



## **Child and Adolescent Safeguarding Policy**

February, 2009  
1<sup>st</sup> Amendment, 2016  
2<sup>nd</sup> Amendment, 2019  
3<sup>rd</sup> Amendment, 2020

**Centre for Mental Health and Counseling – Nepal**

**(CMC-Nepal)**

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## **1. Introduction:**

Centre for Mental Health and Counseling-Nepal (CMC-Nepal) strongly believes and operate by the norms that all people should be treated with respect, regardless of their immediate state or circumstances. However, we acknowledge that certain groups of people require special protection, care and support because of their particular vulnerabilities. Children, on the basis of their developing physical, mental and spiritual capacities and adults, due to their limited mental capacity, particular learning difficulties, severe physical disabilities and mental illness, are always at the risks of being treated differently. Such vulnerable individuals should be identified, safeguarded and given special care, rather than exploited, abused, harmed and neglected. With this safeguarding policy, we abide by our responsibility to act against such concerns and report any alleged/suspected knowledge of abuse in the workplace or community to the relevant authorities.

There are legal provisions for ensuring the effectiveness in implementation of safeguarding policies as well. The Constitution of Nepal, 2072 (2015) has clearly guaranteed the protection of children by ensuring their access to the fundamental rights. Nepal has ratified the UN Convention on the Rights of the Child (CRC) 1989; and also, ILO Worst Forms of Child Labour Convention (No. 182); Millennium development goal declaration 2000; UNGASS World Fit for Children 2002 and SAARC Declaration. The Interim Constitution of Nepal, 2063, revised 2064 sets out a broad range of human rights for all Nepalese. Furthermore, with mandate of the constitution, Government of Nepal has promulgated the Child Protection Act 2075 (2019), in the spirit of the four principles defined in the Convention: *Protection, Survival, Development and Participation*.

By complying with the Laws of the land and the international conventions ratified by the government of Nepal, CMC-Nepal from its inception has been promoting the protection and rights of children and vulnerable adults, also preventing the abuses, exploitation and violence, conflict, combating children labor, sexual abuse, HIV/AIDS and disabilities. Previously, CMC-Nepal had established Child Protection Policy in 2009, which now has been amended to ensure safeguarding of vulnerable adults as well.

CMC-Nepal respects the local values and practices while implementing Children and Adult Safeguarding Policy in the spirit of the principal of the best interest of child and vulnerable adult.

## **2. Purpose**

The purpose of this policy is to protect children and vulnerable adults who might be in need of assistance, from any harm that may be caused due to their coming in contact with CMC-Nepal. This includes harm arising from:

- The conduct of staff or personnel associated with CMC-Nepal.

- The design and implementation of CMC-Nepal's programmes and activities.

The policy lays out the commitments made by CMC-Nepal, and informs staff and associated personnel of their responsibilities in relation to safeguarding and responds appropriately when harm is alleged.

## **3. Scope**

The Child and Adult Safeguarding Policy of CMC-Nepal apply to all Board and General Members, and its staffs. In addition to this, it also implies to all associate personnel whilst engaged with work or visits related to CMC-Nepal, included but not limited to consultants,

volunteers, interns, project partners and financial partners, directly and/or indirectly.

#### **4. Policy Statement**

CMC-Nepal believes that everyone we come into contact with, regardless of age, gender identity, educational background, religious belief, disability, sexual orientation or ethnic origin has the right to be protected from all forms of harm, abuse, neglect and exploitation. CMC-Nepal will not tolerate abuse and exploitation by staff or associated personnel.

CMC-Nepal commits to addressing safeguarding throughout its work, through the three pillars of prevention, reporting and response.

#### **Prevention of Children and Vulnerable**

**Adults** CMC-Nepal will:

Ensure all staffs have access to, are familiar with, and know their responsibilities within this policy.

Design and undertake all its programmes and activities in a way that protects people from any risk of harm that may arise from their coming into contact with CMC-Nepal. This includes the way in which information about individuals in our programmes is gathered and communicated.

Implement strict safeguarding procedures when recruiting, managing and deploying staff and associated personnel. Staffs, who will be in placed in close contact with vulnerable adults, this policy will require them to undergo referee and appropriate criminal background checks to identify any former misconduct. In addition to this, during the recruitment process, CMC-Nepal will incorporate behavioral based interview questions so as to identify their attitude toward the children and vulnerable adults.

Harbors its right to not recruit those applicants who fail to convince their positive attitude towards children and vulnerable adults during selection process and reference checks.

Ensure that all newly appointed staffs receive training on safeguarding at a level in line with their role in the organization by the Focal Person of Child and Adult Safeguarding.

In addition to this, during the half yearly review meetings, all staffs will be re-oriented and their conduct will be evaluated.

Follow up on reports of safeguarding concerns promptly and according to due process. Inform the concerned stakeholders and local government's representatives about the provision of safeguarding policy of CMC-Nepal.

#### **Reporting of the allegations**

CMC-Nepal will ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to staff and the communities we work with. The alleged reporting will be received in a rigid reporting framework as given in Annex 3; however, based upon the circumstances, reporting will also be received and acknowledged verbally as well.

CMC-Nepal will inform its direct beneficiaries and the concerned stakeholders about the reporting mechanism of child and adult abuses if it happens from the staff, board members, consultants, volunteers and other associated with CMC-Nepal. A contact email address and telephone number of the Safeguarding Policy Focal Person of CMC-Nepal will be provided to report complains. In situations, where focal person should/could not be contacted, Executive Director should be contacted and in case of complaint against ED, board member delegated by Executive Board should be contacted. A separate checklist is developed (Annex 2.) to solicit the feedback from the direct beneficiaries and key stakeholders on the implementation of Safeguarding Policy at community, schools and CMC-Nepal.

The feedback sessions will be carried out twice in a year during annual review meeting with the direct beneficiaries and concerned stakeholders. The information of Safeguarding Policy in CMC, along with the reporting process would be published in every publication of CMC-Nepal.

### **Responding to the Allegations**

CMC-Nepal will follow up safeguarding reports and concerns according to policy and procedure, and legal and statutory obligations. A team will be formed for the detail assessment of the reported cases, with a focal person in charge of the investigation. The details of the investigation and response procedure are given in Annex 7 and Annex 8. CMC-Nepal will apply appropriate disciplinary measures, including the possibility of suspension, transfer to other duties and termination of employment, to staff found in breach of code of conduct and/or safeguarding policy. The Executive Director will present the facts about child and adult protection issues to the Executive Committee for revision, endorsement and for final action. The Executive Director will inform the child protection issues in writing to the government mechanism, endorsed by the Chairperson. CMC-Nepal will offer support to survivors of harm caused by staff or associated personnel, regardless of whether a formal internal response is carried out (such as an internal investigation). Decisions regarding support will be led by the survivor of harm caused by staff or associated personnel. The key principles of responding to allegations of harm are:

The best interests of the alleged victim/ survivor are of paramount importance.

The wishes of the alleged victim/survivor and their families are taken into consideration as far as it is consistent with protecting the interests of the child or vulnerable adult.

Confidentiality is maintained and information about the situation is strictly controlled.

### **Confidentiality**

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need to know basis only, and should be kept secure at all times.

## **5. Management Responsibility:**

The executive committee of CMC-Nepal formally delegates the authority of the management of child protection policy to the Executive Director with the given role and responsibilities;

The Executive Committee will develop, review and ensure overall implementation of the safeguarding policy.

The Executive Committees authorizes the Executive Director to ensure the implementation of the safeguarding policy.

The respective Program/Project Coordinators are responsible for implementation of the safeguarding policy in their respective projects and also facilitate project partners for the formulation and promotion of the safeguarding policy.

The Executive Director will appoint/nominate the focal person responsible for child protection and adult issues, endorsed by the Chairperson. Furthermore, CMC-Nepal will continually monitor the activities of focal person to ensure the appropriateness in conduct of the focal person so as to discourage the power play or manipulation on the basis of division of authority.

CMC-Nepal's management will ensure the security of the staff who reports child and vulnerable adult abuses inside and outside CMC-Nepal.

## **6. Risk Assessment**

CMC-Nepal, prior to developing project activities and developing partnership, will conduct risk assessment of existing mechanism for managing child and vulnerable adult protection issues. While doing this it will also take into accounts the local values, traditions and practices and understanding of child protection. Risk assessment tools is developed to assess the risks of existing mechanism and develop mitigation plan of high risks areas.

Child protection audit will be carried out in every two years and audit report will guide CMC-Nepal in implementation the gaps of safeguarding policy. An experienced person in child and vulnerable adult protection will be outsourced for the safeguarding audit on children and adult.

## **7. Limitation of Safeguarding Policy in**

**CMC:** This policy does not cover:

Higher level intervention in a complex/chronic case of the child and adult's concern where CMC-Nepal staff could coordinate/refer existing movement safety network.

Safeguarding concerns in the wider community not perpetrated by CMC-Nepal or associated personnel.

## **8. Policy Review**

This Policy will be reviewed and endorsed by the Executive Committee in every three years. CMC-Nepal is committed to conduct practice review of Safeguarding Policy, at least twice in a year through the discussion in the review and planning meeting with all the project staff. There will be a team consisting of project coordinators, senior managers and board members to work on the review on the policy and finally the revision will be endorsed by the EC.

## **9. Annex**

- i. Definition
- ii. Complaints referral form (exploitation and abuse)
- iii. Reporting concern framework
- iv. Code of conduct for the protection of the children and adult
- v. Self declaration form
- vi. Consent form for photographs, visual
- vii. Investigation and follow-up of Child and Adult Safeguarding
- viii. Investigation Work Flow Diagram
- ix. Risk Assessment Tools

## Annex 1: Definition

**Child:** A child is someone under 18 years of age.

*Every human being below the age of 18 years unless under the law applicable to the child majority is attained earlier<sup>1</sup>.*

**Adult (vulnerable adult, adult-at-risk<sup>2</sup>):** A person aged 18 years and above. Note that an adult with or without disabilities has the same legal capacity. 1. Any person aged 18 years and above who may be at risk of abuse or exploitation due to their dependence or reliance on others for services, basic needs or protection, and according to context, for example, in humanitarian situations. 2. An adult may also be at risk/vulnerable when in a relationship (social or work) with another person who seeks to misuse their position of authority or trust to control, coerce, manipulate or dominate them. 3. An adult may also be at risk if their decision-making capacity is impaired and/or they do not have the support needed to make a decision.

**Safeguarding:** Safeguarding can be defined as protecting vulnerable individuals especially children and vulnerable adults from abuse, neglect or any form of harm.

**Safeguard of children or adult:** It is a set of policies, procedures and practices being enforced to ensure that CMC-Nepal is a child/vulnerable adult safe organization. It involves our collective and individual responsibility and preventative actions to ensure that all children and vulnerable adult are protected from deliberate or unintentional acts that lead to the risk of or actual harm from CMC-Nepal staff, representatives and third parties, who come into contact with children/adult or impact them through our development interventions, humanitarian responses and operations. This includes our direct program implementation, work through partners and management of their personal data.

**Child Protection:** Refers to programs, projects and advocacy measures designed to prevent and respond to abuse, exploitation, neglect and violence against children.

**Harm:** Psychological, physical and any other infringement of an individual's rights.

**Abuse:** Abuse occurs when someone experiences harm as a result of another's abusive actions. Abuse can be physical, emotional, sexual, neglect and commercial exploitation.

- **Physical abuse:** the use of physical force against a child/vulnerable adult that results in harm, causing a real physical injury or try to injure or being unable to protect the child/vulnerable adult from such injuries. Physically abusive behavior includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.
- **Emotional Abuse:** refers to the humiliating behavior and behaviors causing harm psychologically or disgracing them that may cause negative effect on development of the child/vulnerable adult are emotional abuse. However, in all types of abuse, there is emotional abuse as well. Such acts have a high probability of damaging a child's/vulnerable adult's self-esteem or social competence.

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<sup>1</sup>The definition of child according to *UNCRC*

<sup>2</sup>Adapted from Tear Fund's working definition, May 2018, and St. John's Children and Vulnerable Persons Member Handbook, July 2016

- **Sexual Abuse:** It includes all activities that relate to conduct of sexual abuse or acts that force children/vulnerable adults for gratification by an adult or significantly older child or adolescent to indulge in sexual activities, like rape, incest and nude pictures etc. It can also be in the form of exchange of money, employment, goods or services for sexual activities due to the power role play.
- **Neglect:** the failure by a parent or caregiver to provide a child/vulnerable adult (where they are in a position to do so) with the conditions that are culturally accepted as being essential necessary care and protection including their physical and emotional development and well-being. It is defined as neglecting or abandoning the child/vulnerable adult or being unable to protect the child/vulnerable adult from dangers.
- **Commercial Exploitation:** of children/vulnerable adults is their forced labour or involvement in sexual activity with the intention, objective, anticipation or expectation of monetary gain or other material consideration, compensation, remuneration or profit. This includes human trafficking.

## Annex 2: Complaints Referral Form (Exploitation and Abuse)

Please fill out as many sections as possible with as much detail as you can. This form will be confidential.

Location:	
Your name:	
Your position:	
Child/Vulnerable adult's name:	
Age/date of birth of child or vulnerable adult:	
His/her address (if known):	
Name of Parents/guardians/care giver's and addresses (if known):	
Date and time of incident:	
Perpetrator (CMC staff or other person in project locations) (if any):	
Place where incident occurred:	
Your observations:	
Details of Concern/ Suspicion/ Incident: Describe what happened: time, dates, names of person(s) involved, behavior or physical signs observed, any other details:	
Action taken so far (if any):	
External agencies contacted (date and time)	
Police  Yes/no	If yes – which station:  Name and

	<p>contact number:</p> <p>Details of advice received:</p>
<p>Services made available through other agencies (Local Government/local child protection unit etc.)</p> <p>Yes/no</p>	<p>If yes – which one:</p> <p>Name and contact number:</p> <p>Details of advice received:</p>
<p>CMC-Nepal’s children and adult safeguarding protection officer or child focal point person/manager:</p>	<p>Name and contact number:</p> <p>Details of advice received:</p>
<p>Local authority:</p>	<p>If yes – which authority:</p> <p>Name and contact number:</p> <p>Details of advice received:</p>
<p>Other:</p>	<p>Which Organisation:</p> <p>Name and contact number:</p> <p>Details of advice received:</p>

Signature:

Name:

Date:

### Annex 3: Reporting concerns framework

If you are concerned about the safety and welfare of a child and vulnerable adults you **must** follow this procedure;

#### What are the circumstances of your concern?

Did you <b>witness</b> child/vulnerable adult abuse?	Yes/No
Do you <b>suspect</b> someone of child/vulnerable adult abuse?	Yes/No
Has someone <b>alleged</b> abuse of a child/vulnerable adult?	Yes/No
Has someone <b>disclosed</b> abuse of a child/vulnerable adult to you?	Yes/No

#### Does your concern fit any of the following categories of abuse?

Do you think a child/vulnerable adult may have been <b>neglected</b> ?	Yes/No
Do you think a child/vulnerable adult may have been <b>physically</b> abused?	Yes/No
Do you think a child/vulnerable adult may have been <b>emotionally</b> abused?	Yes/No
Do you think a child/vulnerable adult may have been <b>sexually</b> abused?	Yes/No

**Your concern is justified if you answered yes to any of the questions above, your duty is to report your concerns to one of the following persons, don't delay - a child/vulnerable adult may be at risk of serious harm if you do;**

#### Contact person:

Name: **Madhu Bilash Khanal**

Title: Program Coordinator

Location: Kathmandu

Telephone: 9840074188

E-mail: mbkhanal008@gmail.com

**If you have concerns about informing the person in this box please feel free to advise the person in the following box.**

**2<sup>ND</sup> Contact person:**

Name: **Ram Lal Shrestha**

Title: Executive Director

Location: Kathmandu

Telephone: 9841301076

E-mail: ramlal@mos.com.np

**This person will examine the information and, if considered necessary, agree emergency steps and an action plan with timings and responsibilities for the field.**

## **Annex 4: Code of Conduct for the protection of the Children and Adult**

### **Introduction**

This Code of Conduct is a part of a Child and Adult Protection Policy of CMC-Nepal. Its main aim is to protect children and vulnerable adult from abuse from CMC-Nepal's staff, executive and general members, consultants, volunteers, interns, project partners and financial partners, who might be in contact of CMC-Nepal directly and/or indirectly. This code of conduct provides the guidance from the setting standards for appropriate behavior to control the incident of child and adult abuse from the people who come into contact with those individuals. It also protects the organization from any claim of being negligent in its duty of care towards children and vulnerable adult.

It clarifies unacceptable forms of behavior that will result in a formal enquiry and which could lead to disciplinary measures being taken, or criminal proceedings instituted. Additionally, the Code of Conduct gives guidance on expected standards of behavior of adults towards children and vulnerable adults, and also of those groups towards other individual of similar characteristics.

This Code of Conduct applies to all staff of CMC-Nepal and anyone acting as a representative (members and volunteers) of CMC-Nepal who may come into direct contact with children and vulnerable adults. It equally applies to all visitors of CMC-Nepal who might come into contact with children. CMC-Nepal has responsibility to inform its child and adult protection policy and to take the action to a person, who misconduct against the children.

The Code of Conduct shall be easily accessible for its employees, members and volunteers.

The Code of Conduct shall be interpreted in a spirit of transparency and common sense, with the best interests of the child as the primary consideration.

Visitors shall check with a senior team member to discuss any situation where they are uncertain of which behavior is appropriate or not.

This Code of Conduct is a condition of employment and signing work contract.

### **Child and Adult Safeguarding Code of Conduct**

#### **Personal conduct and cultural considerations**

CMC Nepal's employee, members and volunteers must respect local cultural norms, particularly:

- Dress:** Culturally appropriate dress is a required norm. All are expected to dress professionally whenever on duty or visiting any work related activity.
- Alcohol:** Alcohol shall not be consumed and cards shall not be played during office hours and never in office buildings and the places where children or vulnerable adults are in contact.
- Tobacco/Cigarette:** Tobacco/Cigarette are not to be consumed in the presence of children or vulnerable adults, in a work setting. Children or vulnerable adults are not be used in selling and buying tobacco/cigarette
- Employment of minors** Children under the age of 18 shall not be used as labor.

## **Photographs, video and other images**

### **YOU MUST**

Obtain the compulsory consent (see consent form in an annex) of the child/vulnerable adult and his/her parents or carers before taking photographs and images.

Take and use photographs and images of children/vulnerable adults that are dignified and respectful and that do not present them as victims, vulnerable or submissive.

Ensure children/vulnerable adults are adequately dressed in photographs and images and not in poses that could be interpreted as sexually suggestive.

Protect the safety and privacy of children/vulnerable adults and their families by not using their images on the internet without explicit consent, or using them in any way which reveals their identity or location.

Not use photographs and images of children/vulnerable adults to benefit financially.

### **NEVER**

Condone or participate in behavior that is illegal or unsafe.

Introduce visitors to the community without prior clearance from your line manager.

Once you have left the community (or project), do not return without the issue being cleared by the organization.

Assist a child/vulnerable adult to leave the community, even with the parent (s)' consent. Exchange personal contact details with children and vulnerable adults.

## **Minimizing Risks**

### **TRY NOT TO**

Beside the exceptional case (at the time of sickness, traumatic events and other incidents); be alone with a single child or vulnerable adult, including in the following situations: in a car, overnight, in your home, or the home of child or adult.

Be alone in the counseling session. Someone; care giver or guardian should be invited to attend the session.

Show favoritism or spend excessive amounts of time with one child or adult.

### **TRY TO**

Avoid placing yourself in a compromising or vulnerable position.

Be accompanied by a second adult whenever possible.

Meet with a child or vulnerable adult in a central, public location whenever possible

Immediately note in a designated Child and Vulnerable adult Protection Log Book, the circumstances of any situation which occurs which may be subject to misinterpretation by a third party.

Avoid doing something that could be misinterpreted by a third party.

Wherever possible and practical, at least two adults (preferably one male and one female) should supervise all activities where children and vulnerable adults are involved and be present at all times. If this is not possible, staff and volunteers are encouraged to look for alternatives such as being accompanied by community members in such situations.

## **Sexual Behavior**

### **NEVER**

Develop physical/sexual relationships with a child or vulnerable adult.

Behave physically in a manner that is inappropriate or sexually provocative.

Engage in or allow sexually provocative games with children or vulnerable adult or show vulgar pictures and films.

Engage in exchange of money, employment, goods or services for sex, including sexual favors with community members or other individuals associated with project.  
Develop intimate relationships between non-national/international staffs

### **Physical behavior**

#### **DO NOT**

Hit or otherwise physically assault or physically abuse a child or vulnerable adult.  
Leave a child or vulnerable adult in the care of somebody who is unknown to them.  
Develop relationships with children or vulnerable adults that could in any way be deemed exploitative or abusive.

Fondle, hold, hug, kiss or touch children or vulnerable adults in a culturally insensitive way.

### **Psychosocial behavior**

#### **DO**

Be aware of the power balance between an adult and child, and avoid taking any advantage this may provide.

#### **DO NOT**

Use language that will mentally or emotionally harm a child or vulnerable adult – teasing, bullying, and name calling, for example.

Make suggestions or offer advice that is inappropriate, offensive or abusive. Do anything that could humiliate a child or vulnerable adult.

Develop inappropriate relations of any kind.

Act in any way that intends to embarrass, shame, humiliate or degrade a child or vulnerable adult.

Encourage any inappropriate attention seeking behavior, such as tantrums by a child or vulnerable adult.

Show discrimination of race, culture, age, gender, disability, religion, sexuality, economic condition or political persuasion.

### **Peer Abuse**

#### **DO**

Be aware of the potential situation for peer abuse.

Encourage working partners to develop special measures/supervision to protect younger and especially vulnerable children and adults.

Avoid placing children in high-risk peer situations (e.g. mixing of older and younger children, if there is no supervision).

#### **DO NOT**

Allow children or vulnerable adult to engage in sexually provocative games with each other.

### **Physical Environment**

#### **DO**

Encourage partners to develop clear rules to address specific physical safety issues relative to the local physical environment of a project (e.g. for projects based near water, heavy road traffic, plantation).

Bring to the attention of programme coordinator and focal person of anything in the child's or vulnerable adult's physical environment (especially in care centers, homes, hostels,

orphanages, vocational training workshops, etc) or any matter that could endanger the health, safety and security of children and vulnerable adult. This might include faulty vehicles (bald tires, no seat belts), insecure windows, absence of fire-fighting equipment, loose or dangerous electrical wiring, locked fire escapes, a drinking culture among staff, etc.

Action to take if you hear about, suspect or witness or are told of an abuse/ or potentially abusive behavior:

Immediately bring to the attention of the partner (this may not always be appropriate) and your programme coordinator/focal person at any instance of witnessed or suspected abuse, and any action or behavior that could be construed as poor practice or potentially abusive.

### **Annex 5: Self-Declaration form**

I have read the code of conduct. I understand it to be an essential component of our Child and Adult Safeguarding Policy and that this policy is available for me to read in full.

I declare that I have adequate opportunity to discuss both the Code of Conduct and the Child and Adult Safeguarding Policy with the respective authority assigned by CMC-Nepal.

I will use the structured format for the reporting of child and adult abuse cases, will ensure their protection and commit to take this issue to the concerned person and monitor the implementation regularly.

I am well aware of possible risks while revealing information of the abused child of adult to both CMC-Nepal and other agencies. It is my duty to ensure, protect and maintain confidentiality of all identity and information of respective victim child.

I declare that I understand the code of conduct, and agree to comply with it.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

## Annex 6: Consent form for photographs, visual

**CMC-Nepal will be grateful if you would fill in this form to give us permission to take photos of your child / vulnerable adult and use these in our printed and online publicity.**

I give permission to CMC-Nepal's Mr./Ms./Mrs. .... to take photographs, audio and / or video of me, and/or my child/family member with full rights to use the images resulting from the photography/audio/video filming, and any reproductions or adaptations of the images for using it as training materials, fundraising, publicity or other purposes to help achieve the organization's aims. This might include (but is not limited to), the right to use them in their printed and online publicity, social media, press releases and funding applications.

I have read or told by them and understand this consent form and agree to provide authority to use it as mentioned above.

Name of child/ vulnerable adult:	
Name of parent / guardian or care giver	
Signature or stamps of parent / guardian or care giver	
Contact address (including phone number)	
Date	

## Annex 7: Investigation and follow-up of Child and Adult Safeguarding

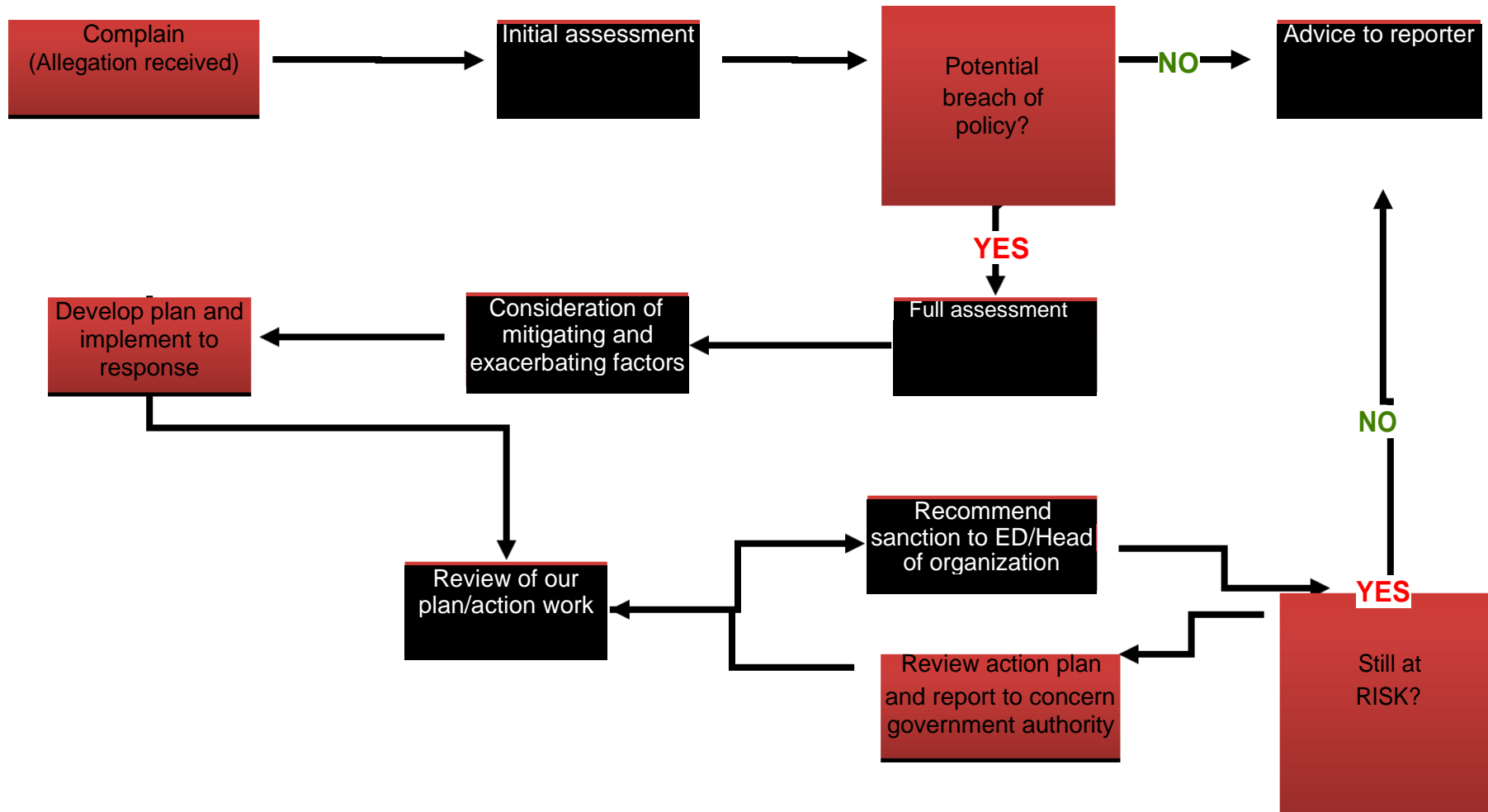
CMC-Nepal takes every complain allegation of a violation of our Children and Adult Safeguarding Policy seriously. The Focal Point or Executive Director ensures all credible allegations are investigated, logged and tracked in the reporting database. During the investigation process, reasonable efforts should be made to contact the caretaker of the Child or Adult, identified in the report or known to be put at risk of or actually harmed within our programs. Whenever possible, the child/adult should be interviewed and such interviews should be conducted by a skilled and trained child interviewer.

Representatives covered by this policy must cooperate fully with any investigation or inquiry by CMC-Nepal and preserve all records relating to any alleged violation of this Children and Adult Safeguarding Policy. The reported concerns will be kept confidential at all extends as much as possible.

- 1. Complain/allegation received:** Complain can be reported directly to the Focal person of Child and Adult Safeguarding Policy at [mbkhanal008@gmail.com](mailto:mbkhanal008@gmail.com) or to [ramlal@mos.com.np](mailto:ramlal@mos.com.np), when no response is received from the focal person/ to complain about the case including the focal person.
- 2. Initial assessment:** Upon receipt of complain, an initial screening will be conducted by the Focal Person of Child and Adult Safeguarding. A full account of the matter, any immediate personnel action and all documentation will be recorded in confidential manner.
- 3. Full assessment:** If complain seems to be investigated in detail, Focal Person or 'investigating group' can be formed by the Executive Director for full assessment. The designated personnel with investigative capacity will develop a Terms of Reference (ToR) for the internal investigation and conduct it in accordance with the Investigation Workflow Process (as Annex. VIII).
- 4. Consideration of mitigating and exacerbating factors:** Where it is established that a breach of the Safeguarding Policy has taken place, the 'Investigating Group' will consider and weigh any mitigating and exacerbating factors pertaining to perpetrator and the circumstances of the incident.
- 5. Develop plan and implement to response:** With reference to ToR, designated person or investigator will develop and implement a response measure.
- 6. Review of plan/action works:** Conference and/or review meeting will be taken place in regular basic. During the conference/meeting, review of the plan and monitoring of actions would be conducted. Plan will be changed or modified as per the context and its priority to resolve the need of the children or adult at risk.
- 7. Recommend sanction to Focal Person/ED:** Where it is established that a breach of the Safeguarding Policy has taken place and any mitigating and exacerbating factors have been carefully considered the 'Investigating Group' will then make a recommendation in writing to the Executive Director of CMC-Nepal regarding any sanction that should be imposed, giving reasons for their recommendation. The usual sanction for serious breach of the Safeguarding Policy is dismissal from their position in CMC-Nepal. For less serious breaches and where there are mitigating circumstances, sanction may include a probationary period with conditions and/or retraining, or suspension from their role in CMC-Nepal for a specific period.

8. **Final Review and report/refer to concern government authority:** The relevant authorities in that location will be informed so that the appropriate response can be launched in accordance with government procedures. Irrespective of the local outcome or response, CMC-Nepal staff must report (verbally and in writing) to a senior staff member at the organization/ project, about where they are working or via the established reporting system.
  
9. **Documentation:** All individuals with documents pertaining to an investigation will ensure that such documents are preserved and have been provided to the Executive Director or Focal Person of Child and Adult Safeguarding. Representatives must not forward any sensitive information to personal email accounts or non-CMC-Nepal email accounts, to prevent from possible safeguarding violations. Any documents shared with external parties or stakeholders must be approved by the senior management committee via focal person or executive board via executive director.

### Annex 8. Investigation Work Flow Diagram



## Annex 9. Risk Assessment Tool

Different levels of risks require different responses based on their intensity, from support-through to the criminal prosecution. Risk Assessment Tool has been developed to identify the level of risk. It would also be used to guide/determine whether the cases should be reported to Local Authority (as an alert or for further legal proceedings) or whether the matters can be more effectively managed by other mild methods. Specific Threshold Tool has been introduced to acknowledge the level of risks (Low, Medium and High) on the basis of various types of abuses (Physical, Sexual, Psychological/Emotional, Neglect and Commercial Exploitation) that may occur to vulnerable adults or children. The threshold tool will help the reporter and assessor to analyze the level of risk while filling up the risk assessment tool, which later would be provided as rational for taking necessary mitigation actions.

### Template

Name of the Organization

Name of Project/Activity

Name and Title of Assessment Leader

Date of Assessment

Case No

RISK ASSESSMENT				RISK MANAGEMENT		
Step 1:	Step 2:	Step 3:	Step 4:	Step 5:		
What is the project of the related activity? (what, where and who)	What are the risks?	What are the control measures currently in place?	Risk calculation	What are the agreed additional controls/actions to be put in place to mitigate the risk?	By whom?	By when?
			(To be filled on the Assessment Tool Below)			

### Risk Assessment Tool

1. Forms of abuse	Low	Medium	High	Guidance
Refer to <i>Specific Threshold Tool</i>				<p>Low level incidents may be reported to the Local Authority as an Alert. Advice and guidance will be offered and potentially safeguarding actions requests monitored. Some cases may result in an inquiry, while others could be dealt with staff training/supervision, care management and/or complaints procedures.</p> <p>All the cases with moderate and high risks should be reported to the police and safeguarding focal person immediately to further proceed to legal actions.</p>
Physical				
Sexual				
Psychological/Emotional				
Neglect				
Commercial exploitation				
2. Vulnerability of the victim	Less vulnerable	More vulnerable		<p>Can the child/vulnerable adult protect themselves, and do they have the communication skills to raise an alert?</p> <p>Does the victim lack mental capacity?</p> <p>Is the person depended on the alleged perpetrator?</p>
3. Patterns of abuse	Isolated incident	Resent abuse	Repeated abuse	<p>Determine if the abuse is/was:</p> <p>A one off incident?</p> <p>A recent incident in an ongoing relationship?</p> <p>A repeated abuse that has gone on for a length of time?</p>
4. Impact of abuse on victims	Low impact	Seriously affected		<p>Impact of abuse does not necessarily correspond to the extent of the abuse. Sometimes serious acts can be withstood by an individual who has plenty of support; whereas even minor abuse can be devastating if perpetrated by someone who the person trusts or is the only source of support.</p>
5. Impact on others	No one else affected	Others indirectly affected	Others directly affected	<p>Other people may be affected by the abuse of another child/vulnerable adult. Determine if:</p> <p>No one else involved or witnessed the abuse?</p> <p>Relatives or other resident/service user are distressed or affected by the abuse?</p> <p>Other people are intimidated and/or their environment affected?</p>
6. Intent of alleged perpetrator	Not intended	Deliberate/ Targeted		<p>Determine if the abuse is/was:</p> <p>Unintentional or ill informed?</p> <p>Violent/serious unprofessional response to difficulties in caring?</p> <p>Planned and deliberately malicious?</p>
7. Illegality of actions	Bad practice but not illegal	Criminal Act	Serious Criminal Act	<p>Seek advice if you are unsure if a crime has been committed. Try to determine:</p> <p>Poor or bad practice but not illegal?</p> <p>Whether it may be against the law?</p> <p>If it is clearly a crime?</p>
8. Risk of repeated abuse on victim	Unlikely to recur	Possible to recur	Likely to recur	<p>Is the abuse?</p> <p>Unlikely to happen again?</p> <p>Less likely with significant changes e.g. training, supervision, respite, support</p> <p>Very likely even if the changes are made and/or more support provided?</p>
9. Risk of repeated abuse on others	Others not at risk	Others at risk	Others at serious risk	<p>Are others (vulnerable adults/children) are at risk of being abused:</p> <p>Very unlikely?</p> <p>Likely?</p> <p>This perpetrator/setting represents a threat to other vulnerable adults/ children?</p>

### Specific Threshold Tool

Particular(s)	Low Risk (1)	Medium Risk (2)	High Risk (3)
Forms of abuse			
a) Physical	<ul style="list-style-type: none"> <li>&gt; Shoving, hitting, slapping, Staff error causing no/little harm (e.g. friction mark on skin due to ill-fitting hoist sling</li> <li>&gt; Minor events that still meet criteria for incident reporting' or where user lack capacity</li> <li>&gt; Isolated incident involving service on service user</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Shaking, throwing, punching, kicking, biting</li> <li>&gt; Inexplicable marking or lesions, cuts or grip marks on a number of occasion</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Burning, strangling and poisoning</li> <li>&gt; Inexplicable fractures/injuries/assaults physically or with a weapon leading to irreversible damage or death</li> </ul>
b) Sexual	<ul style="list-style-type: none"> <li>&gt; Isolated incident of teasing or low-level unwanted sexualized attention (verbal or touching) directed at one vulnerable adult/child by another, whether or not capacity exists or sexualized teasing or banter</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Recurring sexualized touching or isolated/recurring masturbation without valid consent</li> <li>&gt; Being subject to indecent exposure</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Attempted penetration by any means (whether or not it occurs within a relationship) without valid consent</li> <li>&gt; Being made to look at pornographic material against will/where valid consent cannot be given</li> <li>&gt; Sex in a relationship characterized by authority inequality or exploitation (egg staff and beneficiary)</li> <li>&gt; Sex without valid consent (Rape)</li> </ul>
c) Psychological /emotional	<ul style="list-style-type: none"> <li>&gt; Name calling, derogatory pet names, patronizing, character assassination, joking, putdown the interest</li> <li>&gt; Isolated incident where child/vulnerable adult is spoken to in a rude or other inappropriate way - respect undetermined but no or little distress caused, taunts or verbal outburst</li> <li>&gt; Withholding of information into disempower</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Humiliation, emotional blackmail (e.g. threats/abandonment/harm/bullying)</li> <li>&gt; Frequent and frightening verbal outbursts</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Prolonged intimidation</li> <li>&gt; Denial of basic human rights/civil liberties, over-riding advance directive, forced marriage</li> <li>&gt; Vicious/personalized verbal attacks</li> </ul>

<p>d) Neglect</p>	<ul style="list-style-type: none"> <li>&gt; Being a low priority, not feeling heard</li> <li>&gt; Inadequacies in care provision that lead to discomfort or inconvenience - no significant harm occurs (i.e. being left wet occasionally), not having access to aids to independence</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Emotional abandonment, not being allowed to have expressed emotions</li> <li>&gt; Denied access to his/her education funds or possessions</li> <li>&gt; Personal finance remove from adult's control</li> <li>&gt; Misuse/misappropriation of property or positions of benefits by a person in a position of trust or control</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Lack of adequate food shelter clothing, being used as a surrogate children/spouse</li> <li>&gt; Fraud/exploitation relating to benefits, income, property or will, theft</li> </ul>
<p>e) Commercial exploitation</p>	<ul style="list-style-type: none"> <li>&gt; Force to work for little or no remuneration, often under threat of punishment, force to work for little pay</li> <li>&gt; Lack of stimulation/opportunities for people/children to engage in social and leisure activities, denial of individuality and opportunities for service user to make informed choice and take responsible risks</li> <li>&gt; Documentation of activities being person centered</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Force to involve in begging, pick pocketing</li> <li>&gt; Bad practice not being reported and going unchecked</li> <li>&gt; Unsafe and unhygienic living environments</li> <li>&gt; Power and control issues within work relationship, threatening, frequent verbal/physical out bursting</li> <li>&gt; Limited freedom of movement</li> <li>&gt; Limited or no access to medical care</li> <li>&gt; Staff misusing their position of power over service users</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Force to involve in drug trade</li> <li>&gt; Female genital mutilation and pregnancy without consent or due to threat</li> <li>&gt; Forced child/marriage</li> <li>&gt; All concerns of modern slavery or child/human trafficking or engagement on this activity are deemed to be of significant critical level</li> </ul>