



DEPARTMENT OF SCHOOL EDUCATION

CHILD PROTECTION POLICY



NAGALAND

The Child Protection Policy for Schools is a comprehensive approach to ensure child safety and protection through inter-agency networking and inter-departmental convergence.

INTRODUCTION AND OVERVIEW

Children have the inalienable right to protection and safeguarded from all forms of abuse, maltreatment and harm, and this applies to all children in all settings including educational environment.

Under **Article 19** of the UNCRC, the state has an obligation towards child protection in school or any educational setting. The authorities, teachers and other adults engaged in the process of schooling and teaching are therefore duty bound to provide an environment that supports and promotes children's dignity, development and protection.

As children spend a significant part of their childhood and formative years in schools, it is imperative that the ambiance in schools is positive and nurturing, where they feel safe and secure on the premises and with the care providers. Sense of safety and well being is also instilled in students when action is taken against misconduct or abuse, such as corporal punishment, discriminatory practices, bullying and other forms of verbal, emotional or sexual abuse, by teachers, other personnel and other students.

Any form of humiliating and abusive treatment is not only a violation of the child's right to protection from violence, but also counter-productive to learning and development, which are the primary purposes of schooling.

All children are susceptible to violence and exploitation, however the vulnerability of girl children and the third gender to gender based violence and discrimination are critical areas of concern. These call for attitudinal and behavioural shift that would set in place practices that empowers children and the young, especially the girls.

Providing opportunity and space for children to share their grievances, concerns, fears as much as their suggestions and views with regard to their own safety is imperative and will go a long way in creating the desired 'child sensitive' atmosphere.

APPROACH

The Child Protection Policy is guided by the National Policy for Children, 2013, of Government of India, which is a reaffirmation of the government's commitment to the realization of all rights to children. The National Policy for Children (2013) highlights, "safety and security of all children is integral to their well being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities". It also points out that "mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality".

Hence, a child centric rights based approach, affirmed by India's commitments to the UN Convention on the Rights of the Child, is deeply implied as the guiding framework for all future actions taken regarding children. This approach enables all children to access, participate in and profit fully from learning opportunities in a space that inspires their confidence and holistic sense of well-being. Participation of children in the process is undeniable right to every child.

CHILD PROTECTION POLICY (CPP) FOR SCHOOLS

Child Protection Policy is a statement of intent that defines the school's commitment to safeguard children from harm and abuse. It helps to create a safe and positive environment for children, shows that the school is taking its duty of care seriously, and importantly specifies stakeholders' responsibilities and roles in the protection of children.

The child protection mandate must be reflected not only in the policies but also reflected in every aspect of the school administration and management including in staff recruitment, training and teaching learning transactions that would impact interactions between teachers, students, the school environment and parents – rendering them more child centric.

A child protection policy spells out an organization commitment to protect children from abuse, exploitation and neglect. For this certain guidelines and regulations are drawn up as to the way and organisation conducts its activities and points out the way its staffs are expected to behave. The child protection policy is translated into action through such procedures that provide safe and conducive environment for the children and those working for them through a code of conduct. It also creates awareness of the issues and its long standing effect on the affected child, family and institution. A Child protection policy also considers the institutional and legal predicaments of the perpetrator, purposes the necessary guidelines as to what preventive measures to be taken, what infrastructural requirements should be established, how and to whom to report suspected or actual abuse cases and what enquiry mechanisms to be followed and what consequences penalty/action to be initiated.

The policy will apply to all personnel and persons related to the school and who come in direct or indirect contact with children.

A. Direct Contact with Children: Being with and in the physical presence of a child or children as part of their professional or school related work, be it regular, occasional, temporary or long term

B. Indirect Contact with Children: Those whose work does not require them to be in the physical presence of a child but encompasses access to personal details and information, data on children including photographs, case files etc.

PURPOSE OF THIS POLICY

1. To promote a safe and positive environment in school, conducive for learning and development, in partnership with children
2. To provide the school's position on safety and protection of children and the measures taken for ensuring the same

3. To define roles and responsibilities and accountability of school authorities and other stakeholders
4. To enable staff and others recognize signs of abuse or situation when a child may require protection and help; and importantly enable them to report or bring to the notice of the concerned authority for immediate action
5. To set in place mechanisms for monitoring and review of the implementation of the child protection standards

GOVERNING PRINCIPLES

The Child Protection Policy is guided by the non-negotiable fundamental principles for realisation of the rights of all children and includes in particular -

- 1. Principle of Best Interest of the Child:** The right of the child to have her or his best interest taken as primary consideration which is a substantive right, a fundamental interpretative legal principle and a rule of procedure.
It also implies that institutions, services and facilities responsible for care or protection of children will conform to standards established by competent authorities, particularly in the areas of safety, health and supervision; and reiterates the rights and duties of parents, guardians, other individuals legally responsible for them.
- 2. Principle of Safety:** (No harm, no abuse, no neglect, no maltreatment) All measures will be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care providers and education system
- 3. Principle of Equality and Non-discrimination:** All children shall be treated equal and given equal opportunity and treatment. There shall be no discrimination against a child on any grounds including gender, religion, caste, class, place of birth, disability etc. Stigmatising vocabulary or language will also not be used in class or in the school.

4. **Principle of Confidentiality:** Every child has a right to protection of her/his privacy and confidentiality, in matters that call for such. Confidentiality shall be maintained when there has been abuse, especially when there has been sexual abuse.
5. **Principle of Participation:** Every child has a right to be heard, listened to and to participate in all processes and decisions affecting her or his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child. It has been noted that the right of a child to be heard is not only a right in itself, but should be considered in the interpretation and implementation of all other rights. The parent/guardian and family of the child also have a right to such participation unless decided otherwise by the Competent Authority. It also enables a child to provide informed consent.

LEGAL FRAMEWORK

To ensure delivery of the Constitutional safeguards and the commitment to the UNCRC, the Government of India has enacted several legislative measures for protection of children. While all of them encompass provisions for protection or safeguards from some form of violence or abuse the key child legislations in the context of protection of children are the following:

1. The Child Labour (Prohibition & Regulation)Act 1986 (CLPRA)
2. The Juvenile Justice (Care & Protection) of Children Act 2000 and Amendment Act 2006, (JJA)
3. The Commission for Protection of Child Rights Act 2005
4. The Prohibition of Child Marriage Act 2006
5. The Right of Children to Free and Compulsory Education Act 2009 (RTE)
6. The Protection of Children from Sexual Offences Act 2012 (POCSO)
7. The Criminal Law Amendment Act 2013
8. The Rights of Persons with Disabilities (RPWD) Act 2016 (Protection of Child with Disabilities)

However, the two primary legislations that govern child protection issues are the Juvenile Justice Act and the POCSO Act. The Juvenile Justice Act is founded on the principles of the UNCRC, is a progressive legislation that provides a framework for the care, protection, treatment and [rehabilitation](#) of children in the purview of the juvenile justice system. It mandates child protection mechanisms in all districts of the state such as the Child Welfare Committees (CWC), Special Juvenile Police Units (SJPU) and Juvenile Justice Boards (JJB) and State/District Child Protection Units (DCPU).

The POCSO is a landmark legislation, and for the first time a special law to address the issue of sexual violence against children. It seeks to protect all children below the age of 18 from sexual assault, sexual harassment and pornography. These offences are clearly defined for the first time in Indian penal law.

The Act provides for stringent punishment to the offenders. Aggravated Penetrative Sexual Assault, for example, carries an imprisonment of not less than 10 years, which can be extended to imprisonment for life. Cases of child sexual abuse will be dealt in Special Courts, on a fast track mode to complete the proceedings in a year and to ensure sensitive dealing of the case.

General Guidelines for Institutions

1. Every Institution undertakes to protect children from all forms of abuse and exploitation and to take all appropriate measures to prevent any abuse or exploitation
2. Institutions will provide a welcoming atmosphere where parents/guardians, students and staff feel comfortable to express concerns about child protection issues.
3. All records of the children in the institution and their families along with all information regarding their status and all reports will be maintained by the institution in strict confidentiality.

4. The institutions will see that children who are victims are cared for by professionals and by responsible persons who have the ability to give proper care.
5. The institution will ensure that the buildings and infrastructure is child friendly and all preventive measures are taken through proper supervision.

General Guidelines for staff of the Institution

1. All staff members must be concerned about the perception and appearance in their dress, language, action and relationship with children(not using vulgar language ,not consuming tobacco, liquor etc).
2. All staff members should cooperate fully and maintain total confidentiality in any investigation of concerns and allegations or enquiry regarding child abuse.
3. If any staff member comes to know about any child abuse issue in the institution, he/she is duty bound to report it to the head of the institution . As it is a mandatory requirement, failure to do so may result in disciplinary action.
4. Appropriate disciplinary action will be taken against any staff who inflicts corporal punishment on children. Children must not be disciplined through any form of violence.
5. All staff member will be required to sign a statement that they are aware of the content of the Child Protection Policy of the Institution and would respect and abide by it and understand that disciplinary or penal action would be taken in case their behavior is not in accordance with the policy.

General Guidelines for Parents/Guardians

1. Prior permission is required from the authorized persons for parents/guardians/friends for taking photographs or doing video recording of children or events and the use of it for any purpose other than academic purpose by the school.

2. The parents/guardian /well wishers of the institution must not disclose information of children and institutions or make it available to the media or general public without explicit consent from the head of the institution. Parent/guardians are requested to support the institution in this task.
3. Parents/ Guardians and family members should seek to be role models for their children through their life of integrity and discipline.
4. Parents/ Guardians are requested to collaborate by persuading children to be disciplined, respectful, well mannered and moderate in their use of social media and avoid any type of bullying or aggressive behavior.

OBLIGATIONS

1. The Departments of School Education, Government of Nagaland are obligated to:
 - a. Ensure all schools have Child Protection Policy in place that is implemented for the safety of children
 - b. Ensure schools have reporting mechanisms in place, and follow prescribed procedures
 - c. Facilitate capacity building of key personnel for effective implementation of the policy
 - d. Promote convergence of concerned departments and agencies in providing required services.
2. All school authorities, Heads of schools, teachers, on contract personnel and others related to school are obligated to:
 - a. Know the content and purpose of the School Child Protection policy
 - b. Follow safety standards and measures
 - c. Report incidence of abuse or harm, safety violation or any untoward incidence to the appropriate authorities for immediate action

- d. Refer suspected or actual child abuse cases to appropriate authorities, duly following procedures and facilitate referral service support
- e. Put in place preventive measures and mechanisms for child safety and protection

APPLICABILITY AND SCOPE

The provisions of this policy shall apply “mutatis mutandis” to all schools, including government, aided, private schools, junior colleges etc in Nagaland.

The scope of this policy covers the responsibility of management and school authorities towards safety and protection of children

- Within school premises during school hours and after school hours, including holidays
- In relation to transportation organized by the school and private transport service providers to the extent possible
- Off-site events organised by school management or when students represent schools in outside school events

KEY ELEMENTS OF OUR POLICY

This Policy encompasses guidelines for safety and protection of children that includes physical, emotional and personal safety, protection from corporal punishment, sexual abuse, cyber-crime, and emergencies and disasters.

The Policy comprises the following key elements to guide the behaviour and practices of personnel and individuals in relation to the school such as

- Creating a child safe and child sensitive school environment
- Prevention of child abuse – dealing with various forms of child abuse including corporal punishment
- Responding to Child Safety Violations - Complaints mechanisms and response, procedures

- Recruitment and capacity building of personnel
- Disciplinary action for misconduct
- Referral systems
- Monitoring and Review that includes self assessment, feedback mechanisms and reporting.

Convergence and collaboration

MONITORING AND REVIEW

Every school management shall be committed to the on-going monitoring and periodic review of the implementation of the Child Protection standards, behavior protocols, response and reporting mechanisms. Annual staff and personnel appraisals will include preventive and proactive measures by the staff members in this area, and their adherence to standards.

The SMC shall be actively involved in the process of bi-annual review and will be provided opportunity to give their feedback on the protection and safety standards.

The School Management shall review the Child Protection Policy once in two years or if and when situation warrants, and bring in necessary changes, in consultation with all stakeholders.

COMMUNITY-BASED APPROACH:

“A community-based approach is a way of working in partnership with persons of concern during all stages of UNHCR's programme cycle. It recognizes the resilience, capacities, skills and resources of persons of concern, builds on these to deliver protection and solutions, and supports the community's own goals” (UNHCR 2008).

COMMUNITY-BASED CHILD PROTECTION MECHANISM: A community-based child protection mechanism (CBCPM) is a network or group of individuals at community level who work in a coordinated way toward child protection goals. These mechanisms can take the form of a focal point or a group or network of community members with a role in child protection (social workers, teachers, health staff, parents, elders, and other volunteers).

CHILDREN'S AND YOUTH GROUPS:

Children's and adolescent groups are part of community-based child protection mechanisms and enable children themselves to play an integral role in their own protection.

WHAT DO COMMUNITY-BASED CHILD PROTECTION GROUPS LOOK LIKE?

Community-based mechanisms include a mixture of “exogenous” or outside actors and influences and “endogenous” or internal or traditional actors and influences. Increasingly, the importance of working through local community structures and traditional or informal processes is recognized. These mechanisms can be set up in different ways, depending on the analysis of the context: Direct implementation by agency (Externally driven and managed by aid agencies) Community involvement in agency initiative (initiative is driven by agency) Community-owned and managed activities mobilized by external agency (higher level of community ownership with external agency support) Community-owned and managed activities initiated from within the community.

WHAT DO COMMUNITY-BASED CHILD PROTECTION MECHANISMS DO?

Community-based child protection groups typically play different roles depending on the context and existing community capacities. Some child protection committees focus on child protection or child welfare issues more broadly whereas others have a more narrow focus, such as supporting and monitoring unaccompanied children or working to combat child trafficking.

Community-based child protection groups may be involved in:

Identification of protection concerns and vulnerable children

Awareness raising on child rights and child protection

Referral and accompaniment of children and their families to appropriate services

Provision of psychosocial, emotional and spiritual support to vulnerable children

Promoting birth registration

Identification of children at “heightened” risk

Informal tracing

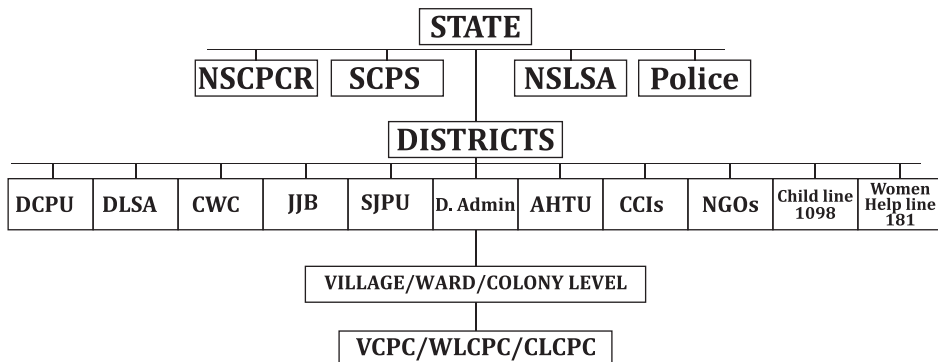
Alternative care or foster parent groups

Dispute resolution and mediation (such as family or custody issues)

Informing communities of services

Life skills and good-parenting skills programme.

STATE CHILD PROTECTION MECHANISM



NSCPCR : Nagaland State Comn. For Protection of Child Right
 SCPS : State Child Protection Services
 NSLSA : Nagaland State Legal Services Authority
 DLSA : District Legal Services Authority
 DCPU : District Child Protection Unit
 CWC : Child Welfare Committee
 JJB : Juvenile Justice Board
 SJPU : Special Juvenile Police Unit

AHTU : Anti Human Trafficking Unit
 CCIs : Child Care Institutions
 NGOs : Non Government Organisations
 1098 : Child Helpline 24*7
 Women Help line 181 : Women Helpline 24*7
 VCPC : Village Child Protection Committee
 WLCPC : Ward Level Child Protection Committee
 CLCPC : Colony Level Child Protection Committee

Sub-District Level Child Protection Mechanism:

ICPS to involve the “community” has incorporated “community-based child protection group” in its service structure at the Sub-District Level in the form of Village/Ward Level Child Protection Committees. These committees are voluntary bodies constituted with the help of recognized local bodies. In Rural set up, Village Level Child Protection Committees were initiated to ensure the protection and wellbeing of children living within the community.

Composition:

Every village/ward shall have a VLCPC/WLCPC consisting of 7.8 Members of which there shall be two children representatives. The Village Chairman/Ward Chairman shall be the Chairman of the Child Protection Community.

The suggested composition of the committee is given below:

1. Chairman/GB	Village/Ward Chairman
2. 1 Representative from DCPU	Member Secretary
3. 1 Representative from Youth Body/ Sunday School Teachers/Superintendent	Member
4. 1 Women Representative	Member
5. 1 Representative from Anganwadi	Member
6. 1 Representative from School	Member
7. 2 Children Representative	Member

CHILD PROTECTION CODE OF CONDUCT

I) Dept. of School Education, acknowledge that I have read and understand child Protection Policy of the Salesian Provinces of India, 2013 and agree that in the course of my association with the Salesian Province of Dept. of School Education must:

Treat children with respect regardless of race, color, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative. Demanding or culturally inappropriate.

Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts

Wherever possible, ensure that another adult is present when working in the proximity of children.

Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.

Not sleep close to unsupervised children unless absolutely necessary in which case I must obtain my supervisor's permission and ensure that another adult is present if possible.

Use any computers, mobile phones, video cameras, cameras or social media appropriately and never to exploit or harass children or access child exploitation material through any medium.

Not use physical punishment on children

Not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or which places them at significant risk of injury

Comply with all relevant Indian and State legislation, including all child related laws and labour laws in relation to child labour.

Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures.

ii) Immediately disclose all charges, convictions and other outcomes of an offence which occurred before or occurs during my association with the Salesian Province of.... That relate to child exploitation and abuse

Components of the Child Protection Policy

There are three components comprising this CPP:

1. Code of conduct
2. Whistle blower policy
3. Operational Guidelines

iii) Code of conduct

Department of School Education recognizes the need for honesty and integrity and respect for the child to reflect both in decisions of the organization as well as in the conduct of its personnel. As a result, this code of conduct has been articulated for all staff and work associates, including permanent and full-time as well as part-time staff, consultants, and volunteers.

Personnel should:

Be conscious of and respect the privacy and dignity of each and every child

Be visible and not in a secluded place. While in contact with children at the work place.

Ensure that a culture of openness exists and facilitates children to interact and express their issues and concerns with staff

Respect and encourage children's voices and views

Make efforts to ensure children's informed participation in decisions that affect their lives.

Educate children about their rights, issues of abuse, neglect and exploitation.

Personnel should not:

Engage children in personal work or employ children at work or at home.

Use language or expressions that are inappropriate for a child.

Use corporal punishment or tolerate corporal punishment by the staff.

Make any physical gestures in a manner that appear to be inappropriate or have a sexual context or association.

Develop any relationship with any child that is or could be assumed to be exploitative or abusive.

Discriminate against children on any such as for example, community, color, language, disabilities or physical features.

Stigmatize or humiliate a child

Act in any manner that puts children at risk.

Patronize any service that employs children

Take any photograph that would or could potentially violate the child's dignity or privacy in any way.

iv) Department of School education whistle Blower Policy

The whistle blower policy is framed to ensure that there is an appropriate mechanism in place to ensure prompt and fair action in the case of a child protection violation.

Response Mechanism in case of a child protection violation:

Outlined below is a reporting and response framework for any alleged, witnessed or suspected child protection violation

Department of School Education

Report the matter in writing directly to the Grievance Cell (toll free 24 hours child helpline 1098) of organization which will address the issue with the Management Team of the organization OR

Reporting of child protection violations within the organization is mandatory – any body coming across child protection violation must report it.

The management Team of the organization will investigate the matter and take appropriate action

While the matter is under investigation the individual who is suspected of having committed a child protection violation must be removed from direct contact with children.

The issue is to be addressed and brought to closure within a month of having been reported

Any alarming or inappropriate behaviour of a staff member and any action taken against the person must be noted in his/her personal record

If the abuse falls under IPC or any relevant law. First Information Report must be filed with the local police

vi) Operational Guidelines

This Child Protection Policy articulates our aspiration and commitment to practicing the highest level of child protection within the organization and all its operational areas.

Staff Development and Capacity Building

Orientation to child protection will receive special focus in all staff development and capacity building programs.

The organization will make attempts to stay abreast of the latest trends and issues on child protection and share this knowledge with its team across all levels and departments.

Protection of staff needs to be discussed at length as staff members also face threats and various risks in the course of their work.

DEFINITIONS

1. Child' is any person under the age of 18 years, or one who has not completed eighteen years of age as per the Juvenile Justice Act 2000.
2. School: Schools as indicated in this document refers to all schools, junior colleges and vocational institutions, that are government, aided, private, and under any affiliations, catering to the education of children up to the age of 18yrs.
3. Child Rights friendly: means any process and interpretation, attitude, treatment and environment, that is humane, considerate, non-discriminatory and is in the best interests of the child.
4. Child Sensitive Environment: When the ambience of a place makes a child feel comfortable, be herself/himself without inhibition, and is non-threatening.
5. Child Abuse: According to the World Health Organisation, 'Child abuse' or 'maltreatment' constitutes 'all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.'
6. Forms of Abuse: Child abuse includes physical, emotional or psychological, sexual abuse, neglect, maltreatment, discrimination etc. Each is elaborated in the annexure.
7. Sexual abuse: Acts or behaviour as defined in the Protection of Children from Sexual Offences Act, 2012 (POCSO)

8. Neglect: A condition where there is failure to protect the child from exposure to any kind of harm or danger that results in significant impairment in the health and development of the child. Neglect is often prolonged and includes starvation or not providing nutrition, not providing emotional support, leaving child un supervised or not providing medical, educational, and other basic care such as shelter, clothing etc.
9. Harm: An act or behaviour, often intentional, that hurts, causes grievous injury, pain or trauma to the child. Most often this is physical and sometimes could also be self-inflicted. Cutting, burning, misuse of substances and such.
10. Competent Authorities include the Child Welfare Committees, Juvenile Justice Board, Special Juvenile Police Units, mandated under the Juvenile Justice (Care & Protection of Children) Act 2000 and Amendment 2006, Special Court under the Protection of Children from Sexual Offences Act 2012, Nagaland Commission for Protection of Child Rights.

CONCLUSION

Educationists, be they the government or private are duty bound to protect every child from any form of harm or abuse, at the earliest. Immediate and speedy response to actual or perceived harm or abuse is of vital importance. Sometimes situation may warrant response even when there is no substantial evidence. However caution needs to be exercised to avoid hasty action that has far reaching repercussions. What is paramount is that central to any course of action lies the best interest of the child, and all decisions have to be guided by this core principle.