



**APLE**



# Internal CHILD PROTECTION POLICY

This policy aims to declare our commitment to child protection, establish risk management approach to preventing child abuse and exploitation, provide guidance on code of behaviour governing interactions with children, determine practical reporting and response procedures, and protect APLE staff from unfair treatments should any allegations be made about them.

# INTERNAL CHILD PROTECTION POLICY

## Chapter 1: Introduction

### 1.1 Policy Overview

Article 1. APLE is committed to the safety and protection of children regardless of gender, race, religion or country of origin from all forms of abuse and exploitation. This Child Protection Policy outlines a risk management approach to prevent any form of child abuse and provides clear and practical guidelines to responding to child abuse situations and managing complaints involving APLE Representatives.

Article 2. APLE understands it has a fundamental and unique duty of care towards protecting children engaged within its programs and activities.

Article 3. This Policy requires all APLE programs and partner organizations to have appropriate mechanisms in place to protect children.

Article 4. This Policy operates in conjunction with common and statutory law and does not exclude or replace the rights and obligations of any individual under Cambodian law. This Policy has been developed to adhere to international standards.

### 1.2 Aim and Guiding Principles

Article 5. This policy aims to declare our commitment to child protection, establish risk management approach to preventing child abuse and exploitation, provide guidance on code of behaviour governing interactions with children, determine practical reporting and response procedures, and protect APLE staff from unfair treatments should any allegations be made about them.

Article 6. This policy is guided by the UN Convention on the Rights of the Child, particularly that:

- All children have equal rights to protection from physical and mental violence, neglect, maltreatment, abuse and exploitation, including sexual abuse;
- All decisions and actions must carefully consider the best interests of the child;
- All children have the right to self-determination and the right to refuse services;
- All persons have a responsibility to support the care and protection of children; and
- The Duty Bearers are accountable to prevent and respond to child abuse.

### 1.3 Scope

Article 7. This Policy applies to the following:

- All APLE staff, volunteers, interns, Board of Directors, hereafter referred to as APLE Representatives
- Consultants and independent contractors (Duty Bearers)

- All persons under the age of eighteen years who have contact with APLE personnel and/or involvement in APLE programs (Right Holders)
- Partner organisations
- Government officials who have regular contact with APLE programs, and
- Visitors including friends, supporters, journalists and donors

## 1.4 Policy Review

Article 8. APLE's Child Protection Policy and any related training materials must be monitored on an on-going basis and reviewed every two years (or earlier if required) in consultation with staff. Lessons learned must be documented and reflected in future versions. This Policy is a component of the Code of Conduct of APLE. It is the responsibility of the Board of Directors to endorse revised versions of this policy.

## Chapter 2: Definitions

Article 9. Child is a human being below the age of eighteen years.

Article 10. Child client is any victim, witness, or vulnerable child who receives services from APLE.

Article 11. Child Protection is any action taken in order to prevent or stop all behaviours considered dangerous, harmful or illegal for the physical and psychological health of children.

Article 12. Child Abuse is physical, sexual, emotional abuse, or neglect of a child 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.

- Physical abuse: attempts or causes bodily harm to a child (e.g. slapping, punching, shaking, grabbing, choosing not to assist a child in a situation that is causing them physical pain, etc.).
- Sexual abuse: a person in a position of responsibility, trust, or power uses children to meet their own sexual urges. This may or may not include physical contact (e.g. exposure to pornography, sexually suggestive remarks, inappropriate touching, rape, etc.).
- Emotional abuse: any action that has a negative effect on the social, intellectual, or emotional development of the child. It erodes the child's self-esteem or social competence through non-physical attacks (e.g. name-calling, belittling, ridiculing, intimidating, isolating, ignoring, etc.).
- Neglect: failure to provide the child with the basic needs to an extent that is likely to result in serious impact on the child's health or development (e.g. failing to provide adequate food, shelter, protection, medical care, etc.).

## Chapter 3: Recruitment and Selection

### 3.1 Job Hiring

Article 13. The promotion of a child safe commitment must be prominent in all job advertisements in order to ensure a safe work environment where children are protected and enabled to survive and thrive.

Article 14. Comprehensive and child safe recruitment and screening processes must be followed for all vacant positions including satisfactory criminal checks as a condition of employment to prevent or minimise the risk of employing a person who poses a risk to children.

Article 15. All job announcements and job descriptions must emphasise the necessity of background checks, which may be requested periodically in accordance with the job position. Requirement of a periodical background check of any position must be consulted with the Executive Director.

### **3.2 Criminal Record and Background Check**

Article 16. Applicants are required to present a criminal record and background check in either Khmer or English. Applicants must be informed at the time of interview that hiring is conditional on the results of the background check.

### **3.3 References Check**

Article 17. At least two written references are required and two other referees must be contacted for verbal attestation, with the identification of the referee being verified, and one must be the applicant's most recent manager. APLE reserves the right not to hire an applicant if background checks reveal that the person is not suitable to work with children or for any reason that may put children at risk.

Article 18. A designated staff member from the Administration Department is responsible for conducting reference checks of candidates. The result of these checks must be kept confidential.

### **3.4 Consent with Child Protection Policy**

Article 19. Successful applicants and APLE Representatives must read this Child Protection Policy and sign a declaration (see annex 1) to acknowledge their understanding of the standard of behaviour they are expected to adhere to in their role with APLE prior to commencing employment or at the time the employment contract being signed.

Article 20. If any changes are made to the Policy in the review process, staff must be informed within one month and are required to sign the declaration to acknowledge the change.

Article 21. All employment contracts must outline that APLE management has the right to impose disciplinary action, dismissal, or transfer to other duties for any representative who breaches this policy.



## **Chapter 4: The Child Protection Code of Behaviour**

Article 22. APLE Representatives are expected to adhere to the following acceptable behaviours (including, but not limited to):

- Treat all children with dignity and respect;
- Conduct myself in a manner appropriate to my position and consistent to the values of APLE;
- Listen to children and encourage them to be engaged in decisions that may affect them;
- Immediately raise concerns regarding child safety or wellbeing in accordance with Chapter 7 of this Policy; and
- Wherever possible, be visible when working with children or ensure another adult is present.

Article 23. APLE Representatives are expected to avoid the following unacceptable behaviours (including, but not limited to):

- Condone or participate in behaviours involving children that are illegal, unsafe, or abusive;
- Engage children in any form of activity that is demeaning, offensive, sexually provocative, abusive, culturally inappropriate, or insensitive;
- Use language or demonstrate behaviour towards children that is discriminatory, harassing, abusive, demeaning, sexually provocative, culturally inappropriate, or insensitive;
- Exclude or favour a particular child;
- Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes. Exceptional circumstances may mean an Investigator or Social Worker will assist a child in this manner;
- Invite unaccompanied children into their home, unless they are in immediate danger;
- Seek to make contact or spend time alone with a child client outside of work-related requirements;
- Take a child away from their family, guardian, working/living place, or aftercare facility without consent;
- Use personal or APLE equipment inappropriately or in a way that causes additional trauma to a child; and
- Ignore or avoid taking proper action when seeing or knowing a child is in a situation that is immediately or apparently abusive or dangerous.

## **Chapter 5: Photo Policy for Using Children's Images**

Article 24. As a part of investigations, APLE Representatives are permitted to take photographs of children without the individual or their guardian's consent. These photographs are to be used as a part of the evidence gathering process for police investigations only and not publicised.

Article 25. In all other instances when photographing or filming a child for work related purposes, APLE Representatives must:

- Obtain informed consent from the child or a parent/guardian of the child to take a picture and use it in a specific context;
- Ensure children are portrayed in a dignified and respectful manner, including adequate clothing and appropriate poses that are not submissive or sexually suggestive;
- Ensure images are honest representations of the context and facts;
- Ensure file labels do not reveal identifying information about a child and his/her location when sending images electronically; and
- Ensure images of children available to the public do not reveal any identifying information about the child and his/her location.

## **Chapter 6: Confidentiality**

Article 26. All APLE Representatives must adhere to a high standard of confidentiality and protect against unauthorized disclosure and usage of information acquired in connection with APLE operations. This applies to all forms of transmission, including verbal, written, digital, etc.

Article 27. Information about child clients is confidential and APLE Representatives cannot communicate about child clients or case-related information outside their work environment or in any place that a member of the public could overhear their conversation.

Article 28. As it relates to their work, APLE Representatives may discuss case-related information; however, only relevant information should be shared with those not involved in the day-to-day management of the case.

Article 29. APLE Representatives may discuss case-related information with partner NGOs in accordance with signed Memorandums of Understanding or prior agreements.

Article 30. All external requests for child client or case-related information must be considered in consultation with the Communication Policy and relevant supervisors.

Article 31. In the event of an investigation into the behaviour of an APLE Representative, other APLE Representatives must respect the sensitivity and Guidelines for Responding outlined in Chapter 7. APLE Representatives must not communicate about the allegations outside the formal investigation process.

## **Chapter 7: Guidelines on Reporting and Responding to Child Abuse Allegations**

### **7.1 Reporting Procedure**

Article 32. All APLE Representatives, children, families, public, community members and NGO partners have a duty to report allegations, suspicions, disclosures or observations of child abuse immediately.

Article 33. Reporting of alleged cases of child abuse is mandatory and all the reports must be received and responded timely, professionally and confidentially in accordance with country legal requirements.

Article 34. Any allegation made against an APLE representative must be directed to the Child Protection Officer who will carry out an initial investigation. This investigation will be carried out in a timely manner. At the conclusion of this initial investigation the facts will be reported to the Executive Director. The Executive Director will then decide upon the next course of action.

- If no 'probable cause' has been established and there are no other feasible lines of enquiry available the ED will record the allegation 'unsubstantiated' and document the rationale behind this decision. In cases of doubt a Board member should be consulted and their opinion recorded.
- Where 'probable cause' has been established or other lines of enquiry are available the ED will have the following options available:
  1. Utilise APLE staff to continue with the investigation.
  2. Utilise external staff to conduct an independent investigation.
- All investigations should be regularly reviewed by the ED and if it is assessed that an internal investigation is no longer appropriate, an independent investigation should be carried out.

Article 35. CPO will be elected from APLE staff members and appointed by Executive Director. CPO will be continually trained and supported to monitor the implementation, promote child protection within and outside of the organisation and primarily respond to reports of child abuse.

## **7.2 Procedure after Report**

Article 36. Immediate action must be taken to protect the child from abuse. If necessary, medical assistance or counselling must be arranged.

Article 37. The accused APLE Representative must be informed of the allegation in writing within 24 hours by CPO and be given the opportunity to respond within 48 hours. CPO must preliminarily investigate the allegation and gather information, which is to be reported to Executive Director within 72 hours. ED will judge based on evidence and commonsense whether allegations are to be handled internally or referred to a qualified external party or police for investigations.

- If allegations are made against CPO, reports must be directed to ED for an investigation.
- If allegations are made about ED, the Board of Directors will be informed by CPO and must carry out the same process.

Article 38. An APLE Representative who is accused of abuse or misconduct under this Policy is to be suspended from active duties during the course of the investigation.

Article 39. The Child Protection Officer and Executive Director must consider the nature of the allegations and take appropriate action.

- If one of the following situations is present, the case must be referred to police:
  - A direct disclosure from a child in relation to abuse;
  - A first-hand witness account of child abuse;
  - Injury of behaviour that indicates abuse and is unlikely to be caused in any other way; and
  - Consistent indication over time that a child is suffering from emotional or physical neglect.
- If the accused is an expatriate, the relevant foreign law enforcement authorities may be informed.
- If there is not enough evidence to refer to the police, an internal investigation must be conducted whereby relevant parties, including the accuser and accused, must be interviewed.
  - This will result in a report to local authorities or internal handling for non-criminal matter.

Article 40. APLE Representatives must cooperate with the investigation process in accordance with Article 530 of the Criminal Code.

Article 41. The accused APLE Representative is to be provided with assistance, which can include referral for counselling with the contracted provider of the Employee Assistance program. APLE may facilitate referral for legal advice and representation. If the allegations are not proven and the charges considered malicious, APLE will be responsible for legal costs.

### **7.3 Outcome of the Investigation**

Article 42. At the end of the investigation, all parties involved must be informed of the outcome.

- If serious misconduct or abuse is proven, the person will be dismissed from work.
- If misconduct that is not subject to criminal prosecution is proven, disciplinary action may include warning, suspension, or dismissal in accordance with the Internal Regulations.
- If misconduct or criminal behaviour is not proven, the Executive Director must consider the sensitive nature of their work and the potential accountability issues in determining whether or not to maintain this person in his/her current position and whether or not to impose any sanction on the complainant.

Article 43. If the person is discharged from their duties with APLE, the Executive Director reserves the right to disclose information relating to the allegations to law enforcement authorities or prospective employers when such disclosure may assist in an investigation or the prevention of future abuse.

## **Chapter 8: Conflict of Interest**

Article 44. APLE recognizes that allegations made under the Child Protection Policy against APLE Representatives will always be a conflict of interest; more specifically existing personal and professional relationships between APLE Representatives may cloud any investigation and damage APLE's reputation. Accordingly, APLE must act in a transparent



and accountable manner by providing the information about the allegation to a qualified third party, such as police, for an independent investigation.

Article 45. APLE Representatives must avoid handling cases in which there is a real or apparent conflict of interest. Instead, APLE Representatives should exercise due caution and transfer the case to an appropriate party.

## **Chapter 9: Monitoring and Implementation of Policy**

Article 46. For the purpose of this policy, a designated Child Protection Officer is responsible for monitoring the implementation, reporting allegations to the Executive Director, acting as a primary contact point for any concerns related to a breach of the policy and responding to reports of child abuse. He/she may cautiously conduct inquiries internally and externally to ensure any violation of the policy is reported and handled correctly.

Article 47. Executive Director or Child Protection Officer must ensure APLE Representatives understand this Policy during the semi-annual employee evaluations and are informed of any changes. APLE Representatives should be trained on an on-going basis about this Policy and associated child protection issues.

Article 48. CPO will be appointed as an in-house trainer and should provide a series of trainings to APLE Representatives on a regular basis such as at the orientation to the new staff, annually or within one month of any changes made to the Policy.

Article 49. APLE must record and maintain a history of review, modification and amendment of the Policy as it incurs. Modification or repeal of any article or the entire policy shall be a decision of the Board of Directors, at the request of the Executive Committee.

Article 50. APLE must conduct a child protection risk assessment on every new and emerging program, project and service included in the project management cycle. Also child protection matters must be considered when evaluating projects.

## **Annex 1**

### **Child Protection Policy Declaration**

I confirm that I have read and understood the Child Protection Policy established by APLE Cambodia and last reviewed on day.....month..... year.....

By signing this declaration, I agree to adhere to this Policy at all times.

I understand that a breach of this Policy may be subject to disciplinary action or dismissal from employment with APLE Cambodia, or provide probable grounds for criminal prosecution or my appointment or association with APLE Cambodia to be terminated.

I understand that it is my responsibility as an employee or a person engaged with APLE Cambodia's programs or activities to promote child protection in a safe work environment and use my common sense and avoid behaviours that are harmful, abusive or exploitative of children or could be construed as such. Additionally, I agree that my duty is to report any violation of this Policy to the APLE Child Protection Officer or directly to the Executive Director.

I hereby authorise APLE Cambodia to make any inquiries, including criminal background checks and reference checks about myself as part of my appointment, recruitment or employment process.

I also confirm my willingness to participate in trainings on child protection provided by APLE Cambodia when required.

Name: .....

Position: .....

Signed:.....

Date: .....

## Annex 2

### Internal Reporting and Handling Procedures

