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# LUMINOS FUND CHILD PROTECTION AND SAFEGUARDING POLICY

## 1. INTRODUCTION

The Universal Declaration of Human Rights states that all children are entitled to equal and special care and protection. The Convention of the Rights of the Child, enacted in 1990, outlines the responsibility of nations to promote the inherent dignity and rights of all individuals, “with particular interest in international cooperation for improving the living conditions of children in every country...”<sup>1</sup>

As a charitable and philanthropic fund working to ensure that every child around the world has access to education, the Luminos Fund (LF) is committed to upholding the standards of the United Nations Convention on the Rights of the Child and the [international safeguarding standards](#) promoted by Keeping Children Safe. The Luminos Fund takes its duty of care for children seriously and aims to provide funding and implement programs that are free of harm and minimize risk for vulnerable populations, including children.

## 2. PURPOSE

The Luminos Fund’s Child Protection and Safeguarding Policy demonstrates the organization’s commitment to protecting all children from harm and abuse and aims to serve as a tool to educate LF Staff, Providers, and Implementing Partner Organizations on appropriate conduct and minimum standards required to promote and safeguard child-safe environments and programs.

The objective of this standard is to uphold the highest protection of children, through the provision of funds by the Luminos Fund, the conduct of its Staff and Providers, and the implementation of activities by and conduct of its Implementing Partner Organizations.

## 3. DEFINITIONS

- **Child:** A child is any person under the age of 18 years.
- **Staff:** Any individual employed by the Luminos Fund, including part-time and full-time employees.
- **Implementing Partner Organization:** Any entity receiving grant funding from or through the Luminos Fund to implement projects or other activities.

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<sup>1</sup> United Nations. 1990. *Convention on the Rights of the Child*.

- **Providers:** Includes consultants, volunteers, board members, researchers, interns, videographers, photographers, visitors, and any other individual or entity performing work, providing goods or services, or acting for, on behalf of, or at the direction of the Luminos Fund.
- **Child Abuse:** Includes physical, sexual, and emotional abuse and neglect, bullying, child labor and trafficking, domestic violence, and exploitation (including commercial sexual exploitation), and any other activity violating the Convention of the Rights of the Child and as further described under local applicable law. Victims of child abuse can be male, female, or transgender, and abuse may be inflicted by adults or children themselves.<sup>2</sup>
- **Child Safeguarding:** Activities to minimize harm or prevent children from being subjected to abuse, neglect, and discrimination.
- **Child Protection:** Activities that take place once a child has been identified as being at risk. This could be because they have experienced some form of harm, abuse, neglect, or exploitation.

## 4. GUIDING PRINCIPLES

- The United Nations Convention on the Rights of the Child is the foundation for Child Protection and Safeguarding and should inform policies, programs, and the conduct of organizations and individuals interacting with children, families, and communities around the world.
- It is the Luminos Fund’s responsibility to support the implementation of programs in a manner that minimizes risks, prevents harm to children, protects the rights of children, and responds to concerns with the utmost care for the well-being of all children.
- All children should be protected equally against harm and any forms of discrimination or punishment based on the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.
- Abuse of children’s rights as outlined in the Convention on the Rights of the Child constitutes Child Abuse and is not acceptable.
- All programs, services, and operations should be conducted with the best interests of children as a primary consideration.
- All reporting and disciplinary action resulting from concerns of Child Abuse should consider the best interests of the child.
- Children are key members of communities that should be provided opportunities to express their concerns and views on matters that apply to their communities and their well-being. The Luminos Fund prioritizes participatory approaches to program design, management, monitoring, and evaluation, including the perspectives of children.

## 5. SCOPE OF THE POLICY

This policy applies to all of the following groups while carrying out work in their professional capacity:

- All Staff.

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<sup>2</sup> [http://www.unrol.org/article.aspx?article\\_id=23](http://www.unrol.org/article.aspx?article_id=23)

- All Providers.
- All Implementing Partner Organizations.

If an Implementing Partner Organization or Provider has an existing Child Protection and Safeguarding Policy that Luminos has reviewed and confirmed meets minimum standards, the partner's Policy can be signed by staff and implemented in place of the LF Child Protection and Safeguarding Policy. This is only permitted with the explicit prior written confirmation of LF. The Luminos Fund reserves the right to request that our Child Protection and Safeguarding Policy be implemented and signed by all staff at any time, and/or that key staff continue to sign the LF Child Protection and Safeguarding Policy.

## 6. POLICY IMPLEMENTATION STRATEGY

- All LF Staff, Providers, and leadership of Implementing Partner Organizations involved in working directly with children will receive a copy of the LF Child Protection and Safeguarding Policy and will be asked to sign a statement of compliance.
- All LF Staff, Providers, and Implementing Partner Organizations will receive a copy of the United Nations Convention on the Rights of the Child.
- The Child Protection and Safeguarding Policy will be incorporated in LF Staff and Implementing Partner Organization orientation.
- All LF offices and Implementing Partner Organization offices will make readily available the procedures and contact information for reporting instances of Child Abuse. The procedures and contact information should be in English and the appropriate local languages.
- Each LF country office shall appoint a Safeguarding and Child Protection Focal Point, who is the designated individual (first point of contact) for all issues related to safeguarding and child protection, and leads in operationalizing the Luminos Fund Child Protection and Safeguarding Policy at the country level.
- This Child Protection and Safeguarding Policy will be reviewed and modified as appropriate, and training will be provided to Staff, and others as appropriate.

## 7. CODE OF CONDUCT

### A. Guidelines

All LF Staff, Providers, and Implementing Partner Organizations should conduct themselves in a manner that observes and aligns with the LF Child Protection and Safeguarding Policy and the United Nations Convention on the Rights of the Child.

In addition, all LF Staff, Providers, and Implementing Partner Organizations are required to adhere to any program-specific guidelines and Standard Operating Procedures that further outline the treatment and protection of children.

This Code of Conduct includes guidelines for:

- Workplace Child Protection and Safeguarding Practices,
- Direct work with Children, and
- Capturing and Utilizing Images of Children.

*This Code of Conduct is not exhaustive, and additional actions could be deemed Child Abuse or a violation of Child Protection and Safeguarding requirements. All individuals and organizations covered by this*

*Policy or Code of Conduct should operate in a manner that upholds the protection of children and the provisions outlined in the Convention of the Rights of the Child, any Standard Operating Procedures that may be applicable, and the provisions listed below.*

<b>Workplace Child Protection and Safeguarding Practices<sup>3</sup></b>	
<b>Luminos Fund Staff, Providers, and Implementing Partner Organizations SHOULD:</b>	<b>Luminos Fund Staff, Providers, and Implementing Partner Organizations should NOT:</b>
<ul style="list-style-type: none"> <li>• Provide a copy of the LF Child Protection and Safeguarding Policy and the United Nations Convention on the Rights of the Child to all new Staff and have them sign a statement of compliance.</li> <li>• Establish internal reporting and disciplinary action processes on Child Protection and Safeguarding.</li> <li>• Be aware of situations that may present risks to children and the organization and manage accordingly.</li> <li>• Provide training on Child Protection and Safeguarding.</li> <li>• Revise and update as appropriate, and provide training on, the Child Protection and Safeguarding Policy.</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct work in communities and with children without an understanding of existing policies and rights of children.</li> <li>• Conduct work in communities and with children without adhering to the LF Code of Conduct or establishing internal reporting and disciplinary action processes.</li> <li>• Conduct work in communities and with children without ensuring that team members understand child rights and Child Protection and Safeguarding.</li> <li>• Hire children for domestic or any other labor which is inappropriate for their age or development, interferes with their education or play, or places them at risk of injury.</li> </ul>

<sup>3</sup> Australian Council for International Development. 2008. *Guidelines for the Development of a Child Protection Policy*

## Direct Work with Children<sup>4</sup>

Luminos Fund Staff, Providers, and Implementing Partner Organizations <b>SHOULD:</b>	Luminos Fund Staff, Providers, and Implementing Partner Organizations <b>should NOT:</b>
<ul style="list-style-type: none"> <li>• Treat all children and young people with respect regardless of race, color, sex, gender identity, sexual orientation, language, disability, religion, political, national, ethnic, or social origin, etc.</li> <li>• Provide a welcoming, inclusive, and safe environment for all children, young people, parents, employees, and volunteers.</li> <li>• Encourage children, young people, parents, employees, and volunteers to speak up about issues that affect them.</li> <li>• Refrain from using corporal punishment on children.</li> <li>• Immediately report concerns or allegations of Child Abuse in accordance with LF's reporting process.</li> <li>• Comply with local, national, and international Child Protection and Safeguarding laws.</li> <li>• Ensure that, whenever possible, another adult is present while working with children or in the proximity of children.</li> <li>• Notify their supervisor or manager if involved in any situation where actions could be misinterpreted, likely to bring the organization into disrepute, investigated for any crime, or charged with any offense.</li> <li>• Encourage children to report any concerns and inform them that they may do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Use inappropriate language— whether of an offensive, discriminatory, demeaning, abusive, or sexual nature—when speaking with or while in the presence of a child.</li> <li>• Engage in behavior to shame, humiliate, belittle, or degrade a child or young person, or otherwise emotionally abuse a child.</li> <li>• Act in a sexually provocative manner or engage children in any form of sexual activity, including paying for sexual services.</li> <li>• Hold, kiss, cuddle, or touch a child in an inappropriate, unnecessary, or culturally insensitive way.</li> <li>• Physically harm or abuse a child.</li> <li>• Condone or participate in behavior with children that is illegal, unsafe, or abusive.</li> <li>• Discriminate against or in favor of particular children.</li> <li>• Sleep in the same room or bed with a child with whom they are working.</li> <li>• Access or create sexually abusive images of children.</li> <li>• Use computers, mobile devices, video recorders, cameras, or any other technology to exploit or harass children.</li> <li>• Act for children when they are capable of doing something themselves (personally).</li> </ul>

<sup>4</sup> [www.savethechildren.org.au/data/assets/pdf\\_file/0019/5761/Child-Protection\\_Policy-and-Code\\_JAN2011.pdf](http://www.savethechildren.org.au/data/assets/pdf_file/0019/5761/Child-Protection_Policy-and-Code_JAN2011.pdf)

Capture and Use of Images of Children	
Luminos Fund Staff, Providers, and Implementing Partner Organizations <b>SHOULD:</b>	Luminos Fund Staff, Providers, and Implementing Partner Organizations <b>should NOT:</b>
<ul style="list-style-type: none"> <li>• Understand and apply local customs and context on reproducing personal images.</li> <li>• Before recording, photographing, or filming a child, introduce the Luminos Fund and the purpose of the request to capture images and/or video footage.</li> <li>• Obtain written consent (using the LF Release Form) from children and their parents or guardian and explain how the image will be used in promotional materials in a language that is understood by them.</li> <li>• Ensure photographs and footage present children in a dignified, appropriate, and respectful manner.</li> <li>• Ensure full identities, contact information, and exact locations of children are not disclosed publicly.</li> <li>• Obtain continued consent for significant change or additional use of photographs or video footage of children.</li> <li>• Respect a child’s decision to refuse to be interviewed or photographed.</li> <li>• Avoid negative, degrading, or stigmatizing images of children.</li> <li>• Encourage children to report any concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• Take photographs or video footage of children without appropriate permission.</li> <li>• Use images of children in a manner that does not accurately portray the context.</li> <li>• Share photographs publicly by using children’s full names, specific locations, or contact information.</li> <li>• Portray children in an undignified or disrespectful manner.</li> </ul>

## B. Recognize

LF Staff member, Provider, or Implementing Partner recognizes Child Abuse, similar but not limited to the wrong practices described in the tables above. All LF Staff members and Implementing Partners have a common understanding of what is meant by child abuse and how to recognize cases of child abuse in the classroom.

## C. Respond

If any LF Staff member, Provider, or Implementing Partner identifies or suspects a case of Child Abuse, it is important to be fact-based, and non-judgmental at that moment. The first priority needs to be

ensuring the child is removed from the source of harm. The individual should remain calm and show concern but try not to act overly alarmed.

If the child himself/herself comes forward to share, the LF Staff member or Implementing Partner should let the child know that what happened is not his or her fault. Utmost care must be taken to protect the child and listen without passing judgment.

## D. Reporting Process

### 1) LF Staff members, Providers and Implementing Partner Organizations

If any LF Staff member reasonably suspects Child Abuse or receives a report of Child Abuse involving a LF Staff, Provider, and/or Implementing Partner, an immediate report must be made by the Staff member to his or her immediate supervisor. If reported to the supervisor, the supervisor then becomes responsible for ensuring that the suspected Child Abuse is reported to the Country Manager/Director who must be informed of the incident within 24 hours of it occurring. The Country Manager/Director must report the incident to the Luminos Fund Safeguarding and Child Protection Global Lead (Copying Luminos CEO and Vice President of Programs) within 48 hours of the incident occurring.

If any Provider or Implementing Partner Organization reasonably suspects Child Abuse, involving a LF Staff, Provider, and/or Implementing Partner Organization, an immediate report must be made to their primary LF point of contact. The point of contact then makes an immediate report to his or her supervisor. If reported to the supervisor, the supervisor then becomes responsible for ensuring that the suspected Child Abuse is reported to the Country Manager/Director who must be informed of the incident within 24 hours of it occurring. The Country Manager/Director must report the incident to the Luminos Fund Safeguarding and Child Protection Global Lead (Copying Luminos CEO and Vice President of Programs) within 48 hours of the incident occurring. The Luminos Fund Safeguarding and Child Protection Global Lead is responsible for approving the proposed action/next steps for any suspected case of abuse.

LF Staff, Providers, and Implementing Partner Organizations should use their judgment to determine the credibility of information they receive concerning potential Child Abuse. Staff members may discuss the allegations and facts with their supervisors when in doubt but should keep in mind that waiting for more information to turn up may place a child at greater risk of harm.

If a LF Staff, Provider, and/or Implementing Partner Organization suspects abuse of a child whom he or she comes into contact with during his or her personal time (outside of LF), the Staff member or Provider is encouraged, but not required, to report the matter as a private citizen. However, if a LF Staff, Provider, and/or Implementing Partner Organization encounters a situation involving an LF Staff, Provider, and/or Implementing Partner Organization during his or her personal time, they are required to report the suspected Child Abuse in accordance with the processes outlined above.

Willful failure to report a case of Child Abuse that should be reported is a violation of LF's Child Protection and Safeguarding Policy and is grounds for disciplinary action or termination.

However, neither the individual nor the institution will be held liable for honest mistakes and good faith efforts in interpreting the often-difficult allegations and facts involved in these cases.

The LF CEO is ultimately responsible for safeguarding matters, with support from the team, Boards, and others as needed.

## E. Recording Process

Each Child Protection and Safeguarding incident needs to be documented - noting the different stakeholders involved, whether there was a referral to an external agency, and justification of the action which was taken or not taken. Every confirmed Child Protection and Safeguarding incident and corresponding investigation and action is recorded as an official memo by the Luminos Fund Country Manager/Director using the [Luminos Fund Safeguarding and Child Protection Incident Reporting](#) template. A SharePoint link to the completed incident report should be shared over email with the Global Safeguarding Lead within one week of the incident being raised.

The Luminos CEO is responsible for updating the Luminos Board of Directors on safeguarding and child protection incidents on an annual basis.

## F. Disciplinary Actions

Child Abuse by LF Staff, Providers, or Implementing Partner Organizations may result in the termination of any current agreement and/or relationship with the Luminos Fund, whether through formal dismissal, termination of contract, or otherwise. Termination of agreements will be determined by LF's CEO and Board of Directors considering the nature of the misconduct and the entity's response and ability to prevent such future abuses.

## G. Child Data Record Retention and Storage

Luminos Fund only collects and maintains records and files containing personal information of the type, and for the length of time, reasonably necessary to accomplish Luminos Fund's legitimate business purposes, or necessary to comply with other state or federal regulations and under local applicable law.

Child data refers to paper or electronic information containing personally identifiable information collected for our programmatic or operational purposes. This data is considered confidential. Luminos Fund only keeps those records about students that we serve in order to provide the level of education program the students need in our classrooms.

Terminated employees must return all records containing personal information, in any form, that may at the time of such termination be in the former employee's possession, and such employee's physical and electronic access to personal information shall cease when said employee departs.

Luminos Fund has designated the Finance Director to be the Data Security Coordinator to implement, supervise and maintain information security. The Data Security Coordinator must dispose of personal information when no longer needed by Luminos Fund, in compliance with United States law, specifically, Massachusetts General Laws c. 93I. Paper documents containing personal information shall be either redacted, burned, or shredded so that personal information cannot practicably be read or reconstructed. Electronic and other non-paper records will be destroyed or erased so personal information cannot practicably be read or reconstructed. The Data Security Coordinator may contract with a third party to dispose of such personal information.



Access to records containing personal information shall be limited to those persons who are reasonably required to know such information in order to accomplish Luminos Fund's legitimate business purpose or to enable Luminos Fund to comply with other state or federal regulations.

Access to electronically stored personal information shall be limited to those having a unique log-inID, and passwords must be changed periodically.

Employees may not remove from the office paper files containing personal information except in rare circumstances and with the approval of their supervisor.

## H. Child Protection and Safeguarding Policy Management

The Luminos Fund's Child Protection and Safeguarding Policy will be reviewed and updated as appropriate to ensure relevant practices are adopted and adhered to.

## 8. STATEMENT OF COMPLIANCE

I have received a copy of, and have read and understood, the Luminos Fund's Child Protection and Safeguarding Policy and Code of Conduct. I understand the United Nations Convention on the Rights of the Child and the Luminos Fund's commitment to upholding standards of Child Protection and Safeguarding and minimizing risk of abuse.

I understand that adherence to this policy is a requirement and that failure to do so would constitute a breach of any current agreement or work with the Luminos Fund.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_