



# Child and Vulnerable Adult Protection Policy

**December 2018**

Pursuant to Article 55, paragraph 1, item 3 of the Statute of the Red Cross of Montenegro, the Governing Board of the Red Cross of Montenegro adopted the act at its session held on December 21<sup>st</sup> 2018:

## **Child and Vulnerable Adult Protection Policy**

### **Statement**

The Child and Vulnerable Adult Protection Policy presents an approach of the Red Cross of Montenegro (hereinafter referred to as RCM) to preventing and/or reducing harm to children and vulnerable adults when they are in contact with employees and volunteers of the RCM.

The aims of this Policy are:

- To promote and prioritise the safety and welfare of children and vulnerable adults;
- To assure parents, carers and other parties that the RCM takes appropriate measures to manage risks and keep children and vulnerable adults safe;
- To ensure that everyone understands their roles and responsibilities with reference to safeguarding and is provided with the vital information, training and support on safeguarding issues;
- To ensure that adequate measures are taken in the event of any allegation or suspicion regarding harm to children or vulnerable adults resulting from contact with employees and volunteers of the RCM, irrespective of whether harm has occurred on premises of the RCM or not.

Furthermore, the Child and Vulnerable Adult Protection Policy aims at managing efficiently the risks related to activities and events involving children and vulnerable adults in the following ways:

- Completing a process of risk assessment which includes the identification of risks and means of their reduction or elimination;
- Applying the essential measures identified by means of the risk assessment process and reviewing their efficiency on a regular basis;
- Requiring all new employees and individuals engaged in working with children or vulnerable adults to familiarise themselves with the content of this Policy and the Code of Conduct.

This Policy requires that any suspicion or allegation associated with harm to children and vulnerable adults is referred to the Ethical Committee to determine what measures, if any, will be taken. This will enable every situation to be investigated minutely and every party involved to be treated equally. Moreover, it will ensure that appropriate steps will be taken as a result of investigation, which may also include contacting the police.

The procedures for managing suspicions and allegations are aimed at creating a balance between the protection of children and vulnerable adults from abuse, and the need to protect employees and volunteers from false or unfounded accusations.

## **1 Application and definition**

### **1.2 Application**

The key segments of the Child and Vulnerable Adult Protection Policy apply as described below.

- The process of risk assessment includes:
  - Recruitment to a new or existing position which would involve working directly with children and/or vulnerable adults;
  - The organisation of new activities or events which would involve or potentially involve children and/or vulnerable adults; and
  - Changes made with respect to activities or events which involve or potentially involve children and/or vulnerable adults.
- Screening check process applies to those employees/volunteers being in direct contact with children and/or vulnerable adults.
- Procedures for dealing with a reported suspicion or allegation: this applies to all employees, volunteers, members and visitors, being involved in a suspicion or allegation regarding harm to children and/or vulnerable adults.
- The Code of Conduct applies to all employees, volunteers and members who come into direct contact with children and vulnerable adults.

## **2. Definitions**

A child refers to any person under the age of 18. An adult aged 18 or over may be potentially vulnerable (either temporarily or permanently) for a variety of reasons and in different situations. An adult may be vulnerable if he/she:

- Has a learning or physical disability; or
- Has a chronic or other physical or mental illness, including addictions to alcohol or drug; or
- Has limited physical and mental capacities; or
- Receives any form of healthcare; or
- Is detained in custody; or
- Receives community services by reason of age, health or disability; or
- Lives in a residential care home; or
- Is, for any reason, unable to protect himself/herself against harm.

In addition, it must be taken into consideration that people who meet one or more of the criteria listed above may not be vulnerable at all. However, for the purpose of this Policy, a vulnerable adult is a person aged 18 and over who meets one or more of the above-mentioned criteria.

### **3. Raising Awareness of the Policy**

The RCM must ensure that all new employees/volunteers/members are familiar with this Policy. Moreover, they must be given time to read the Policy during the induction period.

### **4. Initiation of the Risk Assessment Process**

The child and vulnerable adult risk assessment process will be initiated in the following situations (even though some other situations may activate these procedures if considered necessary by the institution):

- Recruitment to a new or existing position which will involve working directly with children and/or vulnerable adults;
- The organisation of new activities or events which will involve or potentially involve children and/or vulnerable adults; and
- Changes made with respect to activities or events which involve or potentially involve children and/or vulnerable adults.

Once it is identified that the process of risk assessment should begin, it is crucial that the person in charge of recruitment/activity or event includes the completion of this in his/her planning process as well as ensures that it is completed.

#### **4.1 Completion of the Risk Assessment Process**

A risk assessment must be completed prior to the relevant recruitment campaign/activity or event by a competent person.

The aim of the risk assessment is to enable the responsible person to identify, reduce and eliminate all potential risks associated with contact with children and vulnerable adults. This may also be a significant stimulus in order to consider alternative working practices, such as minimizing situations where an individual is alone with a child or vulnerable adult.

The risk assessment should:

- Identify the nature, duration and frequency of the contact and if it should be supervised or not;
- Consider whether there will be children and adults who are particularly at risk;
- Consider whether children or vulnerable adults have an allergy or any disability (physical and mental) or some behavioural difficulties;
- Identify potential areas for harm;
- Evaluate the risks;
- Specify actions so as to prevent harm, which may include consideration of alternative working practices and motivate individuals to ensure that they are implemented.

The risk assessment must be completed prior to the recruitment campaign, activity or event.

## 5. Types of abuse

A person may abuse or neglect a child/vulnerable adult by causing him/her harm or by failing to react to prevent harm. There are four main forms of abuse, even though there could be found variations within these:

- Physical abuse – this refers to deliberate physical harm to children or vulnerable adults.
- Sexual abuse – this refers to manipulating a child or vulnerable adult to engage in sexual activities.
- Neglect – this refers to the continuous failure to satisfy physical and/or psychological needs of a child and vulnerable adult, which leads to the serious impairment of the child or vulnerable adult's health or development.
- Emotional abuse – this refers to the continuous emotional mistreatment of a child or vulnerable adult, which may cause adverse effects on the child or vulnerable adult's development and/or welfare.

## Code of Conduct

- Take into consideration the welfare and safety of all participants in various events through appropriate planning and development of safe methods of working/activities.
- Whenever it is possible, work in an open environment where children can be seen by others.
- Avoid unnecessary physical contact.
- Avoid taking a child or vulnerable adult alone in a car, regardless of the length of a journey.
- Avoid taking a child or vulnerable adult to the toilet, unless some other adult is present or is aware of it (this may be a parent or another responsible person).
- In a situation where you are alone with a child or vulnerable adult, make sure that others can see you.
- Set the standard of behaviour expected from participants in an activity/event and encourage them to take responsibility for their behaviour.
- Ask participants in an activity/event to take proper measures to ensure their own safety and safety of others and to report inappropriate behaviour they experience/witness.
- Avoid favouring any participant in an activity/event.
- Report incidents of alleged abuse to the relevant persons and ensure all allegations are registered.
- Avoid personal relationships with a child or vulnerable adult.
- Employees and volunteers should be aware of the fact that inappropriate behaviour could occur over the telephone, e-mail, social media or internet.
- For the purpose of communicating with the wider community, only official accounts of the RCM can be used on social media. Inappropriate or abusive comments will be deleted immediately and abusive individuals will be blocked/reported to the social media.
- Do not make suggestive or inappropriate comments about a child or vulnerable adult, not even for fun, as these can be misinterpreted.
- Participate in training which will provide further support to you in your work with children and vulnerable adults.
- Do not take children or vulnerable adults to your home.
- Sensitive information must be treated with confidentiality.

- If employees or volunteers need to take pictures of children and vulnerable adults, a written consent must be obtained from a parent/guardian.

No: 01-

Podgorica, -- December 2018

President,

Gordana Mijović

**Annex no.1**

## **Extract from national legislation**

The Child and Vulnerable Adult Protection Policy is based on humanitarian principles of the Red Cross and norms of positive national legislation.

Extract from national legislation:

### **Law on Social and Child Protection**

Prohibited activities of employees

#### Article 8

In an institution, or another service provider, an employee is prohibited from all forms of violence against a child, adult and elderly person, physical, emotional and sexual abuse, exploitation of the beneficiary, breach of trust or authority he/she enjoys in relation to the beneficiary, neglect of the beneficiary and other actions compromising the health, dignity and development of the beneficiary.

Right to Personal Data Protection

#### Article 9

The beneficiary is entitled to the protection of personal data from the documentation processed for the purpose of reports, or keeping records, including data related to his/her personality, behaviour and family circumstances, and the manner of exercising the rights within the area of social and child protection.

With respect to the protection of personal data of the beneficiary, the regulations on personal data protection apply.

### **Labour Law**

Any form of discrimination, harassment and sexual harassment, abuse at the workplace is prohibited.

Requirements for persons under the age of 18

#### Article 17

(1) An employment contract may be concluded with a person under the age of 18, with a written consent from his/her parents, adoptive parents or guardians, provided that such work does not threaten his/her health, morals and education, or provided that such work is not prohibited by law.

(2) A person under the age of 18 may conclude an employment contract only on the basis of expert opinion given by a competent medical institution, which confirms his/her ability to carry out the work specified by the employment contract and that such job duties do not pose a threat to his/her health.

### **Law on Volunteering**

Volunteering of a minor

#### Article 9

A minor may conclude a volunteer work contract only with a written consent from his/her parents, adoptive parents or guardians.

A minor volunteer is a person aged 15 to 18.

Children under the age of 15 are not allowed to volunteer.

#### **Law on Prohibition of Harassment at Work**

The rights, obligations and responsibilities of employers and employees in respect of prevention of harassment at work and in relation to work (mobbing), as well as other important issues related to the prevention and protection against mobbing are regulated by this Law.

#### **Law on Safety and Health at Work**

The obligations of providing appropriate working conditions in order to prevent work-related injuries, occupational and work-related diseases and to create the prerequisites for full physical and psychological safety of employees are regulated by this Law.

#### **Annex no. 2**



# **GUIDELINES AND PROCEDURES FOR PROVIDING SAFE ENVIRONMENT FOR CHILDREN AND VULNERABLE ADULTS AT THE RED CROSS OF MONTENEGRO**

## **ACTIONS TO BE TAKEN IN THE EVENT OF MISCONDUCT/VIOLENCE, ABUSE AND NEGLECT OF CHILDREN AND VULNERABLE ADULTS**

### **Fundamental principles**

The core principles underlying responses in the event of misconduct/violence, abuse and neglect of children and vulnerable adults are: the right to life, survival and development, best interest, non-discrimination and participation.

General guidelines on the protection against the above-mentioned risks are:

- Employees and volunteers are familiar with international and national legal documents associated with the protection of the rights and interests of children and other vulnerable adults;
- Employees and volunteers understand their roles, obligations, responsibilities, vision, mission and aims of the RCM;
- Employees and volunteers are familiar with the contents of this document and are obligated to comply with the protocol and procedures;
- Employees and volunteers are obligated not to discriminate against children and other vulnerable adults on any ground and to recognise their specific needs;
- Employees and volunteers respect the right to privacy of children and other vulnerable adults;
- Employees and volunteers respect the right to confidentiality of children and other vulnerable adults.

In the event of violence, abuse or neglect, all staff are bound to breach confidentiality.

## **PROCEDURE ON MEASURES AND ACTIONS IN THE EVENT OF MISCONDUCT/VIOLENCE, ABUSE AND NEGLECT OF CHILDREN AND VULNERABLE ADULTS**

The purpose of the procedure

The purpose of the procedure is to enable appropriate responses of employees at the RCM to violence, abuse and neglect of children and vulnerable adults in the course of their work or volunteer engagement at the Red Cross, whilst ensuring timely responses and adequate implementation of aid and protection methods.

### **Area of implementation**

The area of implementation of the procedure refers to responding of employees to violence, abuse and neglect.

### **Definitions and basic terms**

**Physical abuse or neglect** refers to any form of behaviour resulting in physical harm to a child or vulnerable adult, inflicting pain, while it also involves physical punishment.

**Emotional abuse or neglect** refers to any form of behaviour adversely affecting mental and emotional health and dignity of a child or vulnerable adult.

**Sexual abuse or neglect** refers to any form of behaviour which results in sexual harassment, inducement or coercion of a child or vulnerable adult to engage in sexual activities, either physical or non-contact ones, the exploitative use of a child or vulnerable adult in prostitution, pornography, and so on.

**Neglect** refers to the failure to provide for a child or vulnerable adult's basic needs, which may result in the serious impairment of the child or vulnerable adult's physical and mental health.

**Peer abuse** occurs when a child is the victim of peer violence, being exposed to direct or indirect (psychological) aggression displayed by another child or a group of children.

**Domestic abuse** refers to "omission or commission by a family member in violating physical, psychological, sexual or economic integrity, mental health and peace of other family member, regardless of where the incident of violence has occurred".

**Electronic violence (cyber violence)** occurs on the Internet and refers to behaviours that result in compromising the personality and dignity of a child or vulnerable adult through the use of information technology.

### **Authorisation and responsibilities**

In order to apply the procedure, it is necessary to define authorisation and responsibilities, as well as the levels of responsibility in regard to any activity whilst providing the conditions for the safety of volunteers and/or beneficiaries.

#### **The levels of responsibility in regard to ensuring compliance with the procedure are:**

Primary responsibility or responsibility to make decisions and ensure the implementation of activities – this type of responsibility lies with an employee/volunteer assigned to the activity or process.

Secondary responsibility or responsibility to participate in an activity and process - this type of responsibility lies with an employee/volunteer implementing the assigned activity or process.

Informative responsibility lies with direct supervisors of employees/volunteers assigned to the activity or process, who monitor the implementation of the activity or process, i.e. the Secretary General.

**PROCEDURE DESCRIPTION**

The procedure defines the basic measures and necessary conditions for professional, competent and timely response of employees to situations where there is the risk of inappropriate behaviour and misconduct/violence, abuse and neglect (or if suspicion of any of these arises), and it covers: disclosure and prevention of recurrence, reporting to a designated employee for safeguarding children and vulnerable adults against violence, abuse and neglect, taking measures for the protection against violence, abuse and neglect.

**Guidelines for the implementation of the procedures for protection against misconduct**

The recommended actions aimed at preventing misconduct towards children and vulnerable adults are:

Table 1. Recommended actions:

- Clearly inform all employees of the responsibility to respond to any forms of inappropriate behaviour and to any breaches of the Code of Conduct established by the Child and Vulnerable Adult Protection Policy.
- Work actively towards the prevention.
- Display the Code of Conduct in a visible place at the Red Cross.
- Designate an employee-coordinator for safeguarding children and vulnerable adults against violence, abuse and neglect (hereinafter: coordinator) who will monitor the safety and abuse incident.
- Provide employees with trainings on rules and measures to be taken in situations of violence.
- Organise meetings on a regular basis to monitor any forms of violence at the Red Cross.
- Take measures with respect to the protection of children and vulnerable adults, intervention, support, response to their needs and their best interest.

**The Red Cross is committed to respecting the rights and needs and to promoting interests of any child and vulnerable adult, of any individual engaged with – volunteers, beneficiaries. Moreover, the Red Cross is committed to ensuring that there is no cover-up, disregard or failure to react, as well as to ensuring compliance with and fulfilment of obligations, duties, roles and responsibilities of all employees and the organisation as a whole.**

Roles, obligations and responsibilities of the employees:

<b>Secretary General</b>	<ul style="list-style-type: none"> <li>• Setting a good example to others, administers the process of prevention and responds to the occurrence of violence responsibly;</li> <li>• Familiarises all staff with their obligations and duties from the prescribed procedures;</li> </ul>
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	<ul style="list-style-type: none"> <li>• Sets out preconditions for responding to situations of violence, abuse and neglect;</li> <li>• Is responsible for appointing a coordinator and monitoring his/her work;</li> <li>• Regulates working conditions;</li> <li>• Files reports on abuse suspicion;</li> <li>• Establishes communication with other competent institutions (health and social care, MIA, etc.)</li> </ul>
<b>Coordinator</b>	<ul style="list-style-type: none"> <li>• Provides violence prevention trainings to staff in cooperation with other employees and relevant institutions;</li> <li>• Monitors the occurrence of violence within the Red Cross or at the locations where the Red Cross activities take place;</li> <li>• Collects information on a particular incident and its participants;</li> <li>• Includes parents and/or competent institutions with respect to a particular case;</li> <li>• Cooperates with professionals working in other institutions (health care, social care, police, etc.).</li> </ul>
<b>Employees in charge of a programme/activity</b>	<ul style="list-style-type: none"> <li>• Conduct monitoring of the occurrence of violent incidents among employees/volunteers/beneficiaries and inform the coordinator of it regularly;</li> <li>• Are responsible for establishing and implementing standards and values;</li> <li>• Develop and implement additional activities;</li> </ul>
<b>Other employees</b>	<ul style="list-style-type: none"> <li>• Recognise abusive or violent behaviour;</li> <li>• Implement the basic principles of responding (recognising the incident, reporting, stopping, preventing violence, monitoring).</li> </ul>

Violence prevention is defined as a set of measures and activities aimed at establishing a safe and stimulating environment, fostering collaborative atmosphere, respect and constructive communication, creating a developmental and educational environment where violence will not exist or will be significantly mitigated. They include:

- Establishment of the rules of conduct and their consistent implementation, which implies the promotion and fostering of the principle of non-violence and non-discrimination;
- Continuous professional development of all staff with regard to violence prevention;
- The proposal of free activities and activities for structuring leisure time of children and vulnerable adults;
- Various assistance programmes for developing pro-social life skills;
- Active participation of children and vulnerable adults in planning and implementation of preventive activities.

**Steps and measures to be taken upon detecting violence**

**Step 1:** The employee is obligated to respond to any knowledge of violence, as this is the first step in protecting children and vulnerable adults against violence, abuse and neglect. It is important to stop the violence incident on the spot, send the message that such behaviour is completely unacceptable and calm the situation.

In the event of sustained injuries, a prompt and adequate medical treatment is required. Injuries are checked by medical personnel (if there are none at the Red Cross, or if injuries are more serious, the procedure is performed in a health institution).

**Step 2:** On discovering violence, or suspicion of violence, all staff members are obligated to inform **the coordinator for safeguarding children and vulnerable adults against violence, abuse and neglect**. It is a mandatory duty to report violence and it overrides so-called professional secrecy. An oral report must be made and/or the written follow-up using the abuse/misconduct report form.

**Step 3:** Violence having been reported to the coordinator, the coordinator collects the information by talking with the employee who reported violence, a victim or witnesses, conducts risk assessment, informs.

**Step 4:** The coordinator takes further measures by involving relevant parties and institutions.

In the event of suspicion of violence, abuse and neglect committed by employees, the police are called, and disciplinary procedures are initiated in accordance with the Labour Law and Red Cross acts.

**Monitoring of the effects of the measures taken** is conducted with the aim of evaluating the efficacy of the preventive measures taken. Should it be determined that the desired results are not achieved, the coordinator will review the plan of measures and activities after consultations with a child, vulnerable adult, employees or institutions.

**Record keeping:** At the Red Cross the incident is registered in **the Record of safety provision activities**. The following information must be included: what happened, the names of the parties involved, the manner in which the violence was reported, the consequences of the incident, the outcomes of the steps taken, the way the parents, professional employees and associates, and experts from other institutions are involved, further ways to monitor the situation. Documentation should be stored in accordance with the principle of data confidentiality.

**Monitoring of the effects of the measures taken** is conducted with the aim of evaluating the efficacy of the preventive measures taken. Should it be determined that the desired results are not achieved, the Team will review the plan of measures and activities after consultations with a child, employees or, depending on the situation, with the Centre for social work or parents.

**Red Cross of Montenegro**

**Annex no.3**

**MISCONDUCT REPORT FORM**

<b>Name (first, family) of the employee, job position of the employee who reports violence, abuse and neglect</b>
<b>Names (first, family) of the parties involved in the incident</b>
<b>Name (first, family), job position of the employee alleged to have committed violence, abuse and neglect (if applicable)</b>
<b>Person(s) who witnessed the incident</b>
<b>Incident description</b> /date and time of the incident, location of the incident, a brief description of the situation, the effect of the incident/
<b>Date and signature of the person filing the report:</b>

Received – Name of the Institution	Number and date of receipt
Decision based on the report:	<ul style="list-style-type: none"> <li>- accepted</li> <li>- rejected</li> <li>- dismissed</li> <li>- forwarded</li> </ul>

