysia's core values.
- All employees and volunteers who is in contact with children (working in a position or on an activity that involves or may involve contact with children, either under the position description or due to the nature of the work environment) must undergo a criminal check and verbal referee checks
- All technical employees and volunteers (i.e. medical doctor, engineer) must submit their professional certification/license during registration and undertake an interview process
- All employees and volunteers must sign the MERCY Malaysia Code of Conduct and agree to comply with the principles and standards it contains
- Employee and volunteer contracts contain a provision for suspension or transfer to other duties of any employee or volunteer who is under investigation and provisions to dismiss any employee or volunteer after an investigation

### 2. Child Safeguarding Contact Staff

- During MERCY Malaysia programme/projects, one trained staff member will be assigned to be "Child Safeguarding (CS) Contact Staff".
- The CS Contact Staff will be responsible for receiving any reports or concerns for the alleged abuse or exploitation of a child from MERCY Malaysia personnel or partners and assist with reporting this via the CRM
- The CS Contact staff should be easily identified and beneficiaries of MERCY Malaysia projects should be made aware they can contact the CS Contact Staff to discuss or report any concerns they have for the safety or wellbeing of a child

### 3. Training and Induction

- MERCY Malaysia shall provide Training for Trainers for selected staff and ensure enough pool of Child Safe (CS) trained staff to deliver CS training.
- MERCY Malaysia CS trainers will deliver the training sessions
- All MERCY Malaysia employees and volunteers having contact with children must attend a face-to-face Child Safeguarding training session prior to deployment. For volunteers this will be part of the Volunteer Induction Program and Basic Mission Training.
- All employees and volunteers having contact with children must attend a refresher child safeguarding training session every 2 years.



- Training attendance must be centrally recorded

#### 4. Website and technology and information communications

- MERCY Malaysia provide for the safe use of information and communication technologies such as the Internet, websites, social networking sites and digital photography to ensure that children are not put at risk.
- These procedures cover both the use of these technologies by MERCY Malaysia employees and volunteers as well as any other individual or agency that utilises the MERCY Malaysia's technologies on their behalf or in response to a request by MERCY Malaysia.

#### 5. Use of images of children

- All images of children used on the MERCY Malaysia website, in reports, brochures, social media, television or videos, must present children in a dignified, positive and respectful manner and not breach the privacy of a child.
- Where appropriate the child should provide his/her informed consent to use of the image and the child's parent/guardians consent must be obtained and documented.
- All images of children will be securely stored and managed by MERCY Malaysia.
- Any images of children showing them distressed, very ill, injured or malnourished must obtain the approval of the MERCY Malaysia Executive Director prior to use. (For example for use in medical journals, professional presentations and conferences)

#### 6. Visitors and Media

- Visitors and media personnel attending MERCY Malaysia projects will be supervised by MERCY Malaysia employees at all times.
- Visitors and media personnel will be briefed on photographing and interviewing children to ensure a child safe environment is maintained. This includes agreement on the safe, consensual and respectful use of children's images by visitors and media and for visitors not to post images of children involved in MERCY Malaysia projects on their personal social media sites. Any children interviewed by media must provide their informed consent and be interviewed in the presence of parents/guardians and MERCY Malaysia employees.

#### 7. Partners

- All agreements between MERCY Malaysia and a partner agency must include agreement on child safeguarding standards.
- The MERCY Malaysia Code of Conduct and accountability framework will be attached to the MoU.

- In addition, partner agencies can sign onto the MERCY Malaysia Child Safeguarding Procedure as part of the MoU.
- Child safeguarding standards must include clarity on reporting and responding to child safeguarding concerns such as the line of responsibility for reporting between MERCY Malaysia and a partner agency and agreement to notify the other party of any child safeguarding reports received from the joint project.

#### 8. Reporting a concern for the safety or wellbeing of a child

- MERCY Malaysia, in any of the programme/ projects, in consultation with local agencies (if any) will conduct a mapping of local authorities and agencies to develop a Local Referral List for child protection reports.
- Referral and external reporting options should include child protection/children and families government departments, specialised child/youth counselling services, health services, local child focused community based organisations, church based services for children and youth, INGOs, UNHCR, UNICEF, legal services, children’s helplines, INGO operated child friendly spaces and police (including police specialising in child sexual assault, online child exploitation or child trafficking)

##### (a) Internal Child Safeguarding Reports

- When a MERCY Malaysia personnel is informed of, becomes aware of, or suspects any concern, allegation or incident of abuse (or exploitation of a child by an employee, volunteer, partner personnel or any other representative of MERCY Malaysia he/she should immediately report by following the procedures in the CRM.
- Failure to report may result in disciplinary action.
- All reports will be managed in a professional, timely and confidential manner
- Reports will be taken to be made in good faith and will not result in the reporter being seen as unprofessional or having breached professional ethics. The complainant will not be held liable for any disciplinary or legal action including in cases that are not proven.
- All those involved will be supported and have a right to respond to any allegations made. Any person who intentionally makes a false or malicious allegation will face disciplinary action.
- Steps will be taken by MERCY Malaysia to ensure the immediate safety and welfare needs of the child and any referrals or reports to external authorities will be guided by the principle of “best interest of the child”.

##### (b) External Child Protection Reports



- MERCY Malaysia personnel should make a report when they are informed or become aware of the abuse or exploitation of a child within the community, by someone not associated with MERCY Malaysia.
- This includes a report due to the disclosure by a child or observations or suspicions that a child is being abused/ exploited or is at risk of being abused/ exploited or a complaint received from third party.
- MERCY Malaysia personnel must immediately report their concern to an Officer In-charge or Field Project Manager of the programme or mission
- When making a report MERCY Malaysia personnel need only provide basic information such as details about the child (name, age, location) and the type of abuse. Personnel are not required to interview a child, confront an alleged perpetrator, conduct an investigation or in any way handle the report themselves.
- The Officer In-charge or Field Project Manager will discuss the report with CS contact staff and consult with local partners to determine and recommend the response being guided by the principle of what is in the best interests of the child. This may involve a referral for the child or reporting the matter to an external authority using the Local Referral List. The Officer In-charge or Field Project Manager are not required to interview a child, confront an alleged perpetrator, conduct an investigation or in any way handle the report themselves.
- The Officer In-charge or Field Project Manager must inform HQ of the report, the referral/report steps taken and of any potential media involvement.
- The Officer In-charge or Field Project Manager must assess whether there are any risks to the personal safety of the child, complainant and/or MERCY Malaysia personnel and immediately discuss this with HQ/HR.
- The Officer In-charge or Field Project Manager will provide feedback to the person making the report on what referral/report steps were taken to support and protect the child.
- All discussion to be treated with utmost confidentiality