



Re-Imagining New Communities

Child and Vulnerable Adults Safeguarding Policy

2024-2027

CHILD AND VULNERABLE ADULTS SAFEGUARDING POLICY 2024-2027

This policy defines the responsibilities and guidelines for child safeguarding for all Re-Imagining New Communities staff, representatives and partners.

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INTRODUCTION

Re-Imagining New Communities is a peacebuilding and communication organization committed to fostering sustainable development through strategic interventions in conflict resolution, leadership development, and reconciliation. Our initiatives are meticulously tailored to align with sustainable development goals (SDGs 17,16,13,11, 6, 4 and 3) aiming to address critical issues within communities.



Working directly with children and collaborating with all the relevant government ministries and agencies, children's institutions, program partners, police and safe houses we endeavor to support their welfare. As part of our commitment to peacebuilding, we prioritize raising awareness of child abuse, with a focus on prevention, denouncement, and response. We achieve this through comprehensive activities, staff training, and partnerships geared towards ensuring child safeguarding.

Our Child Safeguarding Policy underscores our dedication to promoting the well-being and safety of children. It is incumbent upon all Re-Imagining New Communities staff to actively safeguard and uphold the welfare of children, vulnerable adults, and beneficiaries with whom the organization engages.

PURPOSE

1. Protect children within Re-Imagining New Communities' programs and activities from all forms of abuse and exploitation.
2. Create a safe environment within Re-Imagining New Communities for children to share their experiences and concerns.
3. Ensure all Re-Imagining New Communities staff, volunteers, consultants and representatives are trained and equipped to recognize and respond effectively to signs of abuse or neglect.

LEGAL CONTEXT

The constitution of Kenya is the supreme law of Kenya. Chapter 4 of the constitution contains the bill of rights, which offers protection for the safeguards of the individual rights and freedoms for every Kenyan. The constitution however does not have the rights of children expressly spelt out or guaranteed.

The Penal Code system (cap. 63 laws of Kenya) serves is one legal instrument for addressing child abuse within the Kenyan legal system.

These include:

- Sexual abuse
- Physical abuse
- Other offences

The Evidence Act (Cap 80. Laws of Kenya) section 124 calls for the corroboration of the evidence of children of tender years. Corroboration means independent evidence, which implicates the person accused of a crime connecting him with it. This means that

evidence that confirms that the person charged committed the offence. Children of tender years are children under the age of 10 as defined in the Children’s Act.

The Children’s Act (Cap. 586, Laws of Kenya) is a comprehensive legislation aimed at safeguarding the rights and welfare of children in Kenya. As you outlined, it is structured into several parts, each addressing different aspects of child welfare and protection. Here is a brief overview of each part:

a) Part I: Interpretation - Provides definitions and interpretation of terms used within the Act to ensure clarity and consistency in its application.

b) Part II: Safeguards for the rights and welfare of children - Sets out general principles and provisions for the protection and promotion of children’s rights and welfare.

c) Part III: Parental responsibility - Deals with the rights, duties, and responsibilities of parents towards their children, including custody, guardianship, and maintenance.

d) Part IV: Administration of Children’s Services - Establishes mechanisms for the administration and delivery of children’s services, including the establishment of the Department of Children’s Services.

e) Part V: Children’s Institutions - Regulates the establishment, management, and operation of institutions providing care and services to children, such as children’s homes and rehabilitation centers.

f) Part VI: Children's courts - Provides for the establishment and jurisdiction of children's courts, which handle matters involving children, including protection, care, and adoption.

g) Part VII: Custody and maintenance - Deals with issues related to the custody and maintenance of children, including the legal procedures and responsibilities of parents and guardians.

h) Part VIII: Guardianship - Outlines the legal framework for the appointment and responsibilities of guardians for children who are not under the care of their parents.

i) Part IX: Judicial orders for the protection of children - Covers various judicial orders that may be issued by the court for the protection and welfare of children, such as protection orders and supervision orders.

j) Part X: Children in need of care and protection - Addresses the identification, assessment, and intervention for children who are in need of care and protection due to various circumstances, such as abuse, neglect, or abandonment.

k) Part XI: Foster care placement - Regulates the placement of children in foster care, including the procedures for assessment, approval, and supervision of foster parents.

l) Part XII: Adoption - Governs the process of adoption in Kenya, including eligibility criteria, adoption procedures, and legal effects of adoption.

m) Part XIII: Child offenders - Deals with the handling of children who come into conflict with the law, including diversion, rehabilitation, and legal proceedings involving child offenders.

ROLES AND RESPONSIBILITIES

All Re-Imagining New Communities' staff, volunteers, consultants, and representatives are responsible for the protection and safeguarding of children within its programs and activities. They all have a role to play in terms of (1) Protecting children from abuse, (2) Promoting the welfare of children and (3) Preventing children from being harmed.

GLOSSARY OF TERMS

Abuse. Kenya and international organizations like UNICEF, operating within the Kenyan jurisdiction, have distinct definitions for what constitutes abuse of children and vulnerable adults, both legally and practically. Every definition makes reference to the groups that encompass sexual, physical, and emotional aspects; abuse; neglect; exploitation; causing harm to an individual or failing to provide protection against harm.

Sexual abuse encompasses sexual behaviors involving two or more individuals in the following situations:

- i. The affected person has less power than the other person(s)
- ii. There is a notable difference in the affected person's and the other person(s) intellectual capacity or maturity.
- iii. One or more party's bribe, coerce, exploit, threaten, or use violence towards the affected person.

The use of physical force that could cause pain, impairment, or bodily injury is known as physical abuse. Psychological abuse is a pattern of non-physical behavior which can have a more detrimental impact on a child's or vulnerable adult's cognitive, emotional, psychological, or social development than overt physical abuse, sometimes even lasting longer. Domestic, institutional, or self-initiated abuse are all possible (self-neglect).

Child is a person who is younger than eighteen (18) years old. The legal definition of a child or age restrictions outlined in other pertinent laws should not be confused with the definition of a child for the purposes of safeguarding and child protection. A person's inherent vulnerability as a child does not change even if they have attained the local age of maturity, sexual consent, voting age, or other milestones.

Child in need of protection is one who has suffered significant harm, is suffering significant harm, or is at an unacceptable risk of suffering significant harm, or does not have a parent, guardian, or caregiver able and willing to protect the child from harm.

Child protection is what is in place to protect children who have already experienced harm, abuse, neglect, sexual exploitation, or have otherwise been harmed through violence, exploitation and different forms of abuse, including commercial sexual exploitation, trafficking, child labor and harmful traditional practices, such as female genital mutilation/cutting and child marriage (cf. UNICEF, *Global Annual Results Report 2020*).

UNICEF identifies the following child protection issues: armed violence, birth registration, child labour, child marriage, harmful use of Information and Communication Technologies (ICTs), child recruitment by armed forces or armed groups, child trafficking, children without parental care, children with disabilities, family separation in emergencies, gender based violence in emergencies, justice for children, landmines and explosive weapons, Monitoring and Reporting Mechanism (MRM) on grave violations of children's rights in situations of armed conflict, psychosocial support and wellbeing and sexual violence against children.

Child safeguarding. “Child safeguarding is the responsibility that organizations have to make sure their staff, operations, and programmes do no harm to children, that is that they do not expose children to the risk of harm and abuse, and that any concerns the organization has about children’s safety within the communities in which they work, are reported to the appropriate authorities” (Keeping Children Safe, *Child Safeguarding Standards and How to Implement Them*, 2014).

Organization. The works, project, partner, organization, body, church, school, institution, or other similar structure are all considered organizations for the purposes of this policy.

Personnel. In the context of this policy, “personnel” refers to any individual working for the organization or providing services on its behalf. This includes staff members, volunteers, interns, contractors, consultants, and any person assigned to work for the organization or live on our property.

Vulnerable Adult. An adult who is over the age of eighteen (18) and is incapable of caring for themselves or exercising independent judgement is considered a vulnerable adult. Here, two categories are particularly noteworthy. The first group consists of adults who can only become weak due to another person abusing their power. The second group comprises adult individuals who have mental, emotional, or physical disabilities. Because they may not be as independent as other adults, they may find it difficult to make decisions or to control their behavior, making them more vulnerable. These are blatantly susceptible. Adults who are susceptible to abuse are more likely to experience it from others. It’s crucial to remember that this does not always imply that the adult in this category is incapable. To be classed as vulnerable in this category, the adult’s circumstances must be such that they cannot be altered or improved by the adult’s own individual actions without direct assistance.

POLICY

POLICY STATEMENT

Re-Imagining New Communities is dedicated to promoting practices in all of our programs, activities and institution’s partner projects that uphold the rights of children and vulnerable adults and shield them from all forms of abuse and exploitation. Re-Imagining New Communities recognizes that the welfare of children and vulnerable adults is of utmost importance. According to the Kenyan Constitution, a person is considered a child if they are under the age of eighteen (18). A vulnerable adult, on the other hand, is defined as someone older than eighteen who is unable to take care of themselves or make their own decisions due to various circumstances, or who is made vulnerable by abuse of power.

Child Abuse and Abuse of Vulnerable Adults

Child abuse or abuse of vulnerable adults, also referred to as maltreatment, may occur in all socio-economic groups, genders and

cultures.

Recognizing indications of potential abuse is complex. However, there are potential warning signs which should be observed and assessed with care. These indicators should also be considered in the local context and judgments made about their relevance. When a child or a vulnerable adult is manifesting significant changes in behavior, such as apparent fear and anxiety or showing physical indicators, he/she should never be ignored.

A child or a vulnerable adult may be subjected to a combination of different kinds of abuse. It is possible for a child or vulnerable adult not to show outward signs of having been abused, or even to hide from everyone what is happening. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. If a child discloses any form of abuse, they should not be questioned in detail about it without consulting with the relevant authorities. It is important to reassure the child and ensure that they feel they have been listened to, trusted and believed.

With reasonable adaptation, the same principles should be applied to adults who disclose abuse. Factors that may increase an adult's vulnerability may include: lack of mental capacity; advanced age; being physically dependent on others; low self-esteem; previous history of abuse; negative experiences of disclosing abuse; social isolation; and lack of access to health and social services or high-quality information, among others.

1.1 Physical Abuse

Physical abuse is defined as any interaction that reasonably falls within the control of a parent or other person in a position of authority, trust, or responsibility and results in actual or potential physical harm to the victim, whether the victim is a child or a vulnerable adult. It may entail harsh physical discipline and the use of excessive force when managing, permitting, or putting a child or a vulnerable adult in grave danger of serious harm.

Signs of physical abuse:

- Unexplained recurrent injuries or burns.
- Improbable excuses or refusal to explain injuries.
- Wearing clothes to cover injuries, even in hot weather.
- Refusal to undress for physical education or sports.
- Bald patches.
- Chronic running away.

- Fear of medical help or examination.
- Self-destructive tendencies.
- Aggression towards others.
- Fear of physical contact.

1.2 *Sexual Abuse*

Sexual abuse occurs when a child or vulnerable adult is used by another person for that person's gratification or sexual arousal, or for that of others. It may be performed through touching, self-exposure, masturbation, sexual intercourse or sexual exploitation of a child or vulnerable adult including imagery. In relation to child sexual abuse, it should be noted that the age of consent to sexual activity is eighteen.

Signs of sexual abuse:

- Being overly affectionate or knowledgeable in a sexual way which is inappropriate to the child's age.
- Medical problems such as chronic itching, pain in the genitals, Sexually Transmitted Infections (STIs), pregnancy.
- Other extreme reactions, such as depression, self-mutilation, suicide attempts, running away, overdoses, and anorexia.
- Personality changes such as becoming insecure, or clinging.
- Regressing to younger behavior patterns such as thumb sucking or bringing out discarded cuddly toys.
- Sudden loss of appetite or compulsive eating.
- Being isolated or withdrawn.
- Inability to concentrate.
- Lack of trust or fear of someone they know well, such as not wanting to be alone with a babysitter or child-minder.
- Starting to wet again, having bad dreams (either day and/or night).
- Becoming worried about clothing being removed.
- Suddenly drawing sexually explicit pictures.

1.3 Emotional Abuse

Emotional or psychological abuse (often used interchangeably due to their similar characteristics and effects) stems from a deprivation of the safe surroundings and affective well-being indispensable for growth, development and balanced behavior in the child or vulnerable adult. It includes persistent criticism, scapegoating, emotional unavailability or unresponsiveness to one's needs, exposure to domestic violence and inappropriate or abusive material, name-calling, insults, threats, intimidation, humiliation, harassment, treating the person like a baby, giving the "silent treatment," and not letting the person see loved ones or do regular activities.

Emotional abuse may be manifested in fear or emotional imbalance, insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behavior that become evident in the child's or vulnerable adult's behavioral, cognitive, affective or physical functioning. The threshold of significant harm is reached when abusive interactions dominate and become typical to the child's or vulnerable adult's relationships.

Signs of emotional abuse:

- Physical, mental and emotional development lags.
- Sudden speech disorders.
- Continual self-depreciation ("I'm stupid, ugly, worthless, etc.").
- Overreaction to mistakes.
- Extreme fear of any new situation.
- Inappropriate response to pain (e.g. "I deserve this").
- Neurotic behavior (rocking, hair twisting, self-mutilation—also known as self-harming—common in today's youth).
- Extremes of passivity or aggression.

1.4 Neglect

Neglect is deliberate deprivation of or incapacity to satisfy basic needs such as food, clothing, hygiene, intellectual stimulation, supervision, safety, affection, and/or medical care, all of which are essential for the full development of the child's or vulnerable adult's potential and exercise of their rights. Whether it is significant is determined by the child's or vulnerable adult's health and development as compared to that which could reasonably be expected of a child or a vulnerable adult of similar age or circumstances. Neglect generally is manifested when a child or a vulnerable adult suffers a series of minor injuries, has height or weight that is significantly below average at that particular age, and becomes truant. The threshold of significant harm is reached

when the child's or vulnerable adult's needs are neglected to the extent that his or her well-being and/or development are severely affected.

Signs of neglect:

- Constant hunger.
- Poor personal hygiene.
- Constant tiredness.
- Poor state of clothing.
- Emaciation.
- Untreated medical problems.
- Destructive tendencies.

1.5 Cyberbullying

Bullying is the repeated, unreasonable aggression by an individual or group against a child or vulnerable adult, causing harm or distress. This can be physical, verbal, emotional, or social.

Cyberbullying is the bullying behavior using electronic devices, such as computers, phones, and social media. This can include sending threatening messages, spreading rumors online, or impersonating a child or vulnerable adult hereby named the victim. The Computer Misuse and Cybercrime Act 5, 2018 section 15 addresses "cyberbullying," defining it as electronic communication "to communicate a message designed to harass another person using electronic communication."

Bullying on victims can manifest in the form of withdrawn behavior, decreased academic performance, physical complaints (stomachaches, headaches), anxiety, depression, suicidal thoughts, changes in eating or sleeping habits, loss of interest in activities they used to enjoy, damaged belongings, and unexplained injuries.

Bullying on perpetrators can manifest as aggressive behavior towards others, difficulty in controlling anger, lack of empathy, bragging about bullying others, and spending excessive time online.

Signs and symptoms

1. Sudden changes in online behavior.
2. Avoiding certain devices or websites.

3. Secrecy about online activities.
4. Receiving unwanted calls and messages.
5. Exclusion from online groups.

RESPONDING TO ALLEGATIONS

Child and Vulnerable Adults Protection Officers

These officers (CVAPO's) are mandated to receive all reports and concerns related to allegations of child and vulnerable adults within Re-Imagining New Communities management. In line of this office, two CVAPO's will be appointed for 2 years to hold office. In the event that any or both of the officers are among those accused of any misconduct regarding these policies, then they will be required to step aside and allow for independent investigations by the next officers in management command of Re-Imagining New Communities.

Contact Details of Re-Imagining New Communities CVAPO's are:

1. Grace Wendo – Administration Manager – grace@rncommunities.org
2. Eric Gisore – Program Support – erci@rncommunities.org

The Roles of CVAPO's

The following roles detail what the CVAPO's are to do.

- a) Provide regular training and guidance to staff, volunteers, and partners on child safeguarding matters.
- b) Receive information about the allegation
- c) Complete Report Form
- d) Refer case to the Government authorities
- e) Contact services to ensure that the child is not at any risk
- f) Create a case file
- g) Inform the alleged person of the report
- h) Request for and file the police report of the investigations

PREVENTING HARM TO CHILDREN AND VULNERABLE ADULTS

In all our programming, Re-Imagining New Communities is committed to minimizing risks to children's and vulnerable adults' holistic well-being, so as to make children's rights and those of vulnerable adults a reality. To this end, each of our programs will employ stringent screening measures to prevent harm to children and vulnerable adults through;

- a. Strict and strong internal procedures for new staff
- b. Continuous education and induction of new staff on these policies.
- c. Signing of Code of Conduct for all Re-Imagining New Communities' staff and representatives.

2.2 Prohibited Behaviors for Re-Imagining New Communities Staff and Collaborators

- a) Using, possessing or being under the influence of illegal drugs while in the presence of children or vulnerable adults.
- b) Using, possessing or being under the influence of alcohol while supervising children or vulnerable adults.
- c) Providing or allowing children or vulnerable adults to use alcohol or illegal drugs.
- d) Profanity in the presence of children or vulnerable adults.
- e) Speaking to children or vulnerable adults in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning or humiliating.
- f) Discussing sexual activities with children or vulnerable adults.
- g) Engaging in any sexually-oriented conversation with children or vulnerable adults unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality, or in accordance with the country's approved school curriculum when it is in the context of school.
- h) Being nude in the presence of children or vulnerable adults.
- i) Sharing sexually-oriented or morally-inappropriate material (magazines, cards, videos, films, clothing, etc.) with children or vulnerable adults.
- j) Sleeping in the same beds, sleeping bags or small tents with children or vulnerable adults.
- k) Engaging in sexual contact with children or vulnerable adults.

MONITORING OF THE POLICY

It is the responsibility of the management of the organization to support the CVAPO to ensure that the Child and Vulnerable-Adult Safeguarding Policy is reviewed and evaluated on at least a two-yearly basis. New processes and practices will be incorporated in accordance with lessons learned.

The monitoring and evaluation process will indicate any required need in training for RNC staff and collaborators, and resources will be made available for the full implementation of a Child and Vulnerable-Adults Protection Action Plan.

A hard file with all the incidents, allegation and suspicions of abuse will be stored in the main office and kept in a safe and confidential location.

This regular monitoring will enhance implementation and efficiency, and enable the management to make any necessary amendments to ensure that our institutions and ministries are continually striving to be as safe as possible for children and vulnerable adults.

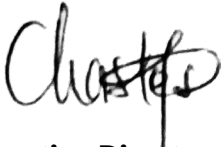
The review and monitoring system includes the following components:

1. Personnel records are kept up-to-date.
2. Job descriptions for new positions contain reference to child and vulnerable-adult safeguarding policies.
3. Training has been provided and attended.
4. Regular meetings take place which allow all representatives to discuss openly any child and vulnerable-adult protection issues arising within the course of their work.
5. Include children, vulnerable adults and their families in the review process so that their voices are heard and their concerns are taken into account when updating the Child and Vulnerable-Adult Safeguarding Policy.
6. Monitor changes in the area of child and vulnerable-adult safeguarding at local and national level, such as comparing policies with similar organizations, changes in legislation and new guidelines.
7. Management will arrange for a review of the Child and Vulnerable-Adult Safeguarding Policy and any related documents and practices on at least a two-yearly basis.

DATE OF NEXT REVIEW

This Policy shall be reviewed every four (4) years. However, it may be reviewed at any time before the four years subject to the direction of the Re-Imagining New Communities management team.

Signed by

A handwritten signature in black ink, appearing to read 'Christie', written over a horizontal line.

Executive Director

ANNEX 1

Organization Code of Conduct

As a member of Re-Imagining New Communities, I commit to upholding the following principles of conduct:

1. Ethical Behavior: I will conduct myself with honesty, integrity, and respect in all interactions, both within and outside the organization.
2. Compliance with Laws and Policies: I will adhere to all applicable laws, regulations, and organizational policies, and I will seek guidance when unsure of their interpretation or application.
3. Confidentiality and Privacy: I will respect the confidentiality and privacy of sensitive information entrusted to me in the course of my duties.
4. Respect for Others: I will treat all individuals with dignity, fairness, and respect, regardless of differences in background, beliefs, or opinions.
5. Conflict of Interest: I will avoid conflicts of interest and will disclose any potential conflicts promptly and transparently.
6. Professional Conduct: I will maintain a professional demeanor and refrain from engaging in behavior that may discredit the organization or undermine its mission.
7. Accountability and Responsibility: I will take responsibility for my actions and decisions, acknowledging their impact on the organization and its stakeholders.
8. Transparency and Open Communication: I will communicate openly and transparently, sharing information responsibly and seeking input from relevant stakeholders.
9. Collaboration and Teamwork: I will collaborate effectively with colleagues, volunteers, partners, and stakeholders, recognizing the value of teamwork in achieving organizational goals.
10. Safety and Well-being: I will prioritize the safety, health, and well-being of all individuals associated with the organization, taking appropriate measures to prevent harm and promote a supportive environment.
11. Stewardship of Resources: I will use organizational resources responsibly and efficiently, avoiding waste and ensuring that resources are used to advance the organization's mission effectively.

I affirm my commitment to this Code of Conduct and pledge to uphold its principles in all aspects of my involvement with Re-Imagining New Communities.

Signature: _____

Date: _____

ANNEX 2

Child and Vulnerable Adult Protection Incident Reporting Form

Organization: _____

Date: _____

Reported by: _____

Reporting Category:

Abuse

Sexual

Emotional

Physical

Neglect

Harmful behavior

Bullying

Cyberbullying

1. Details of the Child or Vulnerable Adult

Name: _____

Age: _____

Relationship to the reporter: _____

Any additional identifying information: _____

2. Details of the alleged incident

Date of incident: _____

Time of incident: _____

Location of incident: _____

Description of the alleged incident: _____

Witnesses of the incident: _____

Name: _____

Contact: _____

Name: _____

Contact: _____

Evidence collected: _____

3. Details of the Perpetrator

Name: _____

Relationship to the child/vulnerable adult: _____

Any additional identifying information: _____

4. Actions taken in response to the incident

Immediate action taken to ensure the safety of the child/vulnerable adult: _____

Notification of relevant authorities: _____

Referral to support services: _____

5. Next steps

Planned further investigation: _____

Any additional information or concerns: _____



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