

Child Protection and Safeguarding **Policy**



Zihi
Institute

Organization	Zihi Institute
Policy Name	Child Protection and Safeguarding Policy
Policy Category	Ethical Engagement and Compliance Policies
Policy Reference Number	ECP 001

Table of Contents

1.	Introduction.....	4
2.	Purpose	4
3.	Scope.....	5
4.	Definitions of Key Terms in this Policy	6
5.	Principles Guiding the Policy	6
6.	Roles and Responsibilities.....	7
6.1.	Advisory Board of Management.....	7
6.2.	Executive Leadership Team.....	7
6.3.	Safeguarding Officer	7
6.4.	Staff and Volunteers.....	8
6.5.	Partners and Contractors	8
7.	Code of Conduct.....	8
8.	Prohibited Behaviors	8
9.	Safeguarding Procedures	9
9.1	Reporting and Responding to Concerns.....	10
9.2	Confidentiality and Data Protection.....	10
9.3	Recruitment and Vetting	10
9.4	Training and Awareness.....	10
10.	Monitoring and Evaluation	11
10.1	Safeguarding Audits.....	11
10.2	Feedback Mechanisms.....	11
10.3	Incident Tracking and Reporting.....	11
10.4	Policy Review Integration	11
11.	Disciplinary Actions.....	11
11.1	Consequences of Policy Violations.....	11
11.2	Disciplinary Procedures	11
12.	Policy Review	12
12.1	Review Frequency.....	12
12.2	Review Process	12
12.3	Communication of Updates.....	12
13.	Acknowledgment	12
14.	Approval.....	12

1. Introduction

Zihi Institute (hereinafter referred to as "the Organization") is unwavering in its commitment to safeguarding the welfare, rights, and dignity of all children who engage with our programs, activities, and services. We uphold our responsibility to protect children from all forms of harm, abuse, neglect, exploitation, and mistreatment. This policy is rooted in the Kenyan Constitution, the Children Act (2022), and the UN Convention on the Rights of the Child (UNCRC), and the African Charter on the Rights and Welfare of the Child. This policy integrates proactive safeguarding measures with responsive child protection actions. It promotes ethical, inclusive, and participatory practices in all child-related engagements.

2. Purpose

This policy serves to ensure that all children who come into contact with the Organization are protected from harm and their rights are upheld in line with national and international legal frameworks. Specifically, this policy aims to:

- **Prevent Harm:** Establish a framework to proactively safeguard children and create a safe, inclusive, and child-friendly environment.
- **Respond to Incidents:** Provide clear procedures for identifying, reporting, and responding to child protection concerns, including collaboration with relevant authorities.
- **Establish a Framework for Child Protection:** Define clear standards and expectations to prevent, identify, and respond to safeguarding risks.
- **Provide Clear Guidelines and Procedures:** Offer a comprehensive approach to managing safeguarding issues, including the reporting, investigation, and resolution of concerns.
- **Promote Ethical and Respectful Engagement:** Ensure all interactions with minors adhere to ethical standards, including obtaining informed consent and assent in accordance with legal guidelines.
- **Ensure Compliance with Legal and Ethical Obligations:** Align the Organization's activities with the Kenyan Constitution, the Children Act (2022), the Data Protection Act (2019), and international agreements such as the UNCRC and the African Charter on the Rights and Welfare of the Child.
- **Foster a Culture of Safety and Accountability:** Encourage a safeguarding culture that prioritizes children's well-being and ensures stakeholders are held accountable for upholding safeguarding measures.
- **Enhance Stakeholder Awareness and Capacity:** Provide training and resources to staff, volunteers, and partners to enhance their ability to recognize and respond to safeguarding risks effectively.

- **Mitigate Risks in All Areas of Operations:** Identify and address potential safeguarding risks across all organizational activities, including program implementation, recruitment, communications, and public engagements.
- **Outline Roles and Responsibilities:** Clearly define the safeguarding roles and expectations of the Advisory Board of Management, Executive Leadership Team, staff, volunteers, and partners.
- **Support Survivors and Whistleblowers:** Provide mechanisms for children, their families, and stakeholders to report concerns safely and confidentially, ensuring appropriate follow-up and support.
- **Regular Review and Improvement:** Commit to ongoing monitoring, evaluation, and improvement of safeguarding practices to ensure alignment with evolving best practices and legal requirements.
- **Confidentiality and Data Protection:** Handle sensitive child-related information in compliance with the Kenya Data Protection Act (2019).

3. Scope

This policy applies to:

- **Personnel:** All staff, volunteers, board members, and contractors working with or representing the Organization in any capacity.
- **Programs and Activities:** All services, initiatives, and projects involving minors, whether conducted directly by the Organization or in partnership with external stakeholders, including in-person, virtual, and hybrid engagements.
- **Stakeholders and Partners:** Partner organizations, service providers, funding agencies, and collaborators who engage with children through the Organization's programs.
- **Physical and Digital Environments:** All locations where children interact with the Organization, including community centers, schools, homes, and online platforms.
- **Geographical Coverage:** All regions in Kenya where the Organization operates, ensuring adherence to national and international safeguarding frameworks.
- **Third-Party Involvement:** Consultants, suppliers, and any third-party entities interacting with children through the Organization's projects and services must comply with the safeguarding policy.
- **Training and Capacity Building:** Any initiatives where the Organization imparts knowledge, skills, or awareness to children and stakeholders in safeguarding-related areas.
- **Public Engagements and Media:** Any public communications, marketing, or promotional activities featuring children, ensuring ethical representation and informed consent.

4. Definitions of Key Terms in this Policy

- **Child:** Any person under the age of 18 years (Kenyan Constitution, Article 53; UNCRC Article 1).
- **Child Safeguarding:** Measures to promote children's well-being and protect them from harm (Kenya Children Act, 2022; UNCRC Article 19).
- **Child Protection:** Actions taken in response to identified or suspected abuse, exploitation, or neglect.
- **Abuse:** Includes physical, emotional, sexual abuse, neglect, and exploitation (Kenya Children Act, 2022; UNCRC Article 19).
- **Consent:** Formal agreement given by a parent or legal guardian for a child's participation in activities (Kenya Children Act, Section 30; UNCRC Article 5).
- **Assent:** Agreement by a child, in addition to parental consent, acknowledging their right to participate voluntarily (UNCRC General Comment No. 12 on the Right of the Child to be Heard).
- **Confidentiality:** Handling safeguarding concerns with sensitivity and limited disclosure.
- **Exploitation:** The use of a child for profit, labor, or other harmful purposes, including sexual exploitation and trafficking (Kenya Counter-Trafficking in Persons Act, 2010; UNCRC Article 34).
- **Misconduct:** Any inappropriate, unethical, or illegal actions by staff, volunteers, or stakeholders that violate safeguarding policies, including neglecting duty of care, engaging in abusive behavior, or failing to report safeguarding concerns (Kenya Children Act, Section 36; UNCRC Article 19).
- **Neglect:** The persistent failure to meet a child's basic physical and emotional needs, potentially leading to serious harm (Kenya Children Act, Section 23; UNCRC Article 19).
- **Bullying:** Repeated, intentional aggressive behavior that causes physical, emotional, or psychological harm to a child (UNCRC Article 28; African Charter on the Rights and Welfare of the Child, Article 16).
- **Emotional Abuse:** Persistent emotional maltreatment that adversely affects a child's emotional development, including verbal abuse, threats, or constant criticism (Kenya Children Act, Section 20; UNCRC Article 19).
- **Physical Harm:** Any non-accidental injury or physical mistreatment of a child, including hitting, beating, or inappropriate physical restraints (Kenya Penal Code, Section 250; UNCRC Article 19).

5. Principles Guiding the Policy

The following principles underpin this policy, ensuring the Organization's safeguarding efforts are effective, comprehensive, and legally compliant:

- **Best Interests of the Child:** All actions concerning children shall be guided by their best interests, as stipulated in the Kenyan Constitution (Article 53) and the UNCRC (Article 3).
- **Child Participation:** Children have the right to express their views and be involved in matters affecting them, in accordance with UNCRC Article 12.
- **Zero Tolerance for Abuse:** The Organization maintains a strict no-tolerance approach to any form of child abuse, neglect, or exploitation, in compliance with the Kenya Children Act (2022) and international child protection guidelines.
- **Transparency and Accountability:** The Organization commits to clear, open, and accountable safeguarding practices, ensuring appropriate channels for reporting and addressing concerns.
- **Confidentiality:** Safeguarding concerns will be handled with strict confidentiality, in compliance with the Kenya Data Protection Act (2019).
- **Inclusivity and Non-Discrimination:** All children, regardless of gender, disability, ethnicity, or socioeconomic background, shall be treated with dignity and respect, as per the Kenyan Constitution (Article 27).
- **Ethical Engagement:** Staff, volunteers, and partners must adhere to the highest ethical standards when interacting with children.

6. Roles and Responsibilities

6.1. Advisory Board of Management

- Provide strategic oversight and ensure safeguarding policies align with the organization's mission.
- Approve and review safeguarding policies periodically.
- Ensure adequate resources are allocated for safeguarding initiatives.
- Hold the Executive Leadership Team accountable for implementing safeguarding measures.
- Engage with donors and stakeholders to support safeguarding efforts.

6.2. Executive Leadership Team

- Ensure safeguarding policies are operationalized and embedded within the organization.
- Approve and review safeguarding policies periodically.
- Foster a culture of child protection and safeguarding.
- Oversee compliance with legal safeguarding obligations.
- Provide regular safeguarding reports to the Advisory Board.

6.3. Safeguarding Officer

- Act as the primary contact for all safeguarding concerns.
- Conduct safeguarding training and capacity building.

- Investigate safeguarding incidents and liaise with relevant authorities.
- Ensure safeguarding procedures are effectively implemented.

6.4. Staff and Volunteers

- Abide by the safeguarding policy and code of conduct.
- Report any safeguarding concerns immediately.
- Participate in training and awareness programs.

6.5. Partners and Contractors

- Comply with the Organization's safeguarding standards as part of their contractual obligations.
- Ensure safeguarding measures are implemented in their operations.

7. Code of Conduct

All staff, volunteers, and partners must:

- Treat children with respect and dignity.
- Avoid inappropriate physical contact with children.
- Maintain professional boundaries in all interactions.
- Obtain consent before taking photographs or sharing personal data.
- Report any concerns related to child safety promptly.

8. Prohibited Behaviors

The Organization is committed to maintaining the highest standards of conduct when working with children. To ensure a safe and respectful environment, certain behaviors are strictly prohibited. These prohibitions are in line with the Kenyan Children Act (2022), the Sexual Offenses Act (2006), and international safeguarding frameworks such as the UNCRC and the African Charter on the Rights and Welfare of the Child. All personnel, including advisors, staff, volunteers, and partners, are expected to adhere strictly to these standards. Failure to comply will result in disciplinary actions, including termination of contracts and potential legal action.

The following behaviors are strictly prohibited:

1. Inflicting physical punishment or any form of physical harm, including hitting, slapping, or inappropriate restraint techniques that compromise a child's dignity.
2. Engaging in any sexual activity, inappropriate touching, or suggestive behavior towards minors, regardless of consent.
3. Sharing inappropriate, explicit, or harmful digital content with children, including through social media or messaging apps.
4. Taking and using children's images or personal data without explicit, informed consent from parents/guardians and assent from the child.
5. Leaving children unattended or placing them in high-risk environments without appropriate supervision.

6. Using coercion, threats, or manipulation to influence a child's behavior for personal or organizational gain.
7. Exhibiting aggressive, intimidating, or hostile behaviors that can emotionally or psychologically harm a child.
8. Withholding critical health, safety, or welfare information that could impact a child's well-being.
9. Exploiting children for labor, monetary, or other forms of gain, including forced participation in fundraising activities.
10. Discriminating against children based on gender, disability, ethnicity, social status, or other characteristics, fostering an unequal environment.
11. Disclosing confidential child information to unauthorized individuals or parties without legitimate reasons.
12. Making degrading, humiliating, or inappropriate jokes, comments, or gestures toward children.
13. Engaging in private, unmonitored meetings or correspondence with children without transparency.
14. Transporting children without proper consent, safety measures, and accompanying personnel.
15. Consuming alcohol, drugs, or engaging in substance abuse while responsible for child welfare.
16. Ignoring or failing to report safeguarding concerns, suspicions, or violations.
17. Encouraging or tolerating bullying, harassment, or peer-to-peer abuse within programs.
18. Taking unauthorized photos or videos of children in vulnerable situations.
19. Falsifying or misrepresenting the organization's activities to children and their families.
20. Failing to respect a child's refusal to participate in activities.
21. Isolating children from peers or support networks without valid reasons.
22. Using inappropriate or degrading language toward children.
23. Encouraging children to keep secrets about inappropriate behavior.
24. Withholding emotional support or care to manipulate children.
25. Encouraging dependence on an adult in an unhealthy manner.
26. Misusing authority to pressure children into compliance.
27. Offering gifts or incentives with ulterior motives.
28. Engaging in favoritism or unequal treatment of children.
29. Failing to ensure the child's voice is heard in decisions that affect them.
30. Misleading children with false information or promises.
31. Overstepping boundaries by intruding into a child's personal life.
32. Exploiting cultural differences to justify harmful behavior.
33. Failing to create inclusive environments for children of diverse backgrounds.
34. Encouraging children to act beyond their maturity levels.
35. Ignoring warning signs of potential harm to children.
36. Engaging in physical roughness, even in play.
37. Failing to enforce protective measures against online abuse.
38. Using punishments that humiliate or degrade children.
39. Preventing children from expressing their feelings freely.
40. Allowing unauthorized individuals to access child-related activities.

9. Safeguarding Procedures

The Organization is committed to implementing robust safeguarding procedures to prevent and respond to any risks or incidents affecting children. These procedures align with the Kenya Children Act (2022), the Sexual Offences Act (2006), and international standards such as the UNCRC. The safeguarding procedures include:

9.1 Reporting and Responding to Concerns

- **Mandatory Reporting:** All staff, volunteers, and stakeholders are required to report any suspected or confirmed safeguarding concerns to the designated Safeguarding Officer within 24 hours.
- **Confidential Reporting Channels:** Multiple confidential channels, including phone hotlines, email, and suggestion boxes, are available to ensure safe disclosure.
- **Incident Reporting Form:** A standardized form must be completed to document the concern, including details of the child involved, nature of the concern, and actions taken.
- **Referral Process:** The Organization will refer cases requiring legal or child protection intervention to relevant authorities, such as the Department of Children Services (DCS), the Kenya Police, or local child protection committees.
- **Response Timeline:** Immediate action must be taken for urgent cases, while less severe concerns must be addressed within 48 hours.
- **Protection of Whistleblowers:** Individuals reporting concerns in good faith are protected from retaliation under the Whistleblower Protection Act (2022) and the Organization's Whistleblower Protection Policy.

9.2 Confidentiality and Data Protection

- All safeguarding reports and records will be securely stored and only accessible to authorized personnel.
- The Organization will comply with the Data Protection Act (2019) to ensure the secure handling of children's personal information.
- Confidentiality will only be breached when it is in the best interest of the child, such as when their safety is at risk.

9.3 Recruitment and Vetting

- All personnel involved with children must undergo rigorous background checks, including police clearance (Certificate of Good Conduct) and reference verification.
- Safeguarding responsibilities will be incorporated into job descriptions and performance appraisals.
- Probationary periods will include safeguarding evaluations before permanent appointments.

9.4 Training and Awareness

- Mandatory safeguarding sensitization for all new staff and volunteers upon induction.
- Regular refresher training sessions and workshops to reinforce safeguarding policies and emerging risks especially before commencing on any project or initiative which involves children.
- Community awareness campaigns to educate children and caregivers on their rights and how to report concerns.

10. Monitoring and Evaluation

The Organization is committed to continuous improvement of safeguarding practices through monitoring and evaluation mechanisms, in compliance with the Kenya Children Act (2022) and the National Council for Children Services guidelines.

10.1 Safeguarding Audits

- Annual internal and external audits to assess compliance with safeguarding policies and procedures.
- Audit reports will include recommendations and action plans for improvements.

10.2 Feedback Mechanisms

- Periodical feedback collection from children, parents, staff, and partners through surveys, focus group discussions, or anonymous reporting channels especially after engaging with these stakeholders in a project.
- Feedback data will inform policy adjustments and capacity-building initiatives.

10.3 Incident Tracking and Reporting

- A central safeguarding database to track reported incidents, response timelines, and case resolutions.
- Periodic analysis of safeguarding data to identify trends and address systemic issues.

10.4 Policy Review Integration

- Findings from monitoring and evaluation activities will inform the review of safeguarding policies after 3 years to reflect emerging risks and legal changes.

11. Disciplinary Actions

Failure to adhere to the Organization's safeguarding policies and procedures will result in disciplinary actions, in line with Kenyan labor laws and child protection statutes.

11.1 Consequences of Policy Violations

- **Minor Infractions:** May result in verbal warnings, retraining, and close supervision.
- **Serious Violations:** May lead to suspension, termination, and referral to law enforcement or regulatory bodies.
- **Legal Action:** Any criminal conduct, such as sexual abuse, physical assault, or exploitation, will be reported to the Kenya Police and prosecuted under the Sexual Offenses Act (2006) and the Penal Code.

11.2 Disciplinary Procedures

- Allegations will be thoroughly investigated by an independent safeguarding committee.
- The accused will be given an opportunity to respond to allegations in accordance with fair labor practices.

- Final decisions will be documented, and appropriate disciplinary action will be implemented.
- Safeguarding breaches resulting in dismissal will be recorded to prevent rehiring of offenders.

12. Policy Review

The Organization is committed to reviewing this policy periodically to ensure it remains relevant, effective, and compliant with evolving legal and organizational requirements.

12.1 Review Frequency

- The policy will be reviewed at least once every three years, or sooner in response to significant legislative changes or safeguarding incidents.
- Stakeholder feedback and audit findings will inform the review process.

12.2 Review Process

- The Safeguarding Officer will lead the review process in collaboration with legal advisors and child protection experts.
- Consultation with staff, partners, and beneficiaries will be conducted to ensure the policy reflects practical realities and emerging risks.
- Policy revisions will be approved by the Executive Leadership Team and the Management Advisory Board before implementation.

12.3 Communication of Updates

- Any updates to the policy will be communicated through staff meetings, training sessions, and official organizational communications.

13. Acknowledgment

By signing any terms of reference, agreement, contract or any other engagement with the organization, all staff, board members, and stakeholders acknowledge understanding and commitment to this policy.

14. Approval

Approved by:

Daniel Waruingi.



Executive Director, Zihi Institute.



Zihi
Institute

Child Protection and Safeguarding **Policy**