



# MOUNTAIN HEART NEPAL

Kathmandu District, Nepal

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## **MHN Safeguarding Policy**

Keeping Children, Young People and Vulnerable Adults Safe

Mountain Heart Nepal (MHN) believes that children, young people and vulnerable adults should never experience abuse of any kind. They have a right to protection from harm, abuse and exploitation as set out in the UN Convention on the Rights of the Child.

MHN has a responsibility to promote the welfare of all children, young people and vulnerable adults and to keep them safe. We are committed to practice in a way that protects them.

According to the Act relating to the child, a child is any person under the age of 18. A vulnerable adult can be any age.

The purpose of this policy is:

- to provide children, young people and vulnerable adults who are in contact with MHN representatives with appropriate safety and protection.
- to provide staff and volunteers with the overarching principles that guide our approach to safeguarding, to enable them to make informed and confident responses to specific safeguarding issues.
- to encourage organizations supported by MHN to be equally committed to these principles of safeguarding and to reflect these in a suitable safeguarding policy.

We recognise that:

- the welfare of the child/young person/vulnerable adult is paramount; this means that where there is a conflict of interest, the needs of the protected person are the most important.
- all children/young people/vulnerable adults regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of harm or abuse.

- working in partnership with children/young people/vulnerable adults, their parents, carers and other agencies is essential in promoting children/young people/vulnerable adults' welfare.
- staff and volunteers have a right to training and support to understand how to keep children/young people/vulnerable adults safe.

We will seek to keep children/young people/vulnerable adults safe by:

- valuing them, listening to and respecting them
- adopting safeguarding practices through clear procedures (see Appendices C, D, and E) and a code of conduct for staff and volunteers.
- providing effective management for staff and volunteers through supervision, support and training.
- recruiting staff and volunteers carefully.
- developing and implementing an effective policy for the use of images and stories for publicity.
- sharing information about safeguarding and good practice with children/young people/vulnerable adults, parents, staff and volunteers, and partner organizations.
- sharing concerns with agencies who need to know, and parents, guardians and children as appropriate.

MHN understands that abuse may occur in one or more of the following areas:

### **Physical**

Hurting or injuring a children/young people/vulnerable adult.

### **Emotional**

The persistent emotional maltreatment of a child/young person/vulnerable adult such as to cause severe and persistent adverse effects on the child's emotional development, or a vulnerable adult's wellbeing.

### **Sexual**

Forcing or enticing a child/young person/vulnerable adult to take part in sexual activities, not necessarily involving a high level of violence, whether or not the children/young person/vulnerable adult is aware of what is happening.

**Neglect**

A persistent failure to meet a child/young person/vulnerable adult’s basic physical and/or developmental needs.

**Exploitation**

- Sexual – abuse of a position of vulnerability, differential power, or trust, for sexual purposes.
- Commercial - using children/young people or vulnerable adults in work or other activities for the benefit of others.

These five areas of abuse are defined more fully in the Appendices.

Appendices A (Definitions of Abuse), B (Code of Conduct), C (Responding to Harm), D (Communications and Publications), and E (Recruitment) are part of this safeguarding policy and must be read with this introduction.

This policy applies to all staff, the board of directors, volunteers, students, or anyone else engaged in activity under the auspices of MHN.

We are committed to the Nepal Act Relating to the Children (2018) besides our policy and procedures.

This policy was last reviewed by Board on: 15 Aug 2019

Signed.....

## Appendices

### APPENDIX A

#### Definitions of Abuse of Children

**Physical abuse** *(taken from Working Together to Safeguard Children, 2010, Department for Children, Schools and Families, p 38,39 - UK guidance)*

Includes acts such as hitting, kicking, baby-shaking or other physical aggression likely to hurt or cause significant harm to a child.

**Emotional abuse** *(taken from Working Together to Safeguard Children, 2010, Department for Children, Schools and Families, p 38,39 - UK guidance)*

The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or "making fun" of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone. This definition includes witnessing domestic violence.

**Sexual abuse** *(taken from Working Together to Safeguard Children, 2010, Department for Children, Schools and Families, p 38,39 - UK guidance)*

Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what

is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). This would include prostitution and sexual exploitation of a child for commercial or financial gain. Other children, and women as well as men, may be perpetrators of child sexual abuse.

**Neglect** (taken from Working Together to Safeguard Children, 2010, Department for Children, Schools and Families, p 38,39 - UK guidance)

A persistent failure to meet a child's basic physical and/or developmental needs.

Neglect includes failing to provide for a child's health, education, emotional development, nutrition, clothing, shelter, safety and safe living conditions, and includes exclusion of the child from the home and abandonment. It is different from poverty, according to the World Health Organization (WHO), because it happens when there is failure to provide the resources to meet a child's needs if those resources exist or should be available. Neglect includes:

- a parent's or guardian's failure to provide adequate food, clothing and shelter, such as excluding a child from the home, abandoning them and leaving them alone.
- failure to protect a child from physical or emotional harm, or danger.
- failure to ensure that the child has adequate supervision (including the use of inadequate and inappropriate caregivers).
- failure to ensure the child has access to appropriate medical care and treatment when needed.
- unresponsiveness to a child's basic emotional needs.

Neglect is defined developmentally, so that a parent or guardian failing to do or to provide certain things will have a detrimental impact on the development or safety of a

young child, but not necessarily on an older child. Neglect may occur during pregnancy as a result of maternal substance abuse.

**Exploitation** (taken from WHO 1999 “Keeping Children Safe” page 143 Core Training Workshop)

- Sexual exploitation is the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the exploitation of another. Child prostitution and trafficking of children for sexual abuse and exploitation being one example of this.
- Commercial or other exploitation of a child refers to the use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour. These activities are to the detriment of the child’s physical or mental health, education, moral or social-emotional development (WHO, 1999). Children being recruited into the army would also come under this category.

### **Definition of Abuse of Vulnerable Adults**

What is a vulnerable adult?

A “vulnerable adult” is a person who is or may be in need of special care services by reason of disability, age, or illness; and is or may be unable to take care of him or herself, or may be unable to protect him or herself against significant harm or exploitation”. “Adult” covers all people over 18 years of age.

Abuse in the context of vulnerable adults is mistreatment by any other person or persons that violates a person’s human and civil rights. The abuse can vary, from treating someone with disrespect in a way that significantly affects the person’s quality of life, to causing actual physical or mental suffering. Some aspects of the abuse outlined above in regard to children could also be relevant for vulnerable adults in all the four areas (physical, emotional, sexual, and exploitation). A common form of abuse of vulnerable adults is that of financial exploitation, as they often have access to money

but may not be able to manage it well themselves. This makes them vulnerable to manipulation by abusers who seek to gain access to vulnerable adults' finances for the abusers' personal gain.

## APPENDIX B

### Code of conduct

#### MHN People must:

- Familiarise themselves with this policy and indicate their acceptance of it by signing the code of conduct.
- Ensure they always work with children/young people/vulnerable adults, where possible, with the knowledge and informed consent of the children involved and of their parents/guardians.
- Report any concerns about the care of children/young people/vulnerable adults as per the procedures in Appendix C Responding to Harm.
- Ensure that they co-operate with any investigation formed under the relevant procedure and ensure that the nature of any such investigation is not disclosed to any unauthorised person.

#### MHN People must not:

- Threaten or use any form of physical punishment or hitting against children/young people/vulnerable adults.
- Use language or behaviour towards children/young people/vulnerable adults that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Spend excessive amounts of time alone with children/young people/vulnerable adults. Meetings with individual children/young people/vulnerable adults should take place within the sight of others, and such meetings must occur with the knowledge of MHN supervisors and the person's parent/ guardians.
- Fondle, hold, kiss, cuddle, tickle or touch children/young people/vulnerable adults in an inappropriate or culturally insensitive way. Physical touch between adults

and children can be healthy but should occur in public places. A general guideline is not to touch children in areas that are normally covered by shorts and t- shirt.

- Develop physical/sexual relationships with children/young people/vulnerable adults or relationships which could in any way be deemed exploitative or abusive.
- Take or use images of children/young people/vulnerable adults which are detrimental to their dignity.
- Use MHN resources such as telephone and IT resources to develop inappropriate relationships with children/young people/vulnerable adults or to store or view explicit or degrading images of children/young people/vulnerable adults.
- Hire children/young people/vulnerable adults for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

MHN People Should:

- Be aware of situations that may present risks and manage these.
- Plan and organize the work and the workplace so as to minimize risks.
- As far as possible, be visible in working with children.



## APPENDIX C

### Responding to harm to children/young people/vulnerable adults

#### Procedures

In responding to actual or suspected harm to children/young people/vulnerable adults it is important to understand that the primary consideration must always be the best interests of the child/young person/vulnerable adult.

The person against whom allegations have been made will be treated without prejudice, and communications concerning the allegations and related investigations will be kept as confidential as possible, with only those directly involved having the appropriate information.

A fundamental principle of responding to harm will be that all steps and communications will be dealt with in as timely a way as possible, and investigations will be conducted according to an agreed timescale.

#### Reporting

- Where an MHN person (reporter) believes that a child/young person/vulnerable adult has been harmed or is at risk of harm (see Appendix A), because of the activities of another MHN person, they will report this belief to the MHN Office (Safeguarding Committee who offer direct supervision and guidance on children, young people and vulnerable adults' safety). In addition, MHN will pass on details of the allegation to the board.
- Where an allegation is made against the staff of an MHN partner organization, this matter will be reported to the MHN Office. In addition, MHN will pass on details of the allegation to the board and to the partner organization involved.
- Where MHN receives a report that suggests that a child/young person/vulnerable adult has been harmed or is at risk of harm (see Appendix A), because of the activities of an MHN person, the MHN Office will report this belief to the board.

- Depending on the nature and circumstances of a report, the MHN Office will need to consider if there is evidence of a breach of the Act relating to the Children (2018) and whether they should report to the Nepal Police. In the event that a report is passed to the Nepal Police, the Police may decide to take the issue further, and all support will be given to their investigation. Additionally, MHN Office may file an application with the judicial committee of the local level where the child is residing.
- Again depending on the nature and circumstances of a report, the MHN Office will need to consider if there is a need to inform the donor organization involved regarding the incident and the actions being taken to deal with it. If a report is made to the donor organisation, follow-up reports will need to be sent to keep them informed of progress.

#### Investigation

- When a report concerning alleged harm or risk of harm to a child/young person/vulnerable adult is received, the MHN Office will contact the board to consider if the report constitutes a breach of the Code of Conduct, whether steps should be taken, and what they should be. This will inform subsequent actions of MHN Office and its partner organization.
- MHN Office will be responsible for taking appropriate steps to safeguard any child/young person/vulnerable adult involved and prevent any further likelihood of harm to other children/young people/vulnerable adults, including the possible suspension from duties of any person involved while investigations are carried out.
- MHN Office will carry out a thorough investigation of the allegations.
- The MHN Office will keep the board updated with the progress of the investigation and will advise the board of the outcomes of the investigation and any further steps that he intends to take.
- Where the code of conduct signed by an MHN person has been breached by that person, there may be an occasion to make a report to the MHN person's sending authority (university, employer, etc).

- Where partner organization requests particular actions from the MHN Office in response to a report, the MHN Office will comply where possible and appropriate.
- Any report of abuse, the steps taken, and the outcome of investigations will be logged and dated by both MHN Office and kept for future reference.

#### Outcomes

- MHN and partner organization will discuss any recommendations arising from the investigation and will decide on the appropriate course of action. This may include requiring the person against whom allegations have been made to leave all MHN Projects and have no further involvement with MHN work.
- Where it is found that there has not been a breach of this safeguarding policy, MHN and partner organization will seek to sensitively restore the person against whom allegations were made to a normal working situation, if possible.
- MHN and partner organization will review each case after investigation to learn any lessons that may inform and improve the Safeguarding Policy for the future.

## APPENDIX D

### Communications and Publications

#### Identity

To protect children/young people/vulnerable adults, MHN will only publish their first name and district location and will not publish their family name or identify the name of their village or school.

#### Content

MHN's communications and publications about children/young people/vulnerable adults, including any images used therein, will preserve dignity, be respectful, and will not seek to exploit their circumstances. They should also balance the identification of need against what the child/young person/vulnerable adult, his/her family and community are doing to improve the situation.

## Consent

Where possible, MHN will use only images gained with the knowledge and consent of the children/young people/vulnerable adults and their parents or guardians, including the knowledge of how it will be used.

## APPENDIX E

### Recruitment

All new MHN staff and volunteers who travel to projects of MHN will complete an application form that includes a declaration concerning previous convictions, including convictions concerning child abuse.

All such staff and volunteers will have their references checked, usually by telephone, email to identify possible concerns related to them working with children.

All such staff and volunteers will need to sign to say they have read and will subscribe to the MHN Safeguarding Policy.