



LATIN AMERICAN FOUNDATION FOR THE FUTURE
CHILD PROTECTION POLICY

1 CHILD PROTECTION POLICY

Introduction

Here at the Latin American Foundation for the Future (LAFF), the safety and well-being of young people is of paramount importance; it is the foundation of our mission, the very reason for our existence. The staff, volunteers, and representatives of our organisation have a moral and legal obligation to ensure that, when given responsibility for young people, we provide them with the highest possible standard of care.

LAFF is committed to devising and implementing policies so that everyone involved in our operations accepts their responsibilities to safeguard children from harm and abuse, follow the designated procedures to protect children, and report any concerns about their welfare to appropriate authorities.

The aim of the policy is to promote good practice, providing children and young people with appropriate safety and protection whilst in contact with LAFF, and to allow staff and volunteers to make informed and confident responses to specific child protection issues, both readily apparent and less obvious.

A child/young person is defined by law as a person under the age of 18.

1.1 Policy Statement

The Latin American Foundation for the Future and its volunteers are committed to the following:

- The welfare of the children and beneficiaries we interact with is essential and foremost
- All young people, whatever their age, culture, ability, gender, language, racial origin, religious belief, and/or sexual identity, should be able to participate in our workshops and programmes in a fun, safe, and respectful environment
- Taking all reasonable steps to protect children from harm, discrimination, and degrading treatment and to respect their rights, wishes, and feelings
- All suspicions and allegations of poor practice or abuse will be taken seriously and responded to swiftly and appropriately
- All LAFF employees who work with children will be recruited with regard to their suitability for that responsibility (including a criminal/sex offender background check) and will be provided with guidance and training in good practice and child protection procedures
- Working in tandem with our partner organizations' managers and leadership is essential for the protection of children

1.2 Monitor and review the policy and procedures

- The implementation of procedures should be regularly monitored and reviewed. The Programme Manager should regularly report progress, challenges, difficulties, achievement gaps, and areas where changes are required to the founder, Board of Trustees, and local team in Cusco.
- The policy should be reviewed every year or whenever there is a major change in the organisation or in relevant legislation.

2 PROMOTING GOOD PRACTICE

2.1 Introduction

To provide children and youth with the best possible experience and opportunities in our workshops, programmes, and events, all staff and volunteers must operate within an accepted ethical framework, as laid out in this policy document.

It is the responsibility of our staff and volunteers to remain vigilant, informed, and aware in identifying poor practice and possible abuse; if anything potentially suspicious or alarming arises, staff and volunteers must act quickly and appropriately on these concerns about the welfare of the child, as explained in Section 4. The following section will help clarify what is meant by good practice and poor practice.

2.2 Good Practice

All staff and volunteers should adhere to the following principles and action:

- Always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets)
- Make the experience of our workshops, programmes, and events fun and enjoyable: promote fairness, confront and deal with bullying
- Treat all young people equally and with respect and dignity
- Always put the welfare of the young person first
- Maintain a safe and appropriate distance with beneficiaries (e.g. it is not appropriate for staff or volunteers to have an intimate relationship with a child/youth or to enter a private room alone with them)
- Avoid unnecessary physical contact with young people. Where any form of manual/physical support is required it should be provided openly and with the consent of the young person. Physical contact can be appropriate so long as it is neither intrusive nor disturbing and the young person's consent has been given
- Act as an excellent role model, refraining from smoking, drinking alcohol, or behaving inappropriately in the company of young people
- Always give enthusiastic and constructive feedback rather than negative criticism
- Recognising the developmental needs and capacity of each individual young person. Do not risk sacrificing welfare in a desire for orderly completion of any workshops, programmes, or events. This means avoiding excessive discipline or criticism, and not pushing beneficiaries against their wills
- Secure written partner manager consent for LAFF to act in loco parentis, giving permission for the administration of emergency first aid or other medical treatment if the need arises
- Keep a written record should any injuries or accidents occur, along with details of any treatment given

2.3 Poor Practice

The following are regarded as poor practice and should be avoided by all staff and volunteers:

- Unnecessarily spending excessive amounts of time alone with young people away from others
- Taking young people to your residence where they will be alone with you

- Entering a secluded, enclosed space alone with a young person; if you must take a young beneficiary aside to discuss something in private, do so in an area that is open and visible, **NEVER** behind a closed door
- Showing favouritism or excessive attention toward a child/young person (risking potential neglect and/or inattention to peers)
- Engaging in rough, physical, or sexually provocative games, including horseplay
- Allow or engaging in inappropriate touching of any form
- Allowing young people to use inappropriate language unchallenged
- Making sexually suggestive comments to a young person, even in fun
- Using intimidation, harsh language, or reducing a young person to tears as a form of control
- Allowing allegations made by a young person to go unchallenged, unrecorded, or not acted upon
- Completing tasks of a personal nature that the young person can do for themselves

When a case arises where it is impractical/impossible to avoid certain situations (e.g. accompanying a young person to the hospital), any such tasks should only be carried out with the full understanding and consent of the parent/guardian/partner manager and the young person involved.

If during your care you accidentally hurt a young person, the young person seems distressed in any manner, appears to be sexually aroused by your actions, and/or if the young person misunderstands or misinterprets something you have done, report any such incidents as soon as possible to another staff member, volunteer, or partner manager and make a written note of it. Any parents or legal guardians should also be informed of the incident.

3 DEFINING CHILD ABUSE

3.1 Introduction

Child abuse is any form of physical, emotional, or sexual mistreatment or lack of care that leads to injury or harm. Abuse commonly occurs within a relationship of trust or responsibility (e.g. parent, guardian, supervisor, or educator) and is an abuse of power or a breach of trust. Abuse can happen to a young person regardless of their age, gender, race, or ability.

There are five main types of abuse: **physical abuse, emotional abuse, sexual abuse, neglect, and bullying**. The abuser may be a family member or someone the young person encounters in residential care or in the community, including extracurricular and leisure activities. Any individual may abuse or neglect a young person directly, or may be responsible for abuse because they fail to prevent another person harming the young person.

Abuse in all of its forms can affect a young person at any age. The effects can be so damaging that, if left unacknowledged or untreated, they may follow the individual into adulthood.

Young people with disabilities may be at increased risk of abuse through various factors such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves or adequately communicate that abuse has occurred.

3.2 Types of Abuse

- **Physical Abuse:** When adults physically hurt or injure a young person (hitting, shaking, throwing, choking, poisoning, burning, biting, scalding, suffocating, drowning, etc). Giving young people alcohol, inappropriate drugs, or any harmful substances/materials also constitute child abuse.

This category of abuse can also include the fictitious reporting of non-existent or exaggerated symptoms or illness by a parent or guardian, deliberately causing ill health in a young person under their care. This mistreatment is called Munchausen's syndrome by proxy.

- **Emotional Abuse:** The persistent emotional mistreatment of a young person, likely to cause severe and lasting adverse effects on the child's emotional development. It may involve telling a young person they are useless, worthless, unloved, inadequate, or valued only in terms of another person's needs. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting, or terrorising a child. It may feature expectations of young people that are not appropriate to their age or development. It may cause a young person to be frightened or in danger by being constantly shouted at, threatened, or taunted, causing the young person to feel frightened, isolated, or withdrawn.

Mistreatment of children, whatever form it takes, will always feature a degree of emotional abuse.

Emotional abuse in group activities may occur when the young person is constantly criticised, given negative feedback, or expected to perform at levels that are above their capability. Other forms of emotional abuse may take the form of name calling, put-downs, and bullying.

- **Sexual Abuse** occurs when adults (male and female) use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse, and fondling. Showing young people pornography or talking to them in a sexually explicit or degrading manner are also forms of sexual abuse.
- **Neglect** occurs when an adult fails to meet the young person's basic physical and/or psychological needs, to an extent that is likely to result in serious impairment of the child's health or development. For example: failing to provide adequate food, shelter, and clothing, failing to protect from physical harm or danger, or failing to ensure access to appropriate medical care or treatment.

Refusal to give love, affection, and attention can also be a form of neglect.

- **Bullying** may come from another young person or an adult. Bullying is defined as deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. There are four main types of bullying:
 - Physical (e.g. hitting, kicking, slapping)
 - Verbal (e.g. racist, homophobic, or identity-mocking remarks, name calling, graffiti, threats, abusive text/electronic messages)
 - Emotional (e.g. tormenting, ridiculing, humiliating, ignoring, isolating from the group)
 - Sexual (e.g. unwanted physical contact or abusive comments).

In group, scholastic, or extracurricular activities (such as our workshops and events), bullying may arise when a leader or peer pushes the young person too hard to succeed or uses bullying behaviour.

3.3 Indicators of Abuse

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. Most people are not experts in such recognition, but indications that a child or young person is being abused may include one or more of the following:

- Unexplained or suspicious injuries such as bruising, cuts, or burns, particularly if situated on a part of the body not normally prone to such injuries
- An injury for which an explanation seems inconsistent
- A young person's description of what appears to be an abusive act involving them
- Another young person or adult expressing concern about the welfare of a young person
- Unexplained changes in a young person's behaviour (e.g. becoming very upset, quiet, withdrawn, or displaying sudden outbursts of temper)
- Inappropriate sexual awareness
- Engaging in sexually explicit behaviour
- Distrust of adults, particularly those with whom a close relationship would normally be expected
- Difficulty in making friends
- Being prevented or kept from socialising with others
- Displaying variations in eating patterns including overeating or loss of appetite
- Losing weight for inexplicable or unapparent reasons
- Decline in physical or sanitary care (e.g. dirty/unkempt appearance, diminished hygiene)

Signs of bullying include:

- Behavioural changes such as reduced concentration and/or becoming withdrawn, clingy, depressed, tearful, emotionally volatile; reluctance to attend or participate in previously enjoyed activities
- An unexplained change in temperament or personality
- Physical signs such as stomach aches, headaches, difficulty sleeping, bed wetting, scratching and bruising, damaged clothes, and excessive consumption of food/substances
- A shortage of money or frequent loss of possessions

It must be recognised that the above list is not exhaustive, but also that the presence of one or more of the indications is not proof that abuse is taking place. It is **NOT** the responsibility nor the expertise of those representing LAFF to decide that child abuse is occurring; It **IS**, however, their responsibility to act on any concerns in a swift and discrete manner.

3.4 Use of Photographic/Filming Equipment at Meetings/Events

There is evidence that some people have used events or programmes as an opportunity to take inappropriate photographs or film footage of young people. All volunteers and staff members should be vigilant and respectful when taking photos or videos of our beneficiaries. Any concerns or inappropriate use of media should be immediately reported to the Programme Manager, partner organisation manager, or equivalent authority.

**All partner managers must be consulted every year to sign a contract allowing staff or volunteers to use photographic/video equipment in any LAFF-affiliated activities, and the use of the resulting audio-visual documents for promotional and recruitment purposes.*

**Oral permission must be given by any young person in order to conduct an interview, whether written or filmed.*

4 RESPONDING TO SUSPICIONS AND ALLEGATIONS

4.1 Introduction

It is **NOT** the responsibility of any staff or volunteer members of LAFF to formally diagnose or declare whether or not child abuse has taken place. However, there **IS** a responsibility to act instantaneously on any concerns or suspicions by communicating with the appropriate authorities so that they can then make further inquiries and take necessary action to protect the young person. This applies **BOTH** to allegations/suspicions of abuse occurring within LAFF or our partner organisations and to allegations/suspicions that abuse is taking place elsewhere.

The following section explains how to respond to allegations/suspicions.

4.2 Receiving Evidence of Possible Abuse

We may become aware of possible abuse in various ways. We may see it happening, we may suspect it happening because of signs (such as those listed in Section 3 of this document), it may be reported to us by someone else, or directly stated by the young person affected.

In the latter of these cases, it is particularly important to respond appropriately. If a young person says or indicates that they are being abused, you should:

- **Stay calm** so as not to frighten the young person.
- **Reassure** the young person that they are not to blame and that it was right to tell.
- **Listen** to the young person, showing that you are taking them seriously.
- **Keep questions to a minimum** so that there is a clear and accurate understanding of what has been said. The law is very strict and child abuse cases have been dismissed where it is felt that the child has been led or words and ideas have been suggested during questioning. Only ask questions to clarify.
- **Inform** the young person that you have to communicate with others what they have told you. Be sure to tell the youth that this is only to help stop the abuse from continuing.
- **The safety of the young person is paramount.** If the youth needs urgent medical attention, call an ambulance, inform the doctors of the concern, and ensure that they are made aware that this is a child/youth protection issue.
- **Record** all information.
- **Report** the incident to the Programme Manager/partner organisation manager.

4.3 Recording Information

To ensure that information is as helpful as possible, a detailed record should always be made at the time of the disclosure/concern. In recording you should confine yourself to the facts and distinguish what is your personal knowledge and what others have told you. **DO NOT** include your own opinions.

Information should always include the following:

- The date and location of the young person's disclosure
- The young person's name, age, and date of birth
- The young person's partner organization and contact information

- Whether or not the person making the report is expressing their own concern or someone else's
- The nature of the allegation, including dates, times, and any other relevant information
- A description of any visible bruising or injury, location, size etc. Also any indirect signs, such as behavioural changes
- Contact details of witnesses to the incidents
- The young person's account, if it can be given, of what has happened and how any bruising/injuries occurred
- Has the partner organisation manager been contacted? If so, what has been said?
- Has anyone else been consulted? If so, record details
- Has anyone been alleged/identified as the abuser? Record details

4.4 Reporting the Concern

All suspicions and allegations **MUST** be reported appropriately. It is recognised that strong emotions can be aroused, particularly in cases where sexual abuse is suspected or where there is misplaced loyalty to a colleague. It is important to understand these feelings but not allow them to interfere with your judgement about any action to take.

LAFF expects its staff and volunteers to discuss any concerns they may have about the welfare of a child *immediately* – **first** with the Programme Manager or, if unavailable, the partner organisation manager/ appropriate authority. Subsequent check-ups are necessary to ensure that sufficient action has been taken.

If these authorities are not available or themselves at fault, take responsibility and seek outside advice or support from the Fiscalía de Familia, the most appropriate and prepared social office to respond to any such concerns. Secondary sources are the Defensoría del Pueblo, an autonomous, government-mandated organization that monitors human rights cases in Peru, and the police. Contact information is listed below:

***Primera Fiscalía Provincial Civil y Familia de Cusco**

Av. Pedro Vilca Apaza - 313 -315 – Wanchaq Phone: 084-227086 – 227087

***Defensoría del Pueblo, Oficina Defensorial de Cusco**

Calle San Miguel N° 273 Phone: 084-240963
Representative: Rosa Emperatriz Santa Cruz Córdova

***Policía Nacional del Perú, Cusco**

Plaza Túpac Amaru P-15 Phone: 084-227783/ 084-231788

Where there is a complaint against an employee or volunteer, there may be three types of investigation.

- **Criminal**, in which case the police are immediately involved
- **Child protection**, in which case the social services and (possibly) the police will be involved
- **Disciplinary or misconduct**, in which case LAFF will be involved

As mentioned previously in this document, LAFF staff and volunteer members are not child protection experts and it is not their responsibility to determine whether or not abuse has taken place. All suspicions and allegations must be shared with professional agencies that are responsible for child protection.

If there is any doubt, you must report the incident: it may be just one of a series of other incidences which together cause concern

Any suspicion that a child has been abused by a fellow employee or volunteer should be reported to the Programme Manager, who will take appropriate steps to ensure the safety of the child in question and any other child potentially at risk. This will include the following:

- LAFF will refer the matter to a social services department

- The parent/guardian/partner manager of the child will be contacted as soon as possible following advice from the social services department
- The Programme Manager will decide upon and implement any immediate disciplinary proceedings
- If the Programme Manager is the subject of the suspicion/allegation, the report must be made to the appropriate authority who will refer the matter to social services OR the individual suspecting abuse must contact social services directly

Allegations of abuse are sometimes made well after the event. Where such allegations are made, you should follow the same procedures and have the matter reported to social services. This is because other children in the family or organisation (or outside it) may still be at risk from the alleged abuser. Anyone who has a previous conviction for offences related to abuse against children is automatically excluded from working with children.

4.5 Confidentiality

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only. This includes the following people:

- The Programme Manager/partner organization manager
- The parents/guardians of the young person
- The person making the allegation
- Social Services/police
- The alleged abuser (and parents if the alleged abuser is another child/young person)

Seek social services for advice on who should approach the alleged abuser.

All information should be stored in a secure place with limited access to designated people, in line with data protection laws.

4.6 Internal Inquiries and Suspension

- The Programme Manager will make an immediate decision about whether any staff or volunteer member accused of abuse should be temporarily suspended, pending further police and social services inquiries. Regardless of the Programme Manager's decision, the alleged staff offender will be prevented from having further unsupervised access to the young person (or people) in question during any investigation.
- Irrespective of the findings of the social services or police inquiries, the Programme Manager will assess all individual cases to decide whether a member of staff or volunteer can be reinstated and how this can be sensitively handled. This may be a difficult decision, especially where there is insufficient evidence to uphold any action by the police. In such cases, the Programme Manager must reach a decision based upon the available information which could suggest that, on the balance of probability, it is more likely than not that the allegation is true. The welfare of the child should remain of premier importance throughout.

5 PERUVIAN CHILD LABOUR LAWS

As an organisation that strives to improve the employment prospects of its beneficiaries (and at times successfully arranges or assists with job postings), it is important to be aware in detail of the working laws concerning minors (18 years or under) in Peru. Below are the official laws pertaining to child/youth labour as ratified by the Peruvian Government:

Child Labour Laws and Enforcement

The Government of Peru ratified the International Labour Organisation (ILO) Convention 138 on the Minimum Age for Admission to Employment on November 13, 2002, and ILO Convention 182 on the Worst Forms of Child Labour on January 10, 2002.

- Prohibitive work includes any type of task that puts the adolescent or child at physical, mental, or emotional risk, or work that interferes with his or her education.
- According to the law, the minimum age for employment in non-industrial agricultural work is **15 years**; **16 years** for work in the industrial, commercial, and mining sectors (in above ground operations); and **17 years** for work in the industrial fishing sector.
- Children ages **12 to 14** may perform certain jobs, subject to restrictions, **only if they obtain legal permission** from the Ministry of Labour and Employment Promotion (Ministerio de Trabajo y Promoción del Empleo, MTPE) and can certify that they are attending school. The MTPE's Office of Labour Protection for Minors issues permits for children 12 to 17 to work legally. During 2006, the Office issued 1,326 work permits for children 12 to 17, the majority of which (1,086) were issued for children 16 and 17.
- Children aged **12 to 14** years are prohibited from working more than **four hours a day**, or over **24 hours a week**
- Adolescents between **15 and 17** years may not work more than six hours a day, or over **36 hours a week**.
- Adolescents working **non-paid jobs for family members** or working in domestic service are entitled to a daily **12-hour rest period** and must have access to education.
- **Night work**, or work that might serve as an obstacle to continued school attendance, is **prohibited** for children **under 18 years of age**, although adolescents 15 to 17 can work for a **maximum of four hours** at night with a special permit.
- **Underground work**, or work that involves heavy lifting, toxic substances, or responsibility for the safety of one's self and other workers **is prohibited for children under 18 years**.
- Working children must be paid at the same rate as adult workers in similar jobs.
- In July 2006, the Government of Peru approved a list of Hazardous Occupations for Children, which includes commercial sexual exploitation and activities linked to domestic work.

The National Police and local prosecutors have law enforcement authority over child labour violations, and the National Police operates a Division for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents. The Municipal Child and Adolescent Defender Centres (Defensoría Municipal del Niño y el Adolescente, DEMUNA) work with local governments to supervise investigations, apply punishments, and monitor compliance of child labour laws. The address and contact information of two local Cusco offices are listed below:

Downtown/Historical Centre Office

Segundo piso del Mercado de Rosaspata, Urb. Rosaspata Phone: 084-224977

Wanchaq Office

Calle Gastón Zapata, local de la Municipalidad Phone: 084-224272

6 RECRUITING AND SELECTING PERSONNEL FOR WORK WITH CHILDREN

6.1 Introduction

It is important that all reasonable steps are taken to prevent unsuitable people from working with children. This applies equally to paid staff and volunteers, both full and part time. To ensure unsuitable people are prevented from working with children the following steps should be taken when recruiting.

6.2 Controlling Access to Children

- All staff and volunteers will complete an application form. The application form will elicit information about the applicant's past and an official criminal record/background check must be included before placement is confirmed.
- Two confidential references must be provided. These references will be followed up for a formal recommendation via email.
- Evidence of identity (a photocopy of the applicant's passport)

6.3 Interview and Induction

All employees and volunteers will be required to undertake an interview carried out to acceptable protocol and recommendations. All employees and volunteers will receive a formal induction during which:

- The job requirements and responsibilities should be clarified.
- The volunteer is informed of our relationships, activities, and history with our partner organisations.
- The child protection procedures laid out in this policy are clearly and explicitly communicated, and the volunteer signs and agrees to our Confidentiality and Child Protection Agreements.

6.4 Training

In addition to pre-selection checks, the safeguarding process includes training after recruitment to help staff and volunteers to:

- Analyse their own practice against what is deemed good practice, and to ensure their practice is likely to protect them from false allegations
- Recognise their responsibilities and report any concerns about suspected poor practice and/or abuse
- Respond to concerns expressed by a child/young person
- Work safely and effectively with children/young people