



CHILD PROTECTION POLICY

FOR THE

INITIATIVE FOR LEGAL AID

(ILA)



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CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that children are entitled to special protection because of their age, vulnerability, evolving capacities and dependence on adults for their safety, development and well-being.

ILA is committed to ensuring that every child who comes into contact with the organization, its personnel, volunteers, partners, programmes or services is treated with dignity and respect and is protected from abuse, neglect, exploitation, violence, discrimination and other forms of harm.

This Child Protection Policy establishes the standards, procedures and responsibilities that shall guide ILA in preventing and responding to child protection concerns arising from its work.

The Policy is particularly important to ILA because of its mandate to promote access to justice and provide legal aid and legal awareness. ILA may interact with children as **clients, victims, witnesses, accused persons, detainees, beneficiaries, community members, participants in programmes or children accompanying their parents or guardians.**

Accordingly, child protection shall not be treated as a separate programme concern but as an institutional responsibility integrated into ILA's governance, recruitment, programme implementation, legal aid, community engagement, communications and partnerships.

1.2 Background

Children in South Sudan continue to face significant protection risks, including violence, abuse, exploitation, harmful practices, family separation and other circumstances that threaten their rights and well-being. UNICEF identifies child protection as a major area of concern in South Sudan and emphasizes the need for safe environments in which children are protected from harm and discrimination.

The legal framework of South Sudan recognizes the special rights and protections afforded to children. The Transitional Constitution provides for children's rights to life, survival and development, protection from discrimination, exploitative practices, corporal punishment, cruel and inhuman treatment, abduction and trafficking. It further establishes the **best interests of the child** as the paramount consideration in actions concerning children undertaken by public and private welfare institutions, courts and other authorities.

The **Child Act, 2008** provides an important statutory framework for the protection and promotion of children's rights in South Sudan, including provisions concerning children's identity, birth registration, survival and development, family care and protection from circumstances that may cause significant harm or be contrary to their best interests.

Against this background, ILA considers it necessary to establish an institutional Child Protection Policy that translates these legal and rights-based commitments into practical standards applicable to its employees, volunteers, interns, consultants, board members, partners and other persons acting on behalf of or in association with ILA.

1.3 Establishment of the Policy

This Policy is adopted by ILA as an institutional framework for preventing harm to children and ensuring appropriate action where a child protection concern arises.

The Policy shall form part of ILA's broader institutional governance and safeguarding framework and shall be read together with relevant ILA policies, including:

- Safeguarding and PSEAH Policy;
- Data Protection and Privacy Policy;
- Gender Equality, Disability and Social Inclusion (GEDSI) Policy;
- Volunteer and Internship Management Policy;
- Human Resources Policy;
- Code of Conduct;
- Legal Aid Service Delivery Policy; and
- Complaints and Whistleblowing mechanisms.

Where another ILA policy provides a higher level of protection to a child, the higher protective standard shall apply.

1.4 Policy Statement

ILA has zero tolerance for child abuse, exploitation, neglect, violence, harassment and any conduct that places a child at risk of harm.

ILA shall take reasonable and proportionate measures to:

1. prevent child abuse and exploitation;
2. identify and assess child protection risks;
3. establish safe systems for children interacting with ILA;
4. ensure that concerns and disclosures are taken seriously;
5. respond promptly and appropriately to allegations and incidents;
6. protect children from retaliation;
7. respect confidentiality and privacy;
8. ensure child-friendly access to legal assistance;
9. make appropriate referrals to competent authorities and service providers; and
10. hold personnel accountable for violations of this Policy.

1.5 Purpose of the Policy

The purpose of this Policy is to establish a clear institutional framework through which ILA can prevent, identify, report and respond to actual or suspected harm to children.

The Policy is also intended to ensure that ILA's legal-aid and community-based activities are delivered in a manner that respects children's rights, dignity, safety and best interests.

1.6 Institutional Commitment

ILA acknowledges that child protection is the responsibility of **every person associated with the organization**.

The responsibility therefore extends beyond personnel directly providing services to children. Board members, management, employees, lawyers, legal assistants, volunteers, interns, consultants, drivers, security personnel, contractors, partner organizations and other persons acting on behalf of ILA may all have responsibilities under this Policy.

ILA shall promote an institutional culture in which:

- children are treated with dignity and respect;
- concerns about children's safety can be raised without fear;
- personnel understand their child protection responsibilities;
- inappropriate conduct is challenged and reported;
- children are listened to and their views respected according to their age and maturity; and
- decisions concerning children prioritize their safety, dignity and best interests.

1.7 Scope and Application

This Policy shall apply to:

- a.** all members of ILA's Board and governance structures;
- b.** all employees, whether permanent, temporary, full-time or part-time;
- c.** lawyers, legal assistants and other legal service providers working with ILA;
- d.** volunteers and interns;
- e.** consultants, contractors and service providers;
- f.** programme staff and community mobilisers;
- g.** visitors and other persons granted access to ILA activities involving children;

h. partner organizations and implementing partners, subject to applicable contractual arrangements; and

i. any other person acting on behalf of or representing ILA.

The Policy shall apply to all ILA offices, projects, legal aid activities, community outreach, training, workshops, field missions, digital platforms, communications and other activities undertaken under ILA's authority.

1.8 Policy Approach

ILA shall adopt a **prevention, protection, participation and accountability approach** to child protection.

The organization shall not wait for an incident to occur before taking protective measures. Child protection considerations shall be incorporated into programme planning, recruitment, staff management, legal representation, community engagement, communications, information management and partnership arrangements.

ILA shall also recognize that children are rights-holders and shall, where appropriate and safe, provide children with opportunities to express their views and participate in decisions affecting them.

1.9 Interpretation

This Policy shall be interpreted in a manner that promotes the highest level of protection for children and is consistent with applicable South Sudanese law and relevant international child-rights standards.

Where there is uncertainty regarding the appropriate course of action, ILA personnel shall prioritize the **safety and best interests of the child** and promptly seek guidance from the designated Child Protection/Safeguarding Officer or appropriate competent authority.

CHAPTER TWO

PURPOSE, OBJECTIVES AND SCOPE

2.1 Purpose of the Policy

The primary purpose of this Child Protection Policy is to establish a clear institutional framework through which the **Initiative for Legal Aid (ILA)** shall prevent, identify, report and respond to actual or potential harm against children.

The Policy translates ILA's commitment to children's rights into practical standards governing its programmes, personnel, operations and relationships with children.

ILA recognizes that children have distinct rights and require special protection from abuse, exploitation, neglect, violence, discrimination, harmful practices and other forms of harm. The South Sudan Child Act, 2008 establishes specific rights and protections for children, including protection where circumstances are harmful to their life, education, health or well-being.

The Policy shall therefore provide a common standard for all ILA personnel and associated persons who may come into contact with children in the course of their work.

2.2 Overall Objective

The overall objective of this Policy is to ensure that **every child who comes into contact with ILA is protected from abuse, exploitation, neglect, violence and other forms of harm and is treated with dignity, respect and fairness.**

2.3 Specific Objectives

ILA shall pursue the following specific objectives:

1. Prevention:

Establish measures to prevent child abuse, exploitation, neglect, violence and other protection risks within ILA's activities.

2. Safe Programming:

Ensure that child protection considerations are incorporated into the design, implementation, monitoring and evaluation of all relevant ILA programmes.

3. Safe Recruitment:

Ensure that appropriate recruitment, screening and background-checking procedures are applied to personnel whose responsibilities may involve contact with children.

4. Standards of Conduct:

Establish clear standards of behaviour for all persons working for or representing ILA.

5. Early Identification:

Establish mechanisms for identifying children who may be exposed to abuse, neglect, exploitation, violence or other protection concerns.

6. Reporting:

Provide accessible, confidential and child-sensitive mechanisms through which concerns, allegations and disclosures may be reported.

7. Effective Response:

Ensure that allegations and concerns are handled promptly, fairly, confidentially and in accordance with applicable law and established safeguarding procedures.

8. Referral and Support:

Facilitate appropriate referral of children to competent authorities and specialized services where legal, medical, psychosocial, social welfare or other assistance is required.

9. Child-Friendly Legal Aid:

Ensure that children accessing ILA's legal services receive assistance in a manner appropriate to their age, maturity, circumstances and legal needs.

10. Participation:

Promote the meaningful and safe participation of children in matters affecting them, giving appropriate weight to their views according to their age and maturity.

11. Accountability:

Establish clear responsibilities and consequences for violations of this Policy.

12. Capacity Building:

Ensure that ILA personnel receive appropriate training and understand their responsibilities concerning child protection.

13. Partnership:

Ensure that child protection standards are incorporated, where appropriate, into ILA's relationships with implementing partners, consultants, contractors and other organizations.

14. Continuous Improvement:

Regularly monitor and review ILA's child protection measures to identify weaknesses and strengthen institutional practice.

2.4 Scope of the Policy

This Policy applies to all ILA activities, operations and programmes in which children may directly or indirectly be affected.

It applies to:

- legal aid and legal representation;
- legal advice and counselling;
- community legal awareness;
- child rights awareness programmes;
- workshops, trainings and seminars;
- field missions and community outreach;
- research and documentation;
- monitoring and evaluation activities;
- digital and online engagement;
- communications and media activities;
- recruitment and personnel management;
- partnerships and programme implementation; and
- any other activity conducted under ILA's authority.

2.5 Personal Scope

This Policy is binding on all persons associated with ILA, including:

- a.** Board members and other governance officials;
- b.** senior management and supervisors;
- c.** permanent and temporary employees;
- d.** lawyers and legal practitioners;
- e.** legal assistants and paralegals;
- f.** volunteers and interns;
- g.** consultants and contractors;
- h.** programme and field personnel;
- i.** community mobilisers;
- j.** drivers, security personnel and other support staff where their duties bring them into contact with children;

- k. implementing partners and other organizations working on behalf of ILA; and
- l. visitors or other persons participating in ILA activities where their conduct may affect children.

2.6 Application to Children in Legal Aid Services

Because ILA is a legal-aid organization, particular attention shall be given to children who come into contact with the justice system.

This includes children who are:

- victims or survivors of crime;
- witnesses;
- accused or suspected of offences;
- arrested or detained;
- involved in family or custody disputes;
- victims of violence, exploitation or abuse;
- separated from their parents or caregivers;
- seeking legal assistance concerning their rights; or
- otherwise in need of legal protection or representation.

ILA shall ensure that legal assistance provided to such children is delivered in a **child-sensitive, confidential, non-discriminatory and rights-based manner**.

The Child Act recognizes the importance of special care and protection for children whose circumstances place their welfare at risk.

2.7 Application to Children Indirectly Affected by ILA Activities

This Policy also applies where ILA's activities do not specifically target children but may nevertheless affect them.

For example, personnel conducting community outreach, investigations, land or human-rights documentation, interviews, household visits or other field activities may encounter children.

In such circumstances, ILA personnel shall conduct themselves in a manner that does not expose children to unnecessary risk, intimidation, exploitation, inappropriate contact or disclosure of confidential information.

2.8 Non-Discrimination

ILA shall protect children without discrimination based on:

- sex or gender;
- disability;
- nationality;

- ethnicity;
- language;
- social or economic circumstances;
- family or parental status;
- legal status;
- displacement status;
- religion or belief;
- political or other opinion; or
- any other status protected by applicable law.

Particular attention shall be given to children who may face heightened protection risks because of disability, displacement, separation from caregivers, detention, poverty or other vulnerability.

2.9 Relationship with Other ILA Policies

This Policy shall operate as part of ILA's broader institutional safeguarding and accountability framework.

It shall be implemented alongside, and where relevant cross-referenced with:

- Safeguarding and PSEAH Policy;
- GEDSI Policy;
- Data Protection and Privacy Policy;
- Legal Aid Service Delivery Policy;
- Human Resources Policy;
- Volunteer and Internship Management Policy;
- Code of Conduct;
- Anti-Fraud, Corruption and Whistleblowing Policy; and
- Complaints and Feedback Mechanism.

Where an incident involves more than one policy area, ILA shall coordinate the applicable procedures to ensure that the **best interests, safety, dignity and confidentiality of the child remain central**.

2.10 Duty to Comply

Compliance with this Policy is a condition of association with ILA for all persons to whom the Policy applies.

Failure to comply may result in appropriate administrative, disciplinary, contractual or other action, subject to applicable law and ILA's established procedures.

Where conduct may constitute an offence, ILA may refer the matter to the appropriate competent authority.

2.11 Paramount Consideration

In all decisions and actions concerning children undertaken by ILA, the **best interests of the child shall be a primary and, where applicable, paramount consideration.**

This principle is consistent with the constitutional protection of children in South Sudan, which provides that in actions concerning children by public and private welfare institutions, courts and other authorities, the best interests of the child shall be the paramount consideration.

2.12 Policy Coverage

This Policy establishes the institutional framework. Detailed procedures for recruitment, risk assessment, reporting, investigation, referral, case management, confidentiality, communications and disciplinary action shall be developed and incorporated into the relevant chapters and annexes of the Policy.

CHAPTER THREE

DEFINITIONS AND KEY CONCEPTS

3.1 Purpose of the Definitions

For the purposes of this Policy, the terms below shall have the meanings assigned to them. Where a term has a different meaning under applicable South Sudanese law, the legal meaning shall prevail to the extent applicable.

3.2 Child

A **child** means every person below the age of eighteen (18) years, unless applicable law recognizes an earlier attainment of majority.

For purposes of this Policy, ILA shall apply the most protective standard where there is uncertainty regarding a person's age.

3.3 Child Protection

Child Protection refers to measures taken to prevent and respond to violence, abuse, neglect, exploitation, discrimination and other forms of harm against children and to promote their rights, safety, dignity and well-being.

Child protection encompasses both **prevention and response.**

3.4 Child Safeguarding

Child Safeguarding refers to the policies, procedures, systems and practices established by ILA to prevent children from being harmed as a result of their interaction with ILA, its personnel, programmes, facilities, partners or activities.

Child safeguarding is therefore concerned not only with protecting children from external threats but also with preventing harm caused by persons or activities associated with ILA.

3.5 Child Abuse

Child Abuse means any act or failure to act that causes, or is likely to cause, physical, emotional, psychological or sexual harm to a child.

Abuse may include physical abuse, emotional or psychological abuse, sexual abuse, exploitation and other harmful conduct.

3.6 Physical Abuse

Physical Abuse means the intentional use of physical force against a child in a manner that causes or may cause injury, pain, disability or other physical harm.

Examples include:

- hitting;
- kicking;
- beating;
- punching;
- burning;
- choking;
- shaking;
- inappropriate physical restraint; and
- any other deliberate physical assault.

Reasonable and lawful protective intervention to prevent imminent harm shall not, by itself, constitute physical abuse.

3.7 Emotional or Psychological Abuse

Emotional or Psychological Abuse means conduct that seriously harms or threatens to harm a child's emotional, psychological or social development.

It may include:

- humiliation;
- threats;

- intimidation;
- persistent insults;
- degrading treatment;
- deliberate isolation;
- manipulation;
- persistent rejection;
- threatening abandonment; or
- other conduct intended to cause psychological harm.

3.8 Sexual Abuse

Sexual Abuse means involving a child in sexual activity, whether or not the child understands the nature of the activity or whether force is used.

It includes sexual contact, sexual exploitation, sexual harassment, grooming, exposure to sexual material, sexual communication and other conduct of a sexual nature involving a child.

A child cannot legally provide consent to sexual exploitation or abuse by an adult or person in a position of authority.

3.9 Sexual Exploitation

Sexual Exploitation means using or attempting to use a child's vulnerability, unequal power or position of trust for sexual purposes, including obtaining financial, social or other benefit from the exploitation.

3.10 Neglect

Neglect means the persistent or serious failure by a person responsible for a child to provide, or facilitate access to, basic care and protection necessary for the child's physical, emotional, psychological or developmental well-being.

Depending on the circumstances, neglect may involve failure to provide adequate food, shelter, supervision, medical attention, education or protection from foreseeable harm.

3.11 Exploitation

Exploitation means using a child for another person's benefit in a manner that causes or may cause harm to the child's physical, psychological, social, educational or developmental well-being.

It may include economic exploitation, forced labour, sexual exploitation, trafficking and other abusive practices.

3.12 Child Labour

Child Labour refers to work that deprives a child of childhood, dignity, education, development or opportunity and is harmful to the child's physical or psychological well-being.

ILO standards and applicable South Sudanese law shall guide ILA's approach to child labour.

3.13 Violence Against Children

Violence Against Children means physical, sexual or psychological violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation of a child.

Violence may occur within the home, community, institution, workplace, online environment or any other setting.

3.14 Harm

Harm means physical, psychological, emotional, sexual, social or other injury or adverse impact suffered or likely to be suffered by a child.

Harm may arise from a single incident or from repeated conduct.

3.15 Safeguarding Concern

A **Safeguarding Concern** means any suspicion, allegation, disclosure, observation or information indicating that a child may have experienced, may be experiencing or may be at risk of experiencing abuse, exploitation, neglect, violence or other harm.

A concern does not need to be proven before it is reported.

3.16 Child Protection Incident

A **Child Protection Incident** means an actual or alleged event in which a child has suffered, or may have suffered, harm.

An incident may involve ILA personnel, partners, community members, family members, other children or unknown persons.

3.17 Disclosure

Disclosure occurs when a child or another person communicates information indicating that a child has experienced, is experiencing or may be at risk of abuse, exploitation, neglect or other harm.

A disclosure may be direct or indirect.

3.18 Allegation

An **Allegation** means an assertion or report that a person may have engaged in conduct that violates this Policy or may have harmed a child, whether or not the allegation has yet been verified.

3.19 Suspected Abuse

Suspected Abuse means circumstances in which there are reasonable grounds to believe that a child may have been subjected to abuse or may be at risk of abuse.

Personnel do not need to establish proof before reporting a concern.

3.20 Best Interests of the Child

Best Interests of the Child refers to the consideration of what will best protect the child's safety, dignity, development, rights and overall well-being in a particular situation.

The best interests principle shall guide ILA's decisions and actions concerning children.

3.21 Child Participation

Child Participation means enabling children to express their views freely on matters affecting them and ensuring that their views are given appropriate consideration according to their age, maturity and evolving capacities.

Participation must always be voluntary, informed, safe and appropriate to the circumstances.

3.22 Child-Friendly Approach

A **Child-Friendly Approach** means adapting communication, procedures, services and environments to the age, maturity, abilities and circumstances of a child so that the child can understand, participate and access assistance safely and with dignity.

3.23 Child-Sensitive Legal Aid

Child-Sensitive Legal Aid means legal assistance that takes into account the age, maturity, vulnerability, rights, circumstances and best interests of the child.

It includes using age-appropriate communication, protecting confidentiality, minimizing unnecessary exposure to traumatic processes and ensuring meaningful participation.

3.24 Child at Risk

A **Child at Risk** means a child who is exposed to circumstances that may cause or increase the likelihood of abuse, exploitation, neglect, violence or other serious harm.

Risk may arise from the child's environment, family circumstances, interaction with institutions, conflict, displacement, disability, poverty, detention or other circumstances.

3.25 Vulnerability

Vulnerability refers to circumstances that may increase a child's exposure to harm or reduce the child's ability to prevent, resist or recover from harm.

Vulnerability may be temporary, situational or continuing.

3.26 Survivor

A **Survivor** means a person who has experienced abuse, exploitation, violence or another form of harm.

The term recognizes the person's dignity, agency and capacity for recovery.

Where appropriate, ILA may use the term **child survivor**.

3.27 Victim

A **Victim** means a child who has suffered harm as a result of an act or omission that violates applicable law or protection standards.

The terms **victim** and **survivor** may be used according to the context and the preference of the affected person where appropriate.

3.28 Perpetrator

A **Perpetrator** means a person who has committed, attempted to commit, facilitated or otherwise participated in abuse, exploitation, neglect, violence or other prohibited conduct against a child.

An allegation that a person is a perpetrator shall not be treated as a finding of guilt until established through an appropriate process.

3.29 Grooming

Grooming means deliberate conduct intended to establish trust, emotional connection or control over a child for the purpose of facilitating abuse, exploitation or other inappropriate conduct.

Grooming may occur in person or through digital communication.

3.30 Confidentiality

Confidentiality means protecting information concerning a child and restricting access or disclosure to persons who have a legitimate and authorized need to know.

Confidentiality shall not prevent necessary disclosure where required to protect the child or comply with applicable law.

3.31 Informed Consent

Informed Consent means voluntary agreement given after a person has received sufficient, understandable information about the purpose, implications, risks and available alternatives relating to the proposed action.

For children, consent and participation shall be handled in accordance with applicable law, age, maturity, capacity and safeguarding requirements.

3.32 Assent

Assent means the affirmative agreement of a child who is not legally able to provide full legal consent but is sufficiently mature to understand the nature of the proposed activity or decision.

Where appropriate, ILA shall seek the child's assent in addition to any legally required consent.

3.33 Referral

Referral means directing or facilitating a child or caregiver to an appropriate authority, professional or service provider for protection, legal, medical, psychosocial, social welfare or other assistance.

3.34 Case Management

Case Management means a coordinated process of assessing a child's protection needs, developing an appropriate response, facilitating referrals and monitoring the provision of necessary assistance while respecting confidentiality and the child's best interests.

3.35 Reporting

Reporting means communicating a child protection concern, allegation, disclosure or incident through an established ILA reporting mechanism or to an appropriate competent authority.

3.36 Retaliation

Retaliation means any adverse action, threat, intimidation, punishment, discrimination or other negative treatment directed at a child or any person who reports a concern, participates in a safeguarding process or assists with a child protection matter.

Retaliation is prohibited under this Policy.

3.37 Personnel

For purposes of this Policy, **Personnel** includes ILA employees, Board members, consultants, volunteers, interns, legal practitioners, paralegals, contractors and any other person formally engaged or authorized by ILA.

3.38 Associated Persons

Associated Persons means individuals or entities who are not necessarily ILA employees but who work with, represent, support or otherwise act in connection with ILA.

This includes implementing partners, contractors, service providers, consultants, visitors and other persons whose conduct may affect ILA's beneficiaries.

3.39 Online or Digital Abuse

Online or Digital Abuse means the use of digital technologies, social media, messaging platforms, electronic devices or other communication technologies to abuse, exploit, threaten, groom, harass or otherwise harm a child.

3.40 Child-Safe Environment

A **Child-Safe Environment** is an environment in which reasonable measures have been taken to prevent foreseeable harm to children and in which children can access services, participate and communicate concerns without fear of abuse, exploitation, intimidation or retaliation.

3.41 Duty of Care

Duty of Care means ILA's responsibility to take reasonable and appropriate measures to protect children from foreseeable harm arising from activities, decisions, personnel, facilities or services under its control.

3.42 Zero Tolerance

Zero Tolerance means that ILA shall not knowingly permit, condone or ignore child abuse, exploitation, neglect, violence or other prohibited conduct.

Zero tolerance does not remove the requirement for fair, confidential and lawful investigation and due process.

3.43 Reasonable Concern

A **Reasonable Concern** exists where available information gives a person sufficient grounds to believe that a child may be experiencing or may be at risk of harm.

Personnel are **not required to investigate or prove a concern themselves** before reporting it.

3.44 Mandatory Internal Reporting

Mandatory Internal Reporting means the obligation of ILA personnel who become aware of a child protection concern arising within the scope of their work to promptly report the concern through the designated ILA reporting mechanism, subject to applicable law and the procedures established under this Policy.

3.45 Interpretation of Terms

The definitions in this Chapter are intended to guide the implementation of this Policy and shall not limit the meaning of terms established by applicable South Sudanese law.

Where there is uncertainty regarding the interpretation or application of a term, ILA shall adopt the interpretation that provides **greater protection to the child**, provided that such interpretation is consistent with applicable law.

CHAPTER FOUR

LEGAL AND POLICY FRAMEWORK

4.1 Introduction

ILA's Child Protection Policy shall be implemented within the legal, institutional and international framework governing the rights and protection of children.

ILA recognizes that child protection is both a **legal obligation and an institutional responsibility**. The Policy shall therefore be interpreted and implemented consistently with applicable laws of South Sudan, relevant international and regional instruments, and recognized child-protection standards.

Where applicable law provides stronger protection for children than an internal ILA standard, the stronger legal protection shall prevail.

4.2 Transitional Constitution of the Republic of South Sudan

The Transitional Constitution of the Republic of South Sudan, 2011, as amended, provides an important constitutional foundation for the protection of children.

The Constitution recognizes the rights of children and provides protection against harmful and exploitative practices. It also provides that, in actions concerning children undertaken by public and private welfare institutions, courts, administrative authorities and legislative bodies, **the best interests of the child shall be the paramount consideration**.

ILA shall therefore ensure that its policies, programmes and legal-aid services are implemented consistently with constitutional protections afforded to children.

4.3 The Child Act, 2008

The **Child Act, 2008** is the principal national legislation governing the rights and protection of children in South Sudan.

The Act establishes a broad framework for the protection and promotion of children's rights, including rights relating to survival, development, family care, protection from harmful practices and protection from circumstances that threaten children's welfare.

ILA shall ensure that its personnel understand and comply with relevant provisions of the Child Act when providing legal assistance, conducting community activities, interacting with children or responding to child protection concerns.

4.4 Criminal Law and Other Applicable National Laws

Child protection concerns may also fall within the scope of criminal and other national laws.

Conduct involving physical violence, sexual abuse, exploitation, trafficking, abduction, forced labour or other forms of harm may constitute offences under applicable law.

Nothing in this Policy shall prevent ILA from referring suspected criminal conduct to the appropriate competent authorities where such referral is necessary and lawful.

4.5 Law Governing Legal Aid and Access to Justice

As an organization providing legal assistance, ILA shall ensure that its work involving children is consistent with applicable laws and standards governing:

- access to justice;
- legal representation;
- fair trial rights;
- juvenile justice;
- arrest and detention;
- protection of victims and witnesses;
- confidentiality and legal professional obligations; and
- children's participation in legal proceedings.

ILA shall seek to ensure that children who come into contact with the justice system are treated in a manner appropriate to their age, maturity, circumstances and legal status.

4.6 Convention on the Rights of the Child

ILA shall be guided by the **United Nations Convention on the Rights of the Child (CRC)** and its core principles, including:

1. non-discrimination;
2. the best interests of the child;
3. the child's right to life, survival and development; and
4. respect for the views of the child.

These principles shall inform ILA's legal-aid services, community engagement, child participation and safeguarding procedures.

4.7 Optional Protocols to the Convention on the Rights of the Child

Where relevant to ILA's work, the organization shall take account of the standards established under the Optional Protocols to the Convention on the Rights of the Child, particularly those concerning:

- the involvement of children in armed conflict;
- the sale of children;
- child prostitution and child pornography; and
- mechanisms for international complaints concerning violations of children's rights.

4.8 African Charter on the Rights and Welfare of the Child

ILA shall also be guided by the **African Charter on the Rights and Welfare of the Child**, which provides a regional framework for the protection and promotion of children's rights in Africa.

The Charter reinforces principles relating to non-discrimination, survival and development, protection from harmful practices, family care, education, protection from exploitation and the administration of child justice.

4.9 International Human Rights Standards

ILA shall take account of relevant international human rights standards applicable to children, including standards concerning:

- freedom from torture and cruel, inhuman or degrading treatment;
- protection from arbitrary detention;
- access to justice;
- equality and non-discrimination;
- privacy and dignity;
- education and development;
- protection from exploitation; and
- special protection for children deprived of liberty.

4.10 International Labour Standards

Where ILA's activities concern child labour or economic exploitation, relevant International Labour Organization standards shall be considered.

These include international standards concerning the minimum age for employment and the elimination of the worst forms of child labour.

ILA shall not knowingly engage or permit children to perform work that is unlawful, hazardous, exploitative or detrimental to their education, development or well-being.

4.11 Humanitarian and Child Protection Standards

Where ILA undertakes humanitarian, community-based or protection programming, it shall consider applicable international humanitarian and child-protection standards.

These may include relevant standards concerning:

- child safeguarding;
- prevention of sexual exploitation and abuse;
- case management;
- referral systems;

- protection of children affected by armed conflict;
- child-friendly justice; and
- safe programming.

4.12 UN Convention Against Transnational Organized Crime and Trafficking Standards

Where relevant to ILA's work, applicable international standards concerning trafficking in persons and the exploitation of children shall inform the organisation's prevention, legal-aid and referral activities.

ILA shall pay particular attention to cases involving trafficking, sexual exploitation, forced labour, abduction or other forms of exploitation of children.

4.13 Data Protection and Privacy

Child protection work frequently involves highly sensitive personal information.

ILA shall therefore ensure that information concerning children is collected, processed, stored, shared and destroyed in accordance with applicable law and ILA's **Data Protection and Privacy Policy**.

Particular safeguards shall apply to:

- names and identifying information;
- photographs;
- medical information;
- legal case information;
- allegations of abuse;
- information concerning family members;
- addresses and contact details; and
- information that could expose a child to further harm.

Information shall only be disclosed where there is a legitimate and lawful basis for doing so.

4.14 Legal Professional Confidentiality

Where ILA personnel provide legal services, professional duties concerning confidentiality, privilege and protection of client information shall apply.

However, confidentiality shall not be interpreted as permission to conceal abuse or place a child at continuing risk.

Where a conflict arises between confidentiality obligations and a legal requirement to disclose information, the responsible legal practitioner shall seek appropriate professional and legal guidance and act in accordance with applicable law.

4.15 ILA Institutional Policies

This Policy shall be read together with ILA's internal policies and procedures, including:

- Safeguarding and PSEAH Policy;
- GEDSI Policy;
- Data Protection and Privacy Policy;
- Legal Aid Service Delivery Policy;
- Human Resources Policy;
- Volunteer and Internship Management Policy;
- Code of Conduct;
- Complaints and Feedback Mechanism;
- Anti-Fraud, Corruption and Whistleblowing Policy; and
- relevant security, procurement and programme-management policies.

These policies shall operate together to create a coherent institutional protection system.

4.16 Donor and Partner Requirements

Where ILA receives funding or enters into a partnership requiring specific child protection or safeguarding standards, ILA shall comply with applicable contractual requirements, provided that such requirements are consistent with South Sudanese law.

Where donor or partner standards establish higher safeguards than ILA's minimum standards, ILA shall seek to apply the higher standard where practicable.

4.17 Conflict Between Legal and Institutional Requirements

Where a conflict arises between this Policy and applicable law:

1. applicable law shall prevail;
2. ILA shall seek legal advice where the conflict is unclear;
3. management shall take reasonable measures to protect the child while the matter is being clarified; and
4. the Policy shall be reviewed where necessary to prevent recurring conflicts.

4.18 Principle of Higher Protection

ILA shall adopt a **higher-protection approach** wherever legally permissible.

This means that where two lawful standards are available, ILA shall ordinarily apply the standard that provides greater protection for the safety, dignity, rights and best interests of the child.

4.19 Periodic Legal Review

ILA shall periodically review this Policy to ensure that it remains consistent with:

- amendments to South Sudanese legislation;
- judicial decisions and emerging legal principles;
- international and regional child-rights standards;
- donor and partner requirements;
- emerging safeguarding risks; and
- lessons learned from implementation.

The responsibility for initiating such review shall rest with the designated institutional authority responsible for child protection and safeguarding, in consultation with management and, where necessary, qualified legal counsel.

4.20 Institutional Commitment to Compliance

ILA shall not regard legal compliance as the sole responsibility of its lawyers or management.

Every person covered by this Policy shall have a responsibility to understand the child protection standards relevant to their role and to report concerns through established mechanisms.

Failure to comply with applicable law or this Policy may result in disciplinary, contractual or other appropriate action, without prejudice to any civil or criminal proceedings that may arise.

CHAPTER FIVE

GUIDING PRINCIPLES OF CHILD PROTECTION

5.1 Introduction

ILA shall implement this Child Protection Policy in accordance with principles that place the **rights, safety, dignity and best interests of children** at the centre of all institutional decisions and activities.

These principles shall guide the conduct of ILA's Board, management, employees, lawyers, legal assistants, volunteers, interns, consultants, partners and all other persons covered by this Policy.

5.2 Best Interests of the Child

The **best interests of the child** shall be a primary consideration in every decision or action concerning a child.

Where a decision involves competing interests, ILA shall assess the likely impact on the child and adopt the course of action that provides the greatest protection of the child's safety, dignity, rights and well-being, consistent with applicable law.

5.3 Non-Discrimination and Equality

Every child shall be treated equally and protected without discrimination.

ILA shall not discriminate against a child on the basis of:

- sex or gender;
- disability;
- nationality;
- ethnicity;
- language;
- religion or belief;
- social or economic status;
- family circumstances;
- displacement status;
- legal status;
- health or other personal circumstances; or
- any other status protected by law.

Particular attention shall be given to children who face additional barriers to accessing protection and justice.

5.4 Right to Life, Survival and Development

ILA shall respect and promote every child's right to life, survival and development.

Where ILA becomes aware that a child faces an immediate threat to life, serious injury or other grave harm, appropriate protective action shall be taken promptly, consistent with applicable law and professional responsibilities.

5.5 Respect for the Dignity of the Child

Every child shall be treated with dignity and respect regardless of the circumstances in which the child is encountered.

ILA personnel shall not humiliate, intimidate, ridicule, threaten, degrade or otherwise demean a child.

Children involved in legal proceedings shall be treated as persons with rights and not merely as subjects of investigation or legal processes.

5.6 Child Participation

Children have the right to express their views on matters affecting them.

ILA shall, where appropriate, provide children with safe and meaningful opportunities to express their views and shall give those views appropriate consideration according to the child's age, maturity and evolving capacities.

Participation shall never be forced.

5.7 Do No Harm

ILA shall adopt a **Do No Harm** approach in all programmes and services involving or affecting children.

Before undertaking an activity, ILA shall consider whether the activity could:

- expose children to physical or psychological harm;
- increase their vulnerability;
- disclose confidential information;
- expose them to stigma or retaliation;
- place them at risk from perpetrators or other persons; or
- otherwise create unintended protection risks.

Where risks cannot be adequately controlled, the activity shall be modified, postponed or discontinued.

5.8 Zero Tolerance for Abuse and Exploitation

ILA shall maintain zero tolerance for:

- child abuse;
- sexual exploitation;
- sexual abuse;
- physical violence;
- emotional or psychological abuse;
- neglect;
- child trafficking;
- harmful exploitation;
- grooming;
- harassment;
- intimidation; and
- other conduct that places children at risk of harm.

No organizational position, professional status, personal relationship or institutional interest shall justify prohibited conduct.

5.9 Prevention

Prevention shall be a central component of ILA's child protection approach.

ILA shall take reasonable steps to identify and reduce risks before harm occurs through:

- safer recruitment;
- staff screening;
- training;
- risk assessments;
- codes of conduct;
- safe programme design;
- supervision;
- appropriate physical environments;
- reporting mechanisms; and
- regular monitoring.

5.10 Early Identification and Early Action

ILA shall encourage the early identification of child protection concerns.

Personnel shall not wait until an allegation is proven before taking reasonable steps to protect a child.

Where a concern exists, the matter shall be reported and assessed through the appropriate mechanism.

5.11 Confidentiality and Privacy

Information concerning children shall be handled with the highest reasonable level of confidentiality.

ILA personnel shall only collect, access, use or disclose information where there is a legitimate purpose and appropriate authority.

Particular care shall be taken with information that could identify a child as a victim, witness, accused person or survivor of abuse.

Confidentiality shall, however, be balanced with the need to protect a child from serious harm and comply with applicable legal obligations.

5.12 Informed Participation and Communication

Children shall receive information in a form and language that they can reasonably understand.

Where ILA requires a child's participation in an interview, legal consultation, programme, research activity, photograph, publication or other activity, the child and, where legally appropriate, parent, guardian or authorized representative shall receive adequate information concerning the activity and its implications.

5.13 Accessibility and Inclusion

Child protection mechanisms shall be accessible to children with different needs and abilities.

ILA shall make reasonable adjustments for children with disabilities and shall consider language, literacy, age, communication difficulties and other barriers that may prevent children from reporting concerns or accessing services.

5.14 Child-Friendly Justice

Where ILA provides legal aid or legal representation to children, its services shall be delivered in a child-sensitive manner.

ILA shall seek to ensure that:

- legal information is explained in age-appropriate language;
- children understand the purpose of legal processes affecting them;
- children are given reasonable opportunities to express their views;
- unnecessary repetition of traumatic experiences is minimized;
- confidentiality is protected;
- children are not intimidated by legal procedures; and
- appropriate referrals are made where legal and non-legal support are both required.

5.15 Accountability

All persons covered by this Policy shall be accountable for their conduct.

Position, seniority, professional qualifications or personal relationships shall not exempt a person from accountability for violations of child protection standards.

Allegations shall be handled fairly and confidentially, with appropriate procedural safeguards for all parties.

5.16 Survivor-Centred Approach

ILA shall adopt a survivor-centred approach when responding to children who have experienced abuse or exploitation.

This means that responses should promote:

- safety;
- dignity;
- confidentiality;
- respect;
- informed participation;
- non-discrimination; and
- access to appropriate support.

The child shall not be blamed for the abuse or made responsible for the actions of the perpetrator.

5.17 Child-Friendly Reporting

Children and other persons should be able to report concerns without fear of punishment, intimidation or retaliation.

ILA shall establish reporting mechanisms that are:

- accessible;
- confidential;
- safe;
- age-appropriate;
- understandable;
- responsive; and
- available through more than one appropriate channel where practicable.

5.18 Protection from Retaliation

ILA prohibits retaliation against:

- a child who raises a concern;
- a child who makes a disclosure;
- a parent or caregiver who reports a concern;
- a witness;
- a staff member who makes a good-faith report; or
- any person who participates appropriately in a child protection process.

Any person who retaliates may be subject to disciplinary or other appropriate action.

5.19 Presumption of Good-Faith Reporting

A person who reports a child protection concern in good faith shall not be penalized merely because the concern is subsequently found to be unsubstantiated.

However, knowingly making a false allegation for malicious purposes may constitute misconduct and may be addressed through appropriate procedures.

5.20 Do Not Investigate Beyond One's Role

ILA personnel who receive a disclosure or identify a concern shall not conduct their own informal investigation unless specifically authorized to do so.

Personnel should:

1. listen calmly;
2. take the concern seriously;
3. avoid leading or suggestive questions;
4. avoid making promises that cannot be kept;
5. record essential information accurately; and
6. report the matter through the designated mechanism.

Investigation shall be undertaken only by persons appropriately authorized and qualified.

5.21 Presumption of Innocence and Fair Process

While the protection of children is paramount, ILA shall also respect the principle that a person accused of misconduct is entitled to a fair and impartial process.

An allegation shall not automatically be treated as proof of misconduct.

ILA shall take appropriate interim protective measures where necessary without prejudging the outcome of an investigation.

5.22 Duty of Care

ILA shall exercise reasonable care in designing and implementing activities that involve children.

This includes consideration of risks associated with:

- physical locations;
- transportation;
- accommodation;
- community activities;
- interviews;

- legal consultations;
- digital communication;
- photography and media;
- recruitment;
- volunteers and interns; and
- third-party service providers.

5.23 Confidentiality Does Not Mean Silence

Personnel shall understand that confidentiality does not mean ignoring or concealing a child protection concern.

Information shall be shared only with persons who have a legitimate need to know and only to the extent necessary to protect the child, provide assistance or comply with applicable law.

5.24 Accountability to Children

ILA shall seek to ensure that children understand:

- their rights;
- the services available to them;
- how they can raise concerns;
- whom they can approach for help; and
- how ILA will respond to complaints or disclosures.

Information shall be communicated in forms appropriate to children's ages and abilities.

5.25 Partnership and Shared Responsibility

ILA shall expect organizations and individuals working with it to respect equivalent child protection standards.

Where a partner's activities involve children, appropriate safeguarding requirements shall be incorporated into partnership arrangements, agreements, monitoring systems and reporting mechanisms.

5.26 Continuous Learning

ILA shall use lessons from incidents, complaints, assessments, programme monitoring and other relevant experiences to strengthen its child protection systems.

The organization shall promote a culture in which identifying weaknesses is viewed as an opportunity to improve rather than a reason to conceal problems.

5.27 Principle of Proportionality

ILA's response to a child protection concern shall be proportionate to:

- the seriousness of the concern;
- the level of risk to the child;
- the child's circumstances;
- the nature of the alleged conduct;
- applicable law; and
- the need to protect evidence and confidentiality.

5.28 Principle of Timeliness

Child protection concerns shall be addressed without unnecessary delay.

Where a child faces an immediate or serious risk of harm, protective action and appropriate referral shall take priority over administrative procedures.

5.29 Principle of Cultural Sensitivity

ILA shall respect relevant cultural and community contexts while maintaining the rights and protection of the child as the overriding standard.

Cultural, traditional or social practices shall not be used to justify abuse, exploitation, violence, discrimination or other conduct prohibited by law or this Policy.

5.30 Principle of Legal and Ethical Compliance

All ILA personnel shall perform their responsibilities in accordance with applicable law, professional ethical obligations and ILA's institutional policies.

Where a legal or ethical dilemma arises, personnel shall seek guidance from the appropriate supervisor, safeguarding focal person or qualified legal professional.

5.31 Application of the Principles

The principles in this Chapter shall apply throughout the entire child protection cycle, including:

Prevention → Identification → Reporting → Assessment → Protection → Referral → Response → Follow-up → Accountability → Learning.

No provision of this Policy shall be interpreted in a manner that undermines the fundamental rights, safety or dignity of a child.

CHAPTER SIX

CHILD RIGHTS AND PROTECTION STANDARDS

6.1 Introduction

ILA recognizes that children are **rights-holders** and that child protection must be grounded in the recognition, promotion and enforcement of those rights.

The organization shall ensure that its programmes, legal services, community activities and institutional practices respect the rights of children and do not expose them to avoidable harm.

This Chapter establishes the minimum child rights and protection standards that shall guide ILA's work.

6.2 Right to Life, Survival and Development

Every child has the right to life, survival and development.

ILA shall take reasonable measures to ensure that its activities do not place children at unnecessary risk of death, injury or serious harm.

Where ILA identifies an immediate threat to a child's life or safety, appropriate protective and referral measures shall be taken without unnecessary delay.

6.3 Right to Protection from Violence

Children shall be protected from physical, psychological and sexual violence.

ILA personnel shall not:

- hit or physically punish children;
- threaten children with violence;
- subject children to humiliating treatment;
- use excessive or inappropriate physical restraint;
- intentionally frighten or intimidate children; or
- facilitate or tolerate violence against children.

6.4 Right to Protection from Sexual Abuse and Exploitation

ILA has zero tolerance for sexual abuse and exploitation of children.

No person covered by this Policy shall:

- engage in sexual activity with a child;
- sexually harass a child;

- groom a child;
- sexually exploit a child;
- request or exchange sexual material involving a child;
- make sexual comments towards a child;
- use their position or authority to obtain sexual access to a child; or
- facilitate another person's sexual exploitation or abuse of a child.

6.5 Right to Protection from Neglect

ILA shall take reasonable steps to ensure that children participating in its programmes or receiving its services are not subjected to neglect as a result of ILA's actions or omissions.

Personnel responsible for children during ILA activities shall exercise appropriate supervision and care.

6.6 Right to Protection from Exploitation

Children shall be protected from economic, sexual, social and other forms of exploitation.

ILA shall not use children for:

- unpaid or exploitative labour;
- fundraising activities that expose them to harm;
- political or advocacy purposes without appropriate safeguards;
- commercial purposes;
- inappropriate promotional activities; or
- any other activity that compromises their dignity or well-being.

6.7 Right to Identity and Dignity

ILA shall respect every child's identity, dignity and personal circumstances.

Personnel shall avoid unnecessary disclosure of information that could expose a child to stigma, discrimination, retaliation or other harm.

Where documentation is necessary for legal or programme purposes, information shall be collected and handled responsibly.

6.8 Right to Family and Appropriate Care

ILA recognizes the importance of family and appropriate caregiving relationships in children's development and protection.

Where a child is separated from parents or caregivers, ILA shall, where appropriate and safe, facilitate access to competent child protection, social welfare or legal services.

The organization shall not make decisions regarding family separation or reunification without appropriate assessment and competent professional involvement.

6.9 Right to Health and Well-Being

Children have the right to appropriate protection of their physical and mental well-being.

Where a child protection concern indicates a need for medical or psychosocial support, ILA shall facilitate appropriate referral where such services are available and the referral is in the child's best interests.

ILA personnel shall not provide medical or psychological treatment beyond their professional competence.

6.10 Right to Education and Development

ILA shall recognize children's right to education and development.

ILA programmes shall, where relevant, avoid unnecessary disruption to children's schooling and shall not knowingly expose children to activities that interfere with their education or development.

6.11 Right to Be Heard

Children have the right to express their views freely on matters affecting them.

ILA shall ensure that children involved in its legal-aid programmes or other relevant activities are given reasonable opportunities to express their views.

The weight given to a child's views shall depend on the child's age, maturity, understanding and circumstances.

6.12 Right to Information

Children have the right to receive information relevant to decisions affecting them.

ILA shall provide information in language and forms appropriate to the child's age, maturity, ability and circumstances.

Legal information shall be explained in a manner that enables the child to understand, as far as reasonably possible:

- their legal rights;
- available options;
- relevant procedures;
- possible consequences; and

- available sources of assistance.

6.13 Right to Privacy

ILA shall respect children's privacy.

Interviews, consultations and case discussions involving children shall be conducted in environments that provide reasonable privacy and protection from unnecessary observation or interruption.

Information about a child's case shall not be disclosed unnecessarily.

6.14 Right to Confidential Legal Assistance

Children accessing ILA's legal services shall be entitled to appropriate confidentiality consistent with applicable law and professional obligations.

Legal personnel shall explain confidentiality and its limitations in language that the child can understand.

Where information must lawfully be disclosed to protect the child or comply with a legal obligation, the child shall, where appropriate and safe, be informed.

6.15 Right to Access Justice

ILA shall promote children's meaningful access to justice.

This may include:

- legal advice;
- legal representation;
- legal information;
- assistance with complaints;
- referrals;
- advocacy;
- assistance in navigating justice institutions; and
- other lawful forms of legal support.

ILA shall take reasonable steps to ensure that children are not excluded from justice mechanisms because of poverty, disability, discrimination, lack of information or other barriers.

6.16 Protection of Children in Conflict with the Law

Children accused, suspected or convicted of offences shall continue to enjoy their rights and dignity.

ILA shall promote:

- access to legal representation;
- due process;
- protection from unnecessary detention;
- appropriate treatment during detention;
- separation from adults where required by law;
- consideration of alternatives to detention where legally available; and
- rehabilitation and reintegration.

A child's alleged involvement in an offence shall never justify abuse, torture, humiliation or other degrading treatment.

6.17 Protection of Child Victims and Witnesses

Children who are victims or witnesses shall be protected from unnecessary exposure to further trauma.

Where possible, ILA shall seek to:

- minimize repeated interviews;
- protect the child's identity;
- avoid confrontational questioning;
- provide appropriate legal information;
- facilitate referrals to support services; and
- promote child-sensitive justice procedures.

6.18 Protection of Children with Disabilities

Children with disabilities shall receive equal protection and access to ILA services.

ILA shall make reasonable accommodations to ensure that disability does not prevent a child from:

- reporting concerns;
- receiving legal assistance;
- understanding information;
- participating in decisions; or
- accessing appropriate referral services.

6.19 Protection of Children in Vulnerable Circumstances

ILA shall pay particular attention to children who may face increased protection risks, including:

- children separated from caregivers;
- displaced children;

- children living or working on the streets;
- children in detention;
- children affected by armed conflict;
- children with disabilities;
- children experiencing extreme poverty;
- children subjected to harmful practices;
- child-headed households; and
- children exposed to violence, exploitation or trafficking.

6.20 Protection from Harmful Practices

ILA shall not condone harmful practices that violate children's rights or place them at risk of physical, psychological, sexual or other harm.

Where personnel encounter such practices in the course of their work, the matter shall be handled in accordance with applicable law, safeguarding procedures and the best interests of the child.

6.21 Protection from Child Marriage

ILA shall recognize child marriage as a significant child protection concern.

Where a child seeks legal assistance concerning an actual or proposed child marriage, ILA shall provide appropriate legal information, protection-oriented advice and referral in accordance with applicable law.

Personnel shall avoid exposing the child to retaliation or additional risk.

6.22 Protection from Trafficking and Abduction

ILA shall take child trafficking and abduction concerns seriously.

Where a child may be at risk of trafficking, abduction or exploitation, personnel shall promptly report the concern through the appropriate safeguarding and legal channels and facilitate appropriate protection and referral.

6.23 Protection from Hazardous Child Labour

ILA shall not employ or knowingly facilitate the employment of children in hazardous or exploitative work.

Where ILA identifies a child engaged in harmful labour during programme activities, personnel shall consider the child's protection needs and make appropriate referrals.

6.24 Protection in Humanitarian and Emergency Situations

Where ILA operates during emergencies, conflict, displacement or other humanitarian situations, child protection shall be integrated into programme planning.

Emergency activities shall consider risks including:

- family separation;
- recruitment or use of children by armed groups;
- trafficking;
- sexual violence;
- exploitation;
- unsafe accommodation;
- loss of documentation; and
- lack of access to justice.

6.25 Protection of Children During Legal Interviews

When interviewing a child for legal-aid purposes, personnel shall:

1. explain the purpose of the interview;
2. use age-appropriate language;
3. avoid intimidation;
4. avoid unnecessary repetition;
5. avoid suggestive questions;
6. provide reasonable breaks;
7. maintain appropriate confidentiality;
8. document relevant information accurately; and
9. terminate or modify the interview if continuing would place the child at significant risk of distress or harm.

6.26 Protection During Field Visits

Personnel conducting field visits involving children shall consider:

- the location;
- transportation;
- supervision;
- privacy;
- communication;
- security;
- presence of other adults;
- accessibility; and
- emergency arrangements.

Where practicable, personnel should avoid situations in which an adult is unnecessarily isolated with a child.

6.27 Appropriate Adult-Child Boundaries

ILA personnel shall maintain professional boundaries with children.

They shall not:

- establish inappropriate personal relationships with children;
- invite children to private residences without legitimate and authorized reasons;
- engage in unnecessary physical contact;
- communicate with children through inappropriate personal channels;
- exchange inappropriate gifts;
- request personal or sexual information unrelated to legitimate work; or
- use their professional position to obtain personal benefit from a child.

6.28 Gifts, Money and Personal Benefits

Personnel shall not give or receive money, gifts or other benefits from children where doing so may create dependency, favouritism, exploitation or an inappropriate relationship.

Where programme activities require distribution of materials or assistance to children, such distribution shall be conducted transparently and according to approved procedures.

6.29 Photography, Images and Personal Stories

Children shall not be photographed, filmed or recorded for ILA's publications, reports, social media, advocacy or other communications without appropriate authorization and safeguards.

Images and stories shall:

- preserve the child's dignity;
- avoid unnecessary identification;
- not expose the child to stigma or retaliation;
- not portray the child in a degrading or exploitative manner; and
- be stored and used securely.

Detailed requirements shall be established under Chapter Nineteen.

6.30 Online Protection

ILA shall take reasonable measures to protect children from risks arising through:

- social media;
- email;
- messaging platforms;
- online meetings;
- websites;

- digital case-management systems; and
- other electronic communications.

Personnel shall not use digital platforms to engage in inappropriate communication with children.

6.31 Reporting of Rights Violations

Any ILA personnel who becomes aware of a serious violation of a child's rights shall report the concern through the designated mechanism.

Failure to report a serious child protection concern may itself constitute a breach of this Policy where the person had a clear duty to report.

6.32 Rights-Based Approach to Disciplinary Measures

Children participating in ILA activities shall not be subjected to corporal punishment or degrading disciplinary measures.

Where behavioural management is necessary, it shall be conducted through safe, proportionate and age-appropriate approaches.

6.33 Protection of Child Information

Child protection records shall be treated as highly sensitive information.

Access shall be restricted according to role and legitimate need.

Information shall not be discussed casually, shared through unsecured channels or disclosed to persons without authorization.

6.34 Standard of Protection

ILA shall seek to ensure that every child interacting with the organization enjoys at least the minimum protections established by:

- applicable South Sudanese law;
- relevant international and regional child-rights standards;
- this Policy; and
- applicable professional and ethical standards.

Where a higher lawful standard of protection is available, ILA shall seek to apply it.

6.35 Institutional Responsibility

Protecting children's rights is not the responsibility of one department or one safeguarding focal person.

Every person covered by this Policy has a responsibility to contribute to a safe environment for children and to act when a legitimate concern arises.

CHAPTER SEVEN

CHILD SAFEGUARDING STANDARDS

7.1 Introduction

Child safeguarding is the practical system through which ILA prevents children from being harmed as a result of their interaction with the organization, its personnel, programmes, facilities, partners or activities.

ILA shall establish and maintain safeguarding measures throughout the entire programme cycle, from planning and recruitment through implementation, monitoring, reporting and review.

7.2 Safeguarding Commitment

ILA shall maintain a safe organizational environment in which children are protected from:

- abuse;
- exploitation;
- neglect;
- violence;
- sexual exploitation and abuse;
- harassment;
- grooming;
- discrimination;
- intimidation;
- inappropriate relationships; and
- other foreseeable forms of harm.

No programme objective, operational pressure, financial consideration or institutional interest shall justify compromising the safety of a child.

7.3 Safeguarding as an Institutional Responsibility

Child safeguarding shall be integrated into:

- governance;
- human resources;
- legal aid;
- programme design;

- field operations;
- partnerships;
- communications;
- procurement;
- information management;
- monitoring and evaluation; and
- organizational risk management.

Every department and every person covered by this Policy shall have responsibilities appropriate to their role.

7.4 Safeguarding Risk Assessment

Before implementing activities that involve children, ILA shall assess reasonably foreseeable safeguarding risks.

The assessment should consider:

- who the children are;
- their age and vulnerabilities;
- where activities will occur;
- who will interact with the children;
- the nature and duration of contact;
- transportation arrangements;
- physical and digital environments;
- risks of abuse or exploitation;
- confidentiality risks;
- risks associated with third parties; and
- available mitigation measures.

High-risk activities shall require additional safeguards and management oversight.

7.5 Safe Recruitment

ILA shall take reasonable measures to prevent unsuitable persons from being placed in positions that involve contact with children.

Recruitment procedures shall, where appropriate, include:

- identity verification;
- reference checks;
- verification of qualifications;
- assessment of relevant experience;
- safeguarding questions during interviews;
- declarations concerning previous misconduct;
- appropriate background checks where available and lawful; and

- signing of ILA's Code of Conduct and safeguarding requirements.

No recruitment process shall guarantee that a person is safe; recruitment shall therefore be combined with supervision and ongoing accountability.

7.6 Safeguarding Induction

All personnel whose work may involve children shall receive appropriate safeguarding orientation before commencing relevant duties.

The induction shall cover:

- this Policy;
- prohibited conduct;
- professional boundaries;
- reporting procedures;
- confidentiality;
- child-friendly communication;
- digital safety;
- referral procedures; and
- consequences of violations.

7.7 Code of Conduct

Personnel shall sign and comply with ILA's applicable Code of Conduct.

The Code shall establish clear behavioural expectations, including:

- appropriate adult-child boundaries;
- prohibited sexual conduct;
- prohibition of corporal punishment;
- appropriate communication;
- responsible use of technology;
- confidentiality;
- reporting obligations; and
- prohibition of retaliation.

7.8 Professional Boundaries

Personnel shall maintain appropriate professional relationships with children.

They shall avoid unnecessary:

- physical contact;
- private meetings;
- personal communications;

- social-media relationships;
- transportation arrangements;
- gifts;
- financial transactions; and
- emotional dependency.

Where contact outside normal working arrangements is unavoidable, it shall be based on legitimate professional reasons and appropriate safeguards.

7.9 One-to-One Contact

ILA recognizes that legal aid frequently requires confidential one-to-one consultations.

One-to-one interaction with a child may therefore be necessary and appropriate.

However, personnel shall, where practicable:

- conduct meetings in suitable professional environments;
- maintain reasonable visibility without compromising confidentiality;
- inform a supervisor or relevant colleague where appropriate;
- document significant meetings;
- avoid unnecessary private contact outside professional duties; and
- comply with applicable legal and professional confidentiality requirements.

7.10 Two-Adult and Visibility Principle

For activities involving children, ILA shall, where practicable and appropriate, use safeguards such as:

- two-adult arrangements;
- open-door meetings;
- visible consultation spaces;
- appropriate supervision; or
- other measures that reduce the risk of abuse or false allegations.

This principle shall not be applied mechanically where doing so would compromise a child's legal confidentiality or safety.

7.11 Physical Environment

ILA shall take reasonable measures to ensure that facilities used for activities involving children are safe and appropriate.

Where practicable, child-facing areas should provide:

- adequate lighting;

- safe access and exit;
- reasonable privacy;
- accessible facilities;
- appropriate seating;
- emergency arrangements; and
- protection from unnecessary exposure to unrelated persons.

7.12 Transportation

Where ILA provides or arranges transportation for children, appropriate safeguards shall apply.

These may include:

- use of authorized drivers;
- safe and roadworthy vehicles;
- appropriate supervision;
- avoidance of unnecessary detours;
- appropriate records of transportation arrangements; and
- emergency contact arrangements.

Personnel shall not transport children for purely personal purposes under the guise of ILA activities.

7.13 Accommodation and Overnight Activities

Where an ILA programme requires overnight accommodation involving children, specific safeguarding measures shall be established before the activity.

These should address:

- sleeping arrangements;
- adult supervision;
- separation of adults and children where appropriate;
- access control;
- emergency procedures;
- gender-sensitive arrangements;
- privacy; and
- reporting mechanisms.

Overnight activities involving children should only be undertaken where there is a legitimate programme need.

7.14 Meetings, Workshops and Events

Child-focused meetings, trainings and workshops shall be planned with safeguarding considerations.

Organisers shall consider:

- registration;
- supervision;
- accessibility;
- safe transportation;
- appropriate adult-child ratios;
- privacy;
- photography;
- emergency contacts;
- complaints mechanisms; and
- safeguarding briefings.

7.15 Field Visits and Community Outreach

Personnel conducting community activities shall avoid unnecessary exposure of children to protection risks.

Before field activities, personnel should identify:

- the likely presence of children;
- potential perpetrators or unsafe persons;
- community protection risks;
- confidentiality concerns;
- transportation risks; and
- referral options.

7.16 Legal Aid and Legal Consultation Safeguards

Where children seek legal assistance, ILA shall establish a safe and confidential environment.

Legal personnel shall:

- introduce themselves and explain their role;
- explain confidentiality and its limits;
- use age-appropriate language;
- avoid unnecessary questioning;
- avoid blaming or judging the child;
- allow appropriate breaks;
- document relevant information securely; and
- make referrals where additional support is required.

7.17 Communication with Children

Communication with children shall be:

- respectful;
- age-appropriate;
- culturally sensitive;
- clear;
- non-threatening; and
- free from inappropriate language.

Personnel shall not use threats, insults, sexualized language or humiliating communication.

7.18 Digital Communication

ILA personnel shall use official or authorized communication channels when communicating with children wherever practicable.

Personnel shall not:

- engage in sexualized communication;
- request inappropriate photographs;
- share sexually explicit content;
- conduct unnecessary private conversations;
- use disappearing messages to conceal professional communications; or
- exploit digital communication to establish inappropriate relationships.

7.19 Social Media

Personnel shall exercise caution when interacting with children through social media.

Where social-media communication is necessary for legitimate programme purposes, it should be conducted through official organizational accounts or appropriately documented channels where practicable.

Personnel shall not use a child's social-media presence to pursue personal relationships.

7.20 Photography and Video

Photography, filming and recording involving children shall only occur for legitimate organizational purposes and with appropriate safeguards.

Personnel shall:

- obtain appropriate authorization;
- explain the purpose of recording;

- avoid unnecessary identifying information;
- avoid degrading or sensational portrayals;
- protect digital files; and
- comply with ILA's communications and data protection requirements.

7.21 Gifts and Favouritism

Personnel shall not provide individual children with gifts, money or special treatment that could create dependency, expectations or perceptions of favouritism.

Programme materials and assistance shall be distributed according to transparent and approved criteria.

7.22 Physical Contact

Physical contact with children shall be limited to what is appropriate, necessary and culturally acceptable.

Personnel shall never use physical contact for sexual, disciplinary, intimidating or exploitative purposes.

Where emergency intervention is necessary to protect a child from immediate danger, any physical intervention must be proportionate to the circumstances.

7.23 Personal Relationships

Personnel shall not pursue romantic or sexual relationships with children.

A person covered by this Policy shall not use professional authority, influence, access to services or other organizational power to pursue a personal relationship with a child.

7.24 Use of Children in Advocacy

ILA shall not use children in advocacy, campaigns or public communications in ways that expose them to:

- political exploitation;
- stigma;
- retaliation;
- public identification;
- emotional harm;
- inappropriate publicity; or
- other protection risks.

Child participation in advocacy shall be voluntary, informed, safe and age-appropriate.

7.25 Child Labour in ILA Activities

ILA shall not knowingly use children to perform work that is unlawful, hazardous, exploitative or inappropriate for their age.

Children participating in approved educational, youth or volunteer activities shall not be treated as substitutes for adult employees.

7.26 Safeguarding in Partnerships

Where ILA works with another organization in activities involving children, the partnership agreement shall, where appropriate, include:

- safeguarding obligations;
- minimum standards;
- reporting requirements;
- responsibilities of each party;
- information-sharing arrangements;
- incident notification requirements; and
- consequences for serious violations.

7.27 Contractors and Service Providers

Contractors whose activities may bring them into contact with children shall comply with relevant ILA safeguarding requirements.

This may include:

- safeguarding clauses in contracts;
- Code of Conduct requirements;
- screening requirements;
- supervision;
- reporting obligations; and
- termination provisions for serious breaches.

7.28 Visitors

Visitors to ILA activities involving children shall comply with applicable safeguarding requirements.

Where appropriate, visitors shall:

- be accompanied;
- receive safeguarding instructions;
- avoid unsupervised interaction with children;
- avoid photography without authorization; and

- maintain confidentiality.

7.29 Reporting Safeguarding Concerns

All personnel shall be familiar with ILA's reporting mechanisms.

A person who becomes aware of a concern shall report it promptly through the designated mechanism, particularly where:

- a child is in immediate danger;
- abuse is suspected;
- a disclosure has been made;
- an ILA personnel member is implicated; or
- continued contact may expose the child to further harm.

7.30 Immediate Protection

Where a child faces an immediate risk of serious harm, the first priority shall be to take reasonable steps to secure the child's immediate safety.

Administrative procedures shall not unnecessarily delay urgent protective action.

Where necessary and lawful, ILA shall contact appropriate emergency, child protection, health, social welfare, law enforcement or other competent services.

7.31 Safeguarding Incident Management

ILA shall establish procedures for:

1. receiving reports;
2. recording concerns;
3. assessing immediate risk;
4. implementing protective measures;
5. making referrals;
6. determining whether an investigation is required;
7. preserving confidentiality;
8. documenting actions; and
9. monitoring outcomes.

7.32 Protection from Retaliation

Any child, complainant, witness, reporting person or cooperating individual shall be protected against retaliation.

Alleged retaliation shall itself be treated as a safeguarding concern.

7.33 Safeguarding During Emergencies

Emergency conditions shall not be treated as a justification for abandoning safeguarding standards.

Where emergencies make normal procedures impracticable, ILA shall apply alternative safeguards that provide reasonable protection while responding to the emergency.

7.34 Safeguarding Risk Register

ILA shall maintain, where appropriate, a safeguarding risk register identifying:

- identified risks;
- affected groups;
- likelihood;
- potential impact;
- existing controls;
- additional mitigation measures;
- responsible persons; and
- review dates.

7.35 Monitoring Compliance

Compliance with safeguarding standards shall be monitored through:

- supervision;
- programme monitoring;
- staff feedback;
- complaints;
- incident reviews;
- partner assessments;
- risk assessments; and
- periodic policy reviews.

7.36 Breaches of Safeguarding Standards

A breach of this Chapter may result in:

- counselling or corrective measures where appropriate;
- additional training;
- formal disciplinary action;
- suspension of duties;
- termination of employment or engagement;
- termination of partnership or contract; and/or
- referral to competent authorities where the conduct may constitute an offence.

The response shall be proportionate, lawful and consistent with due process.

7.37 Management Responsibility

ILA management shall ensure that appropriate resources, systems and personnel are available to implement this Policy.

Safeguarding shall not be treated as an optional activity dependent solely on the availability of project funding.

7.38 Continuous Improvement

ILA shall periodically assess the effectiveness of its safeguarding arrangements and strengthen them based on:

- incidents;
- complaints;
- emerging risks;
- staff feedback;
- child feedback;
- partner performance;
- legal developments; and
- recognised good practice.

7.39 Minimum Safeguarding Standard

The standards in this Chapter represent the minimum institutional requirements for ILA.

Individual programmes may adopt additional safeguards where their activities, beneficiaries or operating environments present heightened risks.

CHAPTER EIGHT

ROLES AND RESPONSIBILITIES

8.1 Introduction

Effective child protection requires clear allocation of responsibility throughout the Initiative for Legal Aid (ILA). Child protection shall not be the responsibility of one individual or department alone.

Every person associated with ILA has a role in preventing harm, identifying concerns, maintaining safe practices and responding appropriately to child protection risks.

This Chapter establishes the institutional responsibilities for implementing this Policy.

8.2 Governing Principle

Responsibilities under this Policy shall be allocated according to the principle that:

Those with greater authority have greater responsibility for ensuring that effective child protection systems are established, resourced, implemented and monitored.

No person shall avoid responsibility by claiming that child protection is solely the responsibility of the designated safeguarding focal person.

8.3 Board of Directors/Governing Board

The Board shall provide overall governance and oversight of ILA's child protection commitments.

The Board shall:

1. approve this Policy and significant amendments;
2. ensure that child protection is integrated into institutional governance;
3. provide oversight of management's implementation of the Policy;
4. ensure that adequate resources are made available for safeguarding;
5. receive appropriate information concerning serious safeguarding risks and incidents;
6. ensure that management is accountable for compliance;
7. promote a culture of zero tolerance for abuse and exploitation;
8. ensure that safeguarding considerations are incorporated into organizational risk management; and
9. take appropriate governance action where serious institutional failures are identified.

The Board shall not interfere with the confidentiality of individual cases or improperly influence investigations.

8.4 Executive Director

The Executive Director shall have overall responsibility for ensuring implementation of this Policy at the management level.

The Executive Director shall:

- ensure that the Policy is implemented throughout ILA;
- ensure adequate staffing and resources;
- establish appropriate reporting and response mechanisms;
- ensure that senior personnel understand their responsibilities;
- ensure serious concerns are appropriately escalated;
- support independent and impartial handling of allegations;
- ensure corrective measures are implemented; and
- report significant institutional safeguarding matters to the Board as appropriate.

8.5 Senior Management

Senior management shall integrate child protection into organizational planning and operations.

Responsibilities shall include:

- implementing safeguarding requirements;
- ensuring departmental compliance;
- identifying programme risks;
- ensuring personnel receive appropriate training;
- ensuring concerns are reported and managed;
- monitoring partner compliance; and
- taking corrective action where weaknesses are identified.

8.6 Child Protection/Safeguarding Focal Person

ILA shall designate a **Child Protection and Safeguarding Focal Person** with appropriate authority, knowledge and training.

The Focal Person shall serve as the principal institutional point of contact for child protection concerns.

Responsibilities shall include:

1. receiving or coordinating the receipt of safeguarding concerns;
2. advising personnel on reporting procedures;
3. assessing immediate protection risks;
4. ensuring appropriate escalation;
5. coordinating referrals;
6. maintaining confidential safeguarding records;

7. advising management on safeguarding risks;
8. supporting safeguarding training;
9. maintaining the safeguarding risk register;
10. monitoring implementation of this Policy;
11. supporting periodic policy review; and
12. preparing appropriate anonymized safeguarding reports for management.

The Focal Person shall **not independently investigate allegations beyond their competence or authority**.

8.7 Deputy or Alternate Safeguarding Focal Person

ILA should designate an alternate safeguarding focal person to ensure continuity when the primary focal person is unavailable or where a conflict of interest exists.

The alternate shall have sufficient knowledge of this Policy and relevant procedures to receive and escalate concerns.

8.8 Human Resources Function

The Human Resources function shall incorporate child protection into personnel management.

Responsibilities shall include:

- safer recruitment;
- appropriate screening;
- safeguarding clauses in employment contracts;
- Code of Conduct requirements;
- safeguarding induction;
- personnel records;
- disciplinary processes;
- management of safeguarding-related personnel concerns; and
- ensuring appropriate exit procedures.

Where an employee is alleged to have harmed a child, HR shall coordinate with management and safeguarding personnel while maintaining confidentiality and due process.

8.9 Programme Managers

Programme Managers shall ensure that child protection is integrated into programme design and implementation.

They shall:

- conduct programme-level risk assessments;
- implement appropriate mitigation measures;

- ensure staff and volunteers are trained;
- monitor safeguarding compliance;
- ensure safe participation of children;
- report concerns promptly; and
- ensure corrective measures are implemented.

8.10 Legal Department and Legal Practitioners

Because ILA provides legal aid, its legal personnel have particular responsibilities.

Lawyers and legal practitioners shall:

- protect the legal and procedural rights of child clients;
- maintain professional confidentiality;
- explain legal processes in child-appropriate language;
- assess protection risks relevant to legal matters;
- make appropriate referrals;
- avoid re-traumatizing children through unnecessary questioning;
- report safeguarding concerns in accordance with applicable law and ILA procedures; and
- ensure that legal representation is guided by the child's rights and best interests.

Legal practitioners shall also advise ILA on legal obligations arising from child protection concerns.

8.11 Legal Assistants and Paralegals

Legal assistants and paralegals shall:

- treat child clients respectfully;
- maintain confidentiality;
- use child-sensitive communication;
- identify and report protection concerns;
- avoid unauthorized investigation;
- maintain accurate records;
- facilitate appropriate referrals; and
- comply with professional supervision requirements.

8.12 Volunteers and Interns

Volunteers and interns shall comply fully with this Policy.

They shall:

- complete required safeguarding orientation;
- sign applicable Codes of Conduct;
- maintain professional boundaries;

- avoid unsupervised contact with children unless expressly authorized;
- report concerns immediately; and
- maintain confidentiality.

Volunteers and interns shall not undertake child protection case-management or legal responsibilities beyond their training and authorization.

8.13 Consultants and Contractors

Consultants and contractors shall comply with relevant safeguarding requirements contained in their contracts or engagement terms.

Where their work involves children, ILA may require:

- safeguarding orientation;
- Code of Conduct acknowledgment;
- screening;
- supervision;
- incident reporting; and
- compliance with relevant programme safeguards.

8.14 Field Officers and Community Mobilisers

Field personnel shall be particularly attentive to safeguarding risks arising in communities.

They shall:

- conduct activities safely;
- avoid inappropriate relationships with children;
- identify protection concerns;
- provide information on reporting mechanisms;
- avoid making promises they cannot fulfil;
- maintain confidentiality; and
- promptly report concerns.

8.15 Finance and Administration

Finance and Administration personnel shall support safeguarding through appropriate operational controls.

This may include:

- safeguarding considerations in procurement;
- appropriate contractual clauses;
- secure storage of sensitive records;
- safe facilities;

- appropriate transportation arrangements;
- controlled access to sensitive information; and
- allocation of resources for safeguarding measures.

8.16 ICT and Communications Personnel

ICT and communications personnel shall ensure that digital and communication systems support child safety.

Responsibilities include:

- protecting child-related data;
- restricting unauthorized access;
- implementing appropriate cybersecurity measures;
- supporting secure digital communication;
- ensuring appropriate handling of photographs and recordings;
- responding to digital safeguarding risks; and
- ensuring public communications do not unnecessarily identify or expose children.

8.17 Monitoring and Evaluation Personnel

Monitoring and Evaluation personnel shall incorporate child safeguarding into relevant monitoring systems.

They shall:

- assess safeguarding risks;
- monitor compliance;
- collect feedback safely;
- avoid exposing children to unnecessary risks during data collection;
- protect personal information; and
- report identified concerns through established channels.

8.18 All Employees and Personnel

Every person covered by this Policy shall:

1. read and understand the Policy;
2. comply with applicable safeguarding standards;
3. maintain appropriate professional boundaries;
4. remain alert to protection concerns;
5. report concerns promptly;
6. protect confidentiality;
7. cooperate with legitimate safeguarding processes; and
8. avoid conduct that may place children at risk.

8.19 Duty to Report

Where an ILA personnel member becomes aware of a reasonable child protection concern arising within the scope of their work, they shall report the concern through the designated mechanism.

Personnel shall not delay reporting because they believe that someone else may have reported the matter.

Where the concern involves the designated focal person, it shall be reported to the alternate focal person or an appropriate senior authority.

8.20 Responsibility to Protect Immediate Safety

Where a child faces an immediate and serious threat, personnel shall take reasonable and lawful steps to protect the child before completing routine reporting requirements.

This may include:

- moving the child away from immediate danger;
- contacting an appropriate emergency or protection service;
- notifying a responsible caregiver where safe and appropriate; or
- seeking assistance from a competent authority.

8.21 Responsibility of Supervisors

Supervisors shall ensure that personnel under their supervision understand and comply with safeguarding requirements.

They shall:

- monitor professional conduct;
- address inappropriate behaviour;
- ensure reports are escalated;
- prevent retaliation; and
- seek guidance when they are uncertain how to respond.

Supervisors shall not suppress or discourage legitimate reports.

8.22 Responsibility for Partners

Programme managers responsible for partnerships shall ensure that relevant partners:

- understand ILA's safeguarding expectations;
- have appropriate policies or procedures where required;
- report serious incidents promptly;

- cooperate with appropriate investigations; and
- take corrective action where necessary.

8.23 Conflict of Interest

Any person handling a child protection concern shall disclose an actual or potential conflict of interest.

A person shall not manage, investigate or make decisions concerning an allegation where their personal, professional or financial interests could compromise impartiality.

8.24 Confidentiality of Responsibilities

Persons responsible for child protection matters shall maintain strict confidentiality.

Information shall only be shared on a **need-to-know basis** and for legitimate purposes such as:

- protecting the child;
- providing support;
- making necessary referrals;
- complying with law;
- conducting an authorized investigation; or
- fulfilling legitimate institutional oversight.

8.25 Responsibility for Record Keeping

The designated safeguarding function shall ensure that child protection records are:

- accurate;
- secure;
- confidential;
- appropriately access-controlled;
- retained only for legitimate periods; and
- disposed of securely when no longer required.

8.26 Responsibility for Training

Management shall ensure that personnel receive safeguarding training appropriate to their responsibilities.

Personnel who have direct contact with children should receive more detailed training than personnel whose roles do not involve such contact.

8.27 Responsibility for Resource Allocation

Management shall ensure that child protection measures are adequately resourced.

This may include resources for:

- training;
- safeguarding personnel;
- referral services;
- secure records;
- safe facilities;
- communication mechanisms;
- risk assessments; and
- monitoring.

8.28 Responsibility for Policy Review

The designated safeguarding function, together with management, shall periodically review implementation of this Policy.

The review shall consider:

- reported incidents;
- emerging risks;
- legal developments;
- programme experience;
- complaints and feedback;
- personnel training needs;
- partner compliance; and
- lessons learned.

8.29 Accountability for Failure to Act

Failure to act on a known or reasonably suspected child protection concern may constitute a breach of this Policy where the person had a clear responsibility to act.

The response shall depend on:

- the person's role;
- the seriousness of the concern;
- the person's knowledge;
- the available information;
- the circumstances; and
- applicable law.

8.30 Institutional Accountability Matrix

ILA shall maintain a practical accountability structure broadly as follows:

Function	Primary Responsibility
Board	Governance and oversight
Executive Director	Institutional implementation
Senior Management	Operational compliance
Child Protection/Safeguarding Focal Person	Technical coordination and response
HR	Recruitment, induction and personnel accountability
Legal Team	Child-sensitive legal services and legal compliance
Programme Managers	Safe programme implementation
Field Staff	Safe community engagement and reporting
ICT/Communications	Digital safety and responsible communications
M&E	Safeguarding-sensitive monitoring
Finance/Admin	Operational safeguards
Volunteers/Interns	Compliance and reporting
All Personnel	Prevention, vigilance and reporting

8.31 Shared Institutional Responsibility

The effectiveness of this Policy depends upon shared responsibility.

The designated safeguarding focal person shall **coordinate** child protection; they shall not be expected to carry the entire institutional burden.

Every ILA personnel member must understand:

If you see it, hear it, suspect it or receive a disclosure about it, you have a responsibility to act appropriately.

8.32 Management Review

Management shall periodically assess whether the responsibilities established under this Chapter are functioning effectively and shall make adjustments where necessary.

Where ILA expands its programmes, offices or staffing structure, the child protection responsibilities shall be reviewed and updated accordingly.

CHAPTER NINE

SAFER RECRUITMENT AND PERSONNEL MANAGEMENT

9.1 Introduction

ILA recognizes that effective child protection begins before an individual joins the organization. Recruitment and personnel-management systems must therefore reduce the risk of appointing or retaining persons who may pose a risk to children.

ILA shall apply **safer recruitment principles** to all positions, with enhanced measures for positions involving direct or regular contact with children.

9.2 Purpose

The purpose of this Chapter is to establish procedures for:

- identifying safeguarding risks during recruitment;
- screening prospective personnel;
- assessing suitability for child-facing roles;
- incorporating safeguarding responsibilities into employment arrangements;
- managing safeguarding concerns involving personnel; and
- ensuring that personnel understand their continuing obligations.

9.3 Scope

This Chapter applies to:

- employees;
- lawyers and legal assistants;
- volunteers;
- interns;
- consultants;
- contractors;
- temporary personnel;
- project staff; and
- other persons whose duties may involve contact with children.

The level of screening shall be proportionate to the nature and level of contact with children.

9.4 Safer Recruitment Principle

ILA shall seek to recruit persons who are suitable to work in environments where children may be present.

Recruitment shall not discriminate unfairly against candidates. Safeguarding checks shall be relevant, lawful, proportionate and applied consistently.

9.5 Job Descriptions

Job descriptions for positions involving children shall clearly state relevant safeguarding responsibilities.

Where appropriate, job descriptions shall include:

- responsibility to comply with this Policy;
- duty to maintain professional boundaries;
- reporting obligations;
- confidentiality requirements; and
- consequences of safeguarding violations.

9.6 Recruitment Advertisements

Where appropriate, recruitment advertisements shall state that:

- ILA is committed to child protection;
- successful candidates will be expected to comply with safeguarding standards; and
- appropriate screening may be undertaken.

This communicates from the outset that safeguarding is an organizational requirement.

9.7 Application Forms

ILA may require applicants for relevant positions to provide:

- identity information;
- employment history;
- relevant qualifications;
- professional references;
- relevant experience;
- explanation of significant employment gaps where appropriate; and
- declarations concerning safeguarding or disciplinary history where lawful.

Applicants shall not be required to provide irrelevant or excessive personal information.

9.8 Verification of Identity

ILA shall take reasonable steps to verify the identity of persons recruited to positions involving children.

This may include verification of:

- national identification documents;
- passports;
- professional credentials;
- academic qualifications; and
- other relevant documentation.

9.9 Employment History

Where relevant, ILA shall review an applicant's previous employment history.

Particular attention may be given to:

- unexplained gaps;
- repeated short-term employment;
- unexplained termination;
- inconsistent information; and
- positions involving children where relevant safeguarding information is available.

A gap or unusual employment history shall not automatically disqualify a candidate but may require reasonable clarification.

9.10 References

ILA shall, where appropriate, obtain professional references before appointment.

For child-facing positions, references should, where lawful and practicable, address the applicant's:

- professional conduct;
- reliability;
- suitability for working with vulnerable persons;
- integrity; and
- any known safeguarding concerns.

9.11 Safeguarding Questions During Interviews

Candidates for relevant positions may be asked questions designed to assess their understanding of:

- professional boundaries;
- child protection;
- confidentiality;
- reporting responsibilities;
- appropriate communication with children; and
- responding to safeguarding concerns.

Questions shall be relevant to the position and applied fairly.

9.12 Background and Criminal Record Checks

Where lawful and reasonably available, ILA may conduct appropriate background or criminal-record checks for positions involving significant contact with children.

Such checks shall:

- be conducted in accordance with applicable law;
- respect privacy;
- be proportionate to the role;
- be handled confidentially; and
- not be used in an arbitrary or discriminatory manner.

Where formal criminal-record checks are unavailable, ILA shall use other reasonable screening measures.

9.13 Self-Declaration

ILA may require candidates and personnel in relevant roles to declare:

- relevant criminal convictions or pending proceedings where legally permissible;
- previous disciplinary findings involving abuse or exploitation;
- safeguarding-related dismissal or termination;
- restrictions on working with children; and
- other information reasonably relevant to safeguarding suitability.

Failure to provide truthful information may constitute misconduct.

9.14 Assessment of Safeguarding Suitability

Recruitment decisions shall consider safeguarding information alongside:

- qualifications;
- experience;
- competence;
- references;
- integrity; and
- suitability for the role.

Where credible information indicates that a candidate presents an unacceptable risk to children, ILA may decline appointment, subject to applicable law and fair process.

9.15 Recruitment Through Partners

Where ILA relies on partner organizations to recruit personnel for ILA-funded or ILA-supported activities involving children, appropriate safeguarding requirements shall be included in the partnership arrangement.

ILA may require evidence that appropriate recruitment and screening standards have been applied.

9.16 Recruitment of Volunteers and Interns

Volunteers and interns shall undergo appropriate screening before undertaking activities that involve children.

They shall:

- receive safeguarding induction;
- sign applicable conduct requirements;
- work under appropriate supervision; and
- not undertake responsibilities beyond their training or authority.

9.17 Recruitment of Consultants

Consultants whose work involves children shall be subject to safeguarding requirements proportionate to the assignment.

Contracts should include:

- compliance with this Policy;
- confidentiality;
- reporting obligations;
- professional conduct requirements; and
- consequences for serious violations.

9.18 Probationary Period

Where applicable, newly recruited employees shall undergo a probationary period during which their professional conduct and suitability may be assessed.

Safeguarding concerns arising during probation shall be addressed promptly.

Successful completion of probation shall not remove continuing safeguarding obligations.

9.19 Employment Contracts

Employment and engagement agreements for relevant personnel shall contain or incorporate:

- obligation to comply with ILA policies;
- child protection responsibilities;
- confidentiality requirements;
- reporting obligations;
- Code of Conduct requirements; and
- consequences for violations.

9.20 Safeguarding Induction

All personnel shall receive an appropriate introduction to ILA's safeguarding framework.

Personnel with direct contact with children shall receive enhanced orientation covering:

- child protection risks;
- prohibited conduct;
- professional boundaries;
- reporting procedures;
- handling disclosures;
- confidentiality;
- child-friendly communication; and
- referral mechanisms.

9.21 Mandatory Acknowledgment

Personnel shall acknowledge that they have:

1. received or been given access to this Policy;
2. understood their responsibilities;
3. agreed to comply with relevant safeguarding standards; and
4. understood the consequences of violations.

9.22 Continuing Training

Safeguarding training shall not be limited to induction.

ILA shall provide periodic refresher training based on:

- role;
- level of contact with children;
- emerging risks;
- incidents and lessons learned;
- legal developments; and
- identified training needs.

9.23 Supervision

Personnel working with children shall receive appropriate supervision.

Supervision shall help ensure:

- professional boundaries are maintained;
- safeguarding concerns are identified;
- staff receive guidance;
- difficult cases are escalated; and
- staff do not operate beyond their competence.

9.24 Performance Management

Where relevant, safeguarding responsibilities shall form part of personnel performance management.

Failure to comply with safeguarding obligations may be reflected in performance-management processes and may lead to disciplinary action where appropriate.

9.25 Professional Boundaries During Employment

Personnel shall maintain appropriate boundaries throughout their engagement with ILA.

Professional relationships with children shall not be transformed into inappropriate personal, financial, romantic or sexual relationships.

9.26 Personal Contact Information

Personnel shall avoid unnecessary sharing of personal telephone numbers, private email addresses or personal social-media accounts with children.

Where communication is required, official ILA channels should be used wherever practicable.

9.27 Gifts and Financial Transactions

Personnel shall not engage in private financial transactions with children or use children as intermediaries for financial or personal benefits.

Any programme-related assistance shall follow approved organizational procedures.

9.28 Domestic or Private Contact

Personnel shall not invite children involved in ILA programmes or legal services to their private residences except where there is a legitimate, documented and authorized reason and appropriate safeguarding arrangements are in place.

9.29 Management of Safeguarding Allegations

Where a safeguarding allegation is made against an ILA personnel member, management shall:

1. assess immediate risks;
2. take reasonable protective measures;
3. preserve confidentiality;
4. ensure appropriate reporting;
5. determine whether an investigation is required;
6. avoid conflicts of interest;
7. provide procedural fairness; and
8. take appropriate action based on the findings.

9.30 Interim Protective Measures

Where necessary to protect a child or preserve the integrity of a safeguarding process, ILA may take interim measures such as:

- modifying duties;
- restricting contact with children;
- temporary reassignment;
- supervised work;
- administrative leave where appropriate; or
- other proportionate measures.

Such measures shall not be treated automatically as proof of misconduct.

9.31 Due Process

ILA shall ensure that persons accused of misconduct are afforded appropriate procedural fairness.

This includes:

- being informed of the nature of the allegation where appropriate;
- having an opportunity to respond;
- impartial consideration of relevant information; and
- appropriate review or appeal mechanisms where provided by organizational procedures.

Due process shall not be used to delay necessary protective measures.

9.32 Disciplinary Action

Where an allegation is substantiated, ILA may take appropriate action, including:

- warning;

- formal reprimand;
- additional training;
- restriction of duties;
- suspension;
- termination;
- termination of contract or volunteer engagement; and/or
- referral to competent authorities.

The action shall be proportionate to the misconduct and consistent with applicable law.

9.33 Mandatory Referral of Criminal Conduct

Where conduct may constitute a criminal offence, ILA shall consider referral to the appropriate authorities in accordance with applicable law and professional obligations.

The child's safety and best interests shall remain central to decisions concerning referral.

9.34 Protection of Personnel Who Report Concerns

Personnel who make good-faith safeguarding reports shall be protected from retaliation.

No employee, supervisor or manager shall threaten, punish, intimidate or disadvantage a person merely because they raised a legitimate concern.

9.35 False and Malicious Reports

ILA recognizes that safeguarding reports must be taken seriously.

However, knowingly making a false allegation for malicious purposes may constitute misconduct and may result in appropriate action.

A report that is **unsubstantiated or cannot be proven shall not automatically be treated as false or malicious.**

9.36 Personnel Exit Procedures

Safeguarding responsibilities shall continue during personnel exit procedures.

Exit processes should include:

- return of organizational property;
- return or secure transfer of child-related records;
- termination of unauthorized access to systems;
- confidentiality reminders;
- appropriate handover of cases; and
- documentation of unresolved safeguarding matters.

9.37 References After Departure

Where legally permissible and factually supported, ILA shall not provide misleading references for personnel whose employment ended following substantiated serious safeguarding misconduct.

Reference procedures shall be handled consistently with applicable law and organizational policy.

9.38 Re-Engagement

Where a former employee, volunteer, consultant or contractor previously left ILA following substantiated serious safeguarding misconduct, ILA shall not re-engage the person in a role involving children where doing so would create an unacceptable risk.

9.39 Record Keeping

Recruitment and personnel records containing safeguarding information shall be:

- accurate;
- securely stored;
- access-controlled;
- treated confidentially; and
- retained according to applicable law and ILA's records-management requirements.

9.40 Data Protection

Safeguarding screening information is sensitive personal information.

ILA shall ensure that such information is collected and processed only for legitimate purposes and protected against unauthorized access, disclosure or misuse.

9.41 Continuous Improvement of Recruitment Standards

ILA shall periodically review recruitment and personnel procedures to identify gaps and strengthen safeguarding controls.

Lessons from safeguarding incidents shall, where appropriate and without unnecessarily disclosing confidential information, inform future recruitment and supervision practices.

9.42 Minimum Standard

No person shall be placed in a position involving substantial and unsupervised contact with children without appropriate consideration of safeguarding suitability and completion of required induction.

CHAPTER TEN

CODE OF CONDUCT FOR WORKING WITH CHILDREN

10.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that the behaviour of its personnel can either protect children or expose them to harm.

This Chapter establishes the minimum standards of conduct expected from all persons who work for, represent, support or otherwise act on behalf of ILA and who may come into contact with children.

The Code of Conduct applies alongside ILA's general organizational Code of Conduct and does not replace any professional, legal or ethical obligations applicable to a person.

10.2 Purpose

The purpose of this Code is to:

1. establish clear standards of appropriate behaviour;
2. prevent abuse, exploitation and other forms of harm;
3. maintain appropriate adult-child boundaries;
4. protect children from inappropriate conduct;
5. protect personnel from situations that may create safeguarding concerns; and
6. establish clear consequences for violations.

10.3 Persons Bound by the Code

This Code applies to:

- Board members;
- employees;
- lawyers;
- legal assistants and paralegals;
- volunteers;
- interns;
- consultants;
- contractors;
- programme personnel;
- community mobilisers;
- drivers and support staff;
- partner personnel where contractually applicable; and
- any other person acting on behalf of ILA.

10.4 General Standard of Conduct

All personnel shall:

- treat children with dignity and respect;
- act professionally;
- maintain appropriate boundaries;
- protect children's privacy;
- communicate appropriately;
- act in the child's best interests;
- comply with applicable law;
- follow this Policy; and
- report concerns promptly.

10.5 Personnel SHALL

Personnel working with or around children shall:

1. treat every child fairly and without discrimination;
2. use respectful and age-appropriate language;
3. listen to children and take their concerns seriously;
4. respect children's personal space and dignity;
5. maintain professional boundaries;
6. obtain appropriate authorization before photographing or recording children;
7. protect confidential information;
8. report safeguarding concerns promptly;
9. use organizational resources appropriately;
10. ensure that children understand relevant

10.6 Prohibited Conduct

All persons covered by this Policy are strictly prohibited from engaging in conduct that may harm, exploit, intimidate, manipulate or otherwise compromise the safety or dignity of a child.

The following conduct is prohibited:

1. **Sexual activity with a child**, regardless of whether the child appears to consent.
2. **Sexual comments, jokes, gestures or communications** directed at or concerning a child.
3. **Sexual harassment or grooming** of a child.
4. **Requesting, sending, receiving, possessing or sharing sexual images or material involving a child.**
5. **Physical punishment**, beating, hitting, kicking, shaking, choking or other physical assault.
6. **Threatening, humiliating, insulting or degrading a child.**

7. **Deliberately intimidating or frightening a child.**
8. **Using professional authority or influence to exploit a child.**
9. **Offering money, employment, assistance or other benefits in exchange for sexual or other inappropriate conduct.**
10. **Withholding legitimate assistance as punishment or coercion.**
11. **Developing inappropriate personal, romantic or sexual relationships with children.**
12. **Grooming or attempting to establish an inappropriate emotional dependency with a child.**
13. **Inviting children to private residences without legitimate and authorized reasons.**
14. **Spending unnecessary private or unsupervised time with a child.**
15. **Transporting children for personal purposes or without legitimate authorization.**
16. **Engaging in unnecessary or inappropriate physical contact.**
17. **Using alcohol or drugs in a manner that compromises the safety of children.**
18. **Being under the influence of alcohol or drugs while responsible for children.**
19. **Using children for personal, political, commercial or fundraising purposes without appropriate authorization and safeguards.**
20. **Using children to perform inappropriate, hazardous or exploitative work.**
21. **Disclosing confidential information about a child without lawful justification.**
22. **Publishing identifying information, photographs or stories about children without appropriate authorization.**
23. **Threatening or retaliating against a child or person who raises a safeguarding concern.**
24. **Discouraging or preventing a person from reporting a legitimate concern.**
25. **Conducting unauthorized investigations of allegations involving children.**
26. **Making false or misleading records concerning a child protection matter.**
27. **Destroying, concealing or manipulating evidence relating to a safeguarding concern.**
28. **Using ILA's position, resources or access to obtain personal benefits from a child.**

10.7 Physical Contact

Physical contact with a child shall be limited to circumstances where it is:

- appropriate;
- necessary;
- non-sexual;
- culturally and professionally appropriate; and
- in the child's best interests.

Personnel shall avoid physical contact that could reasonably be interpreted as inappropriate or exploitative.

Where physical intervention is necessary to prevent immediate harm, it must be proportionate to the danger presented.

10.8 Communication with Children

Personnel shall communicate with children respectfully and appropriately.

They shall:

- use language suitable for the child's age and understanding;
- avoid insults and humiliating expressions;
- avoid sexualized language;
- avoid threats;
- avoid manipulative communication;
- give children reasonable opportunities to speak; and
- explain legal or programme matters in terms the child can understand.

10.9 Personal and Digital Communication

Where communication with a child is necessary for legitimate ILA work, personnel should use official organizational communication channels wherever practicable.

Personnel shall not:

- engage in inappropriate private conversations;
- send sexual or suggestive messages;
- request inappropriate photographs;
- share sexually explicit material;
- use communication platforms to groom a child;
- encourage secrecy concerning the relationship; or
- use disappearing messages to conceal inappropriate communication.

10.10 Social Media

Personnel shall exercise professional caution when interacting with children through social-media platforms.

They shall not:

- use social media to pursue inappropriate relationships;
- privately solicit personal information from children without legitimate reasons;
- post identifiable information about child clients without authorization; or
- publish content that could expose a child to ridicule, stigma, retaliation or harm.

10.11 Gifts and Money

Personnel shall not give personal gifts, money or other benefits to individual children where this could create:

- dependency;
- favouritism;
- obligation;
- expectation of special treatment; or
- an inappropriate relationship.

Where gifts or materials are part of an approved ILA programme, they shall be distributed transparently and in accordance with programme procedures.

10.12 Confidentiality

Personnel shall protect information concerning children.

They shall not discuss child protection cases:

- in public places;
- with friends or family;
- on social media;
- through unauthorized messaging platforms;
- with colleagues who have no legitimate need to know; or
- with members of the community who are not authorized to receive the information.

10.13 Professional Boundaries in Legal Services

Because ILA provides legal assistance, legal personnel may develop close professional relationships with child clients.

Such relationships must remain professional.

Legal personnel shall not:

- exploit the trust of a child client;
- use confidential information for personal purposes;
- solicit personal relationships;
- make promises unrelated to their professional role;
- seek personal financial or other benefits from the child; or
- use the legal relationship to pursue inappropriate contact.

10.14 Interviews and Questioning

When speaking with a child about a legal matter or protection concern, personnel shall:

1. explain their role;
2. explain the purpose of the conversation;
3. use age-appropriate language;
4. ask only questions necessary for the legitimate purpose;
5. avoid leading questions where possible;
6. avoid blaming language;
7. avoid pressuring the child to disclose information;
8. allow reasonable breaks; and
9. report relevant protection concerns through the appropriate mechanism.

10.15 Handling Disclosures

Where a child discloses abuse or another protection concern, personnel shall:

- remain calm;
- listen;
- take the disclosure seriously;
- reassure the child that they have done the right thing by speaking;
- avoid blaming the child;
- avoid promising absolute secrecy;
- avoid conducting an investigation;
- record relevant information accurately; and
- report the concern through the established mechanism.

10.16 What Personnel Should Not Say

Personnel should not tell a child:

- "I promise I will never tell anyone."
- "It is your fault."
- "Why didn't you stop it?"
- "You must keep this secret."
- "I don't believe you."

- "I will punish the person myself."

Instead, personnel should communicate calmly and explain that information will only be shared with appropriate persons where necessary to protect the child or comply with applicable obligations.

10.17 Photography and Recording

Personnel shall not photograph, film or record a child for personal purposes.

Official photography or recording shall require appropriate authorization and compliance with ILA's communications and data protection requirements.

Particular caution shall be exercised where a child is:

- a victim or survivor;
- involved in a legal case;
- in detention;
- at risk of retaliation;
- displaced; or
- otherwise vulnerable.

10.18 Transportation

Where transportation of children is authorized for ILA activities, personnel shall:

- use approved vehicles and drivers;
- follow approved routes where applicable;
- maintain appropriate supervision;
- avoid unnecessary stops or detours;
- avoid transporting children for personal reasons; and
- comply with applicable safety requirements.

10.19 Meetings Outside the Office

Where a meeting with a child must take place outside ILA premises, personnel shall ensure that:

- there is a legitimate professional purpose;
- the location is safe;
- appropriate confidentiality is maintained;
- the meeting is properly documented where necessary; and
- unnecessary isolation is avoided.

10.20 Home Visits

Home visits involving children shall only be conducted for legitimate programme or legal purposes.

Personnel shall:

- obtain appropriate authorization;
- consider safety risks;
- respect family privacy;
- avoid unnecessary one-to-one isolation;
- maintain professional boundaries; and
- report any significant protection concern identified during the visit.

10.21 Overnight Activities

Personnel participating in approved overnight activities involving children shall comply with specific safeguarding arrangements.

Personnel shall not:

- share sleeping accommodation with children except where expressly required by an approved safeguarding arrangement;
- engage in inappropriate late-night private contact;
- consume intoxicating substances while responsible for children; or
- leave children without appropriate supervision.

10.22 Alcohol and Substance Use

Personnel shall not consume alcohol or use substances in a manner that impairs their ability to safely perform responsibilities involving children.

Illegal drug use is prohibited.

Where a person's condition creates an immediate safeguarding risk, the person shall be removed from child-facing responsibilities.

10.23 Personal Relationships and Conflicts of Interest

Personnel shall disclose circumstances that may create a conflict between their professional responsibilities and personal relationships involving a child or the child's family.

Where a conflict exists, management shall determine appropriate safeguards.

10.24 Child Participation

Personnel facilitating child participation shall ensure that participation is:

- voluntary;
- informed;
- age-appropriate;
- safe;
- respectful; and
- free from coercion.

Children shall not be pressured to provide testimony, participate in advocacy or disclose personal experiences merely because they are receiving services.

10.25 Media and Public Statements

Personnel shall not speak publicly about an individual child protection case unless authorized to do so.

Where public communication is approved, it shall:

- protect the child's identity;
- avoid unnecessary personal details;
- avoid sensationalism;
- respect dignity;
- avoid placing the child at further risk; and
- comply with ILA's communications and data protection policies.

10.26 Reporting Breaches

Any person who observes, receives information about or reasonably suspects a breach of this Code shall report it through the established reporting mechanism.

The reporting obligation applies even where the alleged conduct involves a senior employee, manager, lawyer, Board member or other influential person.

10.27 Protection of Whistleblowers and Reporters

ILA shall take reasonable measures to protect persons who make good-faith safeguarding reports from retaliation.

A person who reports a concern shall not be disadvantaged merely because the concern is subsequently found to be unsubstantiated.

10.28 Breach of the Code

A violation of this Code may constitute misconduct and may result in:

- counselling or corrective action;
- additional training;
- written warning;
- restriction of duties;
- suspension;
- termination of employment or engagement;
- termination of partnership or contract; and/or
- referral to competent authorities.

10.29 Acknowledgment and Signature

All personnel covered by this Code shall acknowledge that they have read, understood and agreed to comply with it.

For personnel in child-facing roles, acknowledgment shall be completed before commencement of relevant duties.

10.30 Duty to Seek Guidance

Where a person is uncertain whether conduct is appropriate, they shall seek guidance from their supervisor or designated Child Protection/Safeguarding Focal Person before proceeding, where circumstances permit.

Uncertainty shall not be used as a reason to ignore a clear safeguarding concern.

10.31 Personal Responsibility

Every person covered by this Policy is personally responsible for their conduct.

The fact that a supervisor, colleague or another person engaged in similar conduct shall not excuse a violation.

10.32 Management Responsibility

Management shall ensure that this Code is:

- communicated to personnel;
- incorporated into relevant contracts and agreements;
- included in safeguarding induction;
- periodically reinforced through training; and
- reviewed when necessary.

10.33 Annual Acknowledgment

Where practicable, ILA shall require personnel in child-facing roles to periodically reaffirm their commitment to comply with this Code.

10.34 Interpretation

Where there is uncertainty regarding whether particular conduct is acceptable, personnel shall adopt the approach that provides greater protection to the child and seek appropriate guidance.

10.35 Fundamental Rule

The fundamental rule governing all interaction with children under this Policy is:

ILA personnel shall never use their position, authority, access, influence or relationship with a child to obtain personal, financial, sexual or other improper benefit, and shall never engage in conduct that places a child at avoidable risk of harm.

CHAPTER ELEVEN

CHILD PROTECTION RISK ASSESSMENT AND RISK MANAGEMENT

11.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that child protection risks may arise in any programme, office, field activity, legal service, partnership or communication involving children.

Child protection risk management shall therefore be integrated into ILA's organizational and programme management systems.

The purpose of this Chapter is to establish a structured approach for identifying, assessing, mitigating and monitoring risks that may affect children.

11.2 Purpose

ILA shall use child protection risk management to:

- identify foreseeable risks before harm occurs;
- reduce opportunities for abuse and exploitation;
- strengthen safe programme design;
- protect children and personnel;
- ensure appropriate management accountability;
- improve decision-making; and
- continuously strengthen safeguarding practices.

11.3 Risk-Based Approach

ILA shall apply a risk-based approach that considers:

1. the likelihood of harm occurring;
2. the potential severity of harm;

3. the vulnerability of affected children;
4. the organisation's ability to prevent or respond to the risk; and
5. the effectiveness of existing controls.

Risk management shall be proportionate to the nature of the activity.

11.4 Child Protection Risk Categories

ILA shall consider, at minimum, the following categories of risk:

- physical abuse;
- sexual abuse and exploitation;
- emotional or psychological harm;
- neglect;
- trafficking;
- abduction;
- harmful practices;
- child labour;
- discrimination;
- online exploitation;
- privacy and confidentiality breaches;
- unsafe transportation;
- unsafe accommodation;
- inappropriate adult-child relationships;
- risks associated with partners and contractors;
- risks arising from conflict and displacement; and
- reputational or institutional risks that may affect child safety.

11.5 Programme Risk Assessment

Before commencing a programme involving children, the responsible programme team shall conduct an appropriate safeguarding risk assessment.

The assessment should identify:

- children likely to participate or be affected;
- the nature of contact;
- locations;
- personnel involved;
- third parties;
- communication methods;
- transportation;
- accommodation;
- information collected;
- potential perpetrators;
- environmental risks; and

- available protection and referral services.

11.6 Risk Assessment for Legal Aid Activities

Legal aid programmes involving children shall consider additional risks associated with:

- disclosure of sensitive information;
- interaction with alleged perpetrators;
- court attendance;
- detention;
- police or investigative processes;
- family disputes;
- media exposure;
- retaliation;
- repeated interviewing; and
- disclosure of a child's identity.

11.7 Risk Assessment for Community Activities

Community outreach shall consider:

- local attitudes toward children;
- risks of stigma;
- unsafe locations;
- community power structures;
- presence of armed or criminal actors;
- transportation;
- crowd control;
- child supervision; and
- confidentiality.

11.8 Risk Assessment for Digital Activities

Where programmes involve digital communication or online participation, ILA shall assess:

- unauthorized access;
- cyberbullying;
- online grooming;
- inappropriate communication;
- disclosure of personal information;
- inappropriate images;
- impersonation;
- digital harassment; and
- insecure storage or transmission of information.

11.9 Risk Assessment for Partnerships

Before entering into or renewing a partnership involving children, ILA shall consider the partner's:

- safeguarding policies;
- organizational capacity;
- recruitment standards;
- reporting mechanisms;
- previous safeguarding record where reasonably available;
- personnel practices;
- willingness to cooperate with safeguarding requirements; and
- ability to implement appropriate controls.

11.10 Risk Rating

ILA may classify identified risks as:

Rating	General Meaning
Low	Harm is unlikely and existing controls are generally adequate
Moderate	Harm is reasonably possible and additional controls may be required
High	Harm is likely or potentially serious and strong mitigation is required
Critical	Immediate or severe risk requiring urgent management action

The organization may adopt a more detailed risk matrix where appropriate.

11.11 Risk Mitigation

For every significant risk identified, ILA shall consider appropriate controls.

Controls may include:

- staff screening;
- supervision;
- two-adult arrangements;
- safe meeting spaces;
- restricted access;
- transportation controls;
- confidentiality measures;
- referral mechanisms;
- training;
- parental or caregiver engagement where appropriate;
- digital security;
- partner requirements; and
- emergency procedures.

11.12 Best Interests of the Child

Risk-management decisions involving children shall consider the **best interests of the child** as a primary consideration.

Organisational convenience shall not override legitimate child protection concerns.

11.13 Vulnerability Assessment

Risk assessments shall recognize that not all children face the same level of risk.

Additional consideration shall be given to children who are:

- very young;
- separated from caregivers;
- displaced;
- living with disabilities;
- in detention;
- survivors of violence;
- exposed to armed conflict;
- living without adequate protection; or
- otherwise in particularly vulnerable circumstances.

11.14 Safeguarding Risk Register

ILA shall maintain a safeguarding risk register where appropriate.

The register should contain:

Risk Likelihood Impact Rating	Existing Controls	Additional Action	Responsible Person	Review Date
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The register shall be reviewed periodically and updated when circumstances change.

11.15 Risk Ownership

Every significant safeguarding risk shall have an identified person responsible for monitoring and implementing mitigation measures.

Assigning a risk owner does not transfer ultimate institutional accountability away from management.

11.16 Risk Escalation

A safeguarding risk shall be escalated where:

- the risk becomes high or critical;
- existing controls are ineffective;
- an incident occurs;
- multiple children may be affected;
- senior personnel are implicated;
- a partner fails to comply;
- the organization lacks capacity to manage the risk; or
- immediate protective action is required.

11.17 Immediate Risks

Where there is an immediate risk of serious harm to a child, personnel shall prioritize immediate protective measures.

Routine administrative processes shall not unnecessarily delay urgent action.

11.18 Safeguarding in Programme Design

Safeguarding shall be considered before programme activities begin rather than after an incident occurs.

Programme proposals involving children should address:

- safeguarding risks;
- mitigation measures;
- responsible personnel;
- reporting arrangements;
- referral pathways; and
- resources required for protection.

11.19 Safeguarding in Programme Implementation

Programme managers shall monitor whether the actual implementation of activities creates risks that were not identified during planning.

Where circumstances change, the risk assessment shall be updated.

11.20 Safeguarding in Programme Closure

At the conclusion of a programme involving children, ILA shall consider:

- safe closure of child-facing activities;

- transfer or referral of ongoing cases;
- secure handling of child records;
- termination of personnel access;
- closure of communication channels; and
- unresolved protection concerns.

11.21 Incident-Based Risk Review

Following a significant safeguarding incident, ILA shall review relevant risk assessments to determine:

- what risk was identified;
- whether controls existed;
- whether controls were implemented;
- whether the risk was underestimated;
- what warning signs were missed; and
- what improvements are required.

11.22 Lessons Learned

ILA shall use safeguarding incidents and near-misses as opportunities for organizational learning.

Lessons shall be incorporated into:

- training;
- programme design;
- recruitment;
- risk assessments;
- supervision;
- policies; and
- operational procedures.

11.23 Safeguarding Risk in Humanitarian Settings

Where ILA operates in conflict, displacement or emergency settings, risk assessments shall pay particular attention to:

- family separation;
- recruitment or use of children by armed groups;
- sexual violence;
- trafficking;
- abduction;
- child labour;
- unsafe shelters;
- loss of documentation;

- restricted access to justice; and
- breakdown of family and community protection systems.

11.24 Safeguarding and Security

Security measures shall be designed to protect children without unnecessarily restricting their rights.

Security personnel, drivers and guards who may interact with children shall be subject to appropriate conduct requirements.

11.25 Safeguarding and Accessibility

Risk assessments shall consider whether physical, communication or institutional barriers place children with disabilities at increased risk.

Reasonable accommodations shall be introduced where necessary.

11.26 Safeguarding and Gender

Risk assessments shall consider whether children may face different risks because of gender, age or social circumstances.

Safeguarding measures shall be designed to respond appropriately to identified risks without discrimination.

11.27 Confidentiality Risks

Risk assessments shall consider the possibility that disclosure of a child's identity or information may result in:

- retaliation;
- stigma;
- violence;
- family conflict;
- discrimination;
- social exclusion; or
- other harm.

11.28 Data Protection Risk

Where ILA collects information about children, it shall assess risks associated with:

- collection;
- storage;
- access;

- transmission;
- sharing;
- publication; and
- disposal.

Only information reasonably necessary for legitimate purposes should be collected.

11.29 Risk Management in Procurement

Where goods or services may involve contact with children, procurement processes shall incorporate appropriate safeguarding considerations.

Contracts may include safeguarding clauses where appropriate.

11.30 Risk Management in Events

Before events involving children, organisers shall consider:

- venue safety;
- supervision;
- registration;
- transportation;
- emergency contacts;
- accessibility;
- photography;
- complaints mechanisms; and
- emergency response.

11.31 Risk Management in Research

Research involving children shall undergo appropriate ethical and safeguarding consideration.

Researchers shall ensure that:

- participation is appropriate and voluntary;
- consent and assent requirements are addressed;
- information is protected;
- participation does not create unnecessary risk; and
- sensitive disclosures are handled appropriately.

11.32 Risk Management in Communications

ILA communications shall be assessed for risks arising from publication of:

- photographs;
- names;

- locations;
- personal histories;
- case information;
- identifiable circumstances; and
- other information that could expose a child.

11.33 Risk Management in Fundraising

Fundraising activities involving children shall not exploit children's vulnerability or dignity.

Children shall not be portrayed in degrading, sensationalized or misleading ways to obtain donations.

11.34 Risk Acceptance

No person shall accept a high or critical child protection risk merely because mitigation is inconvenient, expensive or operationally difficult.

Where a significant risk cannot reasonably be mitigated, management shall reconsider, modify, postpone or discontinue the relevant activity.

11.35 Documentation

Risk assessments and mitigation decisions shall be documented sufficiently to demonstrate that safeguarding considerations were taken seriously.

Documentation shall not unnecessarily contain identifying information about individual children.

11.36 Review Frequency

Safeguarding risk assessments shall be reviewed:

- before a new high-risk programme;
- periodically during implementation;
- when activities or locations change;
- following a significant incident;
- when new information becomes available; and
- during major organizational changes.

11.37 Management Oversight

Senior management shall periodically review significant safeguarding risks and ensure that mitigation measures are adequately implemented.

Critical safeguarding risks shall be escalated to the appropriate level of organizational leadership.

11.38 Responsibility of All Personnel

Any personnel member who identifies a new or emerging safeguarding risk shall bring it to the attention of the appropriate supervisor or safeguarding focal person.

Personnel shall not assume that a risk is already known merely because it appears obvious.

11.39 Risk Management and Child Participation

Where appropriate, ILA may seek children's views regarding risks affecting their participation in programmes.

Children's participation shall itself be conducted safely and shall not require children to disclose sensitive information unnecessarily.

11.40 Continuous Review

Child protection risk management shall be a continuous process rather than a one-time exercise.

ILA shall seek to identify emerging threats and adapt its safeguards accordingly.

11.41 Minimum Standard

No ILA programme involving children shall knowingly proceed where a serious and reasonably foreseeable child protection risk has been identified but adequate mitigation measures have not been considered.

CHAPTER TWELVE

REPORTING, DISCLOSURE AND COMPLAINTS MECHANISMS

12.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that an effective child protection system must provide children and other persons with **safe, accessible, confidential and trusted mechanisms** for reporting concerns.

A child, parent, caregiver, employee, volunteer, partner or member of the community may become aware of conduct that places a child at risk. ILA shall therefore maintain appropriate channels through which concerns can be raised without fear of retaliation.

12.2 Purpose

This Chapter establishes procedures for:

- reporting child protection concerns;

- receiving disclosures from children;
- handling complaints;
- assessing immediate risks;
- making appropriate referrals;
- maintaining confidentiality;
- protecting complainants and witnesses; and
- ensuring that concerns are handled promptly and appropriately.

12.3 Right to Report

Every person has the right to report a child protection concern to ILA.

No person shall be required to prove an allegation before reporting it.

A reasonable concern, suspicion, disclosure or observation may be sufficient to trigger reporting.

12.4 Duty to Report

All ILA personnel shall promptly report concerns involving:

- abuse of a child;
- sexual exploitation or abuse;
- neglect;
- exploitation;
- trafficking;
- serious violence;
- inappropriate conduct by ILA personnel;
- safeguarding violations by partners or contractors; or
- any other circumstance that reasonably indicates that a child may be at risk.

12.5 Reporting Channels

ILA shall establish and maintain accessible reporting channels appropriate to its operational environment.

These may include:

- the Child Protection/Safeguarding Focal Person;
- an alternate safeguarding focal person;
- a supervisor or manager;
- designated organizational telephone contacts;
- official email;
- confidential written complaints;
- in-person reporting; and
- other approved community-based mechanisms.

The organization shall publicize appropriate reporting information to relevant beneficiaries and stakeholders.

12.6 Multiple Reporting Options

ILA shall maintain more than one reporting option so that a person is not forced to report to an individual who may be involved in the concern.

Where the allegation concerns:

- the Safeguarding Focal Person — the report shall be made to the alternate or appropriate senior authority;
- the Executive Director — the concern may be escalated to the Board or another authorized independent mechanism;
- a Board member — the matter shall be reported through an appropriate independent governance channel.

12.7 Child-Friendly Reporting

Reporting mechanisms involving children shall be designed to be:

- simple;
- accessible;
- safe;
- age-appropriate;
- confidential to the extent possible;
- non-threatening; and
- available without unnecessary procedural barriers.

Children shall not be required to use complicated forms or legal terminology to report a concern.

12.8 Accessibility

ILA shall make reasonable efforts to ensure that reporting mechanisms are accessible to:

- children with disabilities;
- children who cannot read or write;
- children who speak different languages;
- displaced children;
- children in detention; and
- children who may not have access to telephones or electronic communication.

12.9 Anonymous Reporting

Where practicable, ILA may allow anonymous reports.

Anonymous reporting may limit the organisation's ability to seek clarification or provide feedback, but the report shall nevertheless be assessed based on the information available.

12.10 Confidentiality

Information concerning a safeguarding report shall be handled confidentially.

Information shall be shared only where there is a legitimate need, including for:

- protecting a child;
- providing assistance;
- making referrals;
- conducting an authorized investigation;
- complying with legal obligations; or
- ensuring legitimate institutional oversight.

12.11 Limits to Confidentiality

ILA shall not promise absolute confidentiality where disclosure may be necessary to:

- protect a child from serious harm;
- comply with applicable law;
- facilitate an appropriate investigation;
- obtain emergency assistance; or
- meet other legitimate protection obligations.

Where safe and appropriate, these limitations shall be explained to the child or reporting person.

12.12 Receiving a Disclosure from a Child

When a child discloses abuse or another protection concern, personnel shall:

1. listen carefully;
2. remain calm;
3. take the child seriously;
4. avoid judgment;
5. reassure the child that they were right to speak;
6. avoid blaming the child;
7. avoid promising absolute secrecy;
8. avoid unnecessary questioning;
9. record the information accurately; and
10. report the concern through the appropriate channel.

12.13 What Personnel Should Avoid

Personnel receiving a disclosure shall not:

- interrogate the child;
- repeatedly ask the same questions;
- suggest answers;
- express disbelief;
- blame the child;
- confront the alleged perpetrator;
- investigate the allegation independently;
- promise a specific outcome; or
- spread the information among colleagues or community members.

12.14 Immediate Safety Assessment

Upon receiving a serious concern, the designated safeguarding function shall consider whether the child faces an immediate risk of harm.

The assessment should consider:

- whether the alleged perpetrator has access to the child;
- whether the child requires urgent medical assistance;
- whether the child is in a dangerous environment;
- whether the child may face retaliation;
- whether urgent relocation or protection is required; and
- whether competent authorities or protection services need to be contacted.

12.15 Immediate Protective Measures

Where necessary, ILA may take reasonable measures to protect a child, including:

- separating the child from an immediate threat;
- arranging safe referral;
- restricting an alleged perpetrator's access to the child;
- arranging medical attention;
- facilitating psychosocial support;
- contacting appropriate authorities; or
- implementing other appropriate protective measures.

12.16 Child's Best Interests

The best interests of the child shall guide decisions concerning:

- reporting;
- referrals;

- information sharing;
- interviews;
- protective measures; and
- follow-up.

12.17 Consent and Assent

Where appropriate, ILA shall seek informed consent or assent for referrals and services involving children, taking into account:

- age;
- maturity;
- capacity;
- applicable law; and
- immediate safety considerations.

Consent requirements shall not be interpreted as preventing necessary action to protect a child from serious harm where law or circumstances require otherwise.

12.18 Reporting to Authorities

Where an allegation may constitute a criminal offence or otherwise requires intervention by a competent authority, ILA shall consider appropriate referral or reporting in accordance with applicable law.

Such decisions shall consider:

- the child's safety;
- legal obligations;
- confidentiality;
- available protection mechanisms;
- risk of retaliation; and
- the best interests of the child.

12.19 Referral Pathways

ILA shall, where practicable, maintain an updated directory of relevant services, including:

- child protection authorities;
- police or other law enforcement agencies;
- health facilities;
- psychosocial support providers;
- social welfare services;
- shelters or safe accommodation;
- legal services; and
- other competent protection actors.

12.20 Referral Principles

Referrals shall be:

- appropriate;
- timely;
- safe;
- confidential;
- documented where necessary; and
- based on the child's needs.

ILA shall not refer a child to a service that it reasonably believes may expose the child to further harm.

12.21 Complaints Against ILA Personnel

Where a complaint concerns an ILA employee, volunteer, consultant, contractor or other representative, the matter shall be handled promptly and impartially.

The organization shall:

- protect the child;
- assess immediate risks;
- preserve relevant evidence;
- avoid conflicts of interest;
- maintain confidentiality; and
- determine appropriate next steps.

12.22 Complaints Against Senior Personnel

Where the complaint concerns a senior manager or Executive Director, it shall not be handled solely by that person or their immediate subordinate.

Appropriate escalation shall be made to an independent or higher authority within ILA, including the Board where appropriate.

12.23 Complaints Against Board Members

Where a safeguarding concern involves a Board member, the matter shall be referred to an appropriate independent governance mechanism.

The person concerned shall not participate in decisions relating to the complaint.

12.24 Complaints Involving Partners

Where a partner's personnel are alleged to have harmed a child in connection with an ILA-supported activity, ILA shall assess:

- immediate protection needs;
- the partner's response;
- contractual obligations;
- referral requirements; and
- whether continued partnership presents an unacceptable risk.

12.25 Reporting by Children

Children shall be permitted to report concerns directly without having to first report to a parent, caregiver, teacher or other adult where doing so could create additional risk or an unnecessary barrier.

12.26 Protection from Retaliation

ILA strictly prohibits retaliation against:

- children who report concerns;
- complainants;
- witnesses;
- whistleblowers;
- personnel who make good-faith reports; or
- persons cooperating with safeguarding processes.

Retaliation shall constitute a serious breach of this Policy.

12.27 False and Malicious Complaints

ILA recognizes that a complaint may be unsubstantiated without being false.

A person shall not be punished merely because a complaint cannot be proven.

However, knowingly making a malicious or deliberately fabricated allegation may constitute misconduct.

12.28 Recording Reports

Safeguarding reports shall be documented accurately and objectively.

Records should contain, where available:

- date and time;
- nature of concern;
- persons involved;

- relevant facts;
- immediate risks;
- actions taken;
- referrals made; and
- responsible persons.

Records should avoid unnecessary speculation.

12.29 Case Reference Numbers

Where appropriate, safeguarding cases shall be assigned unique reference numbers rather than relying unnecessarily on children's names in routine documentation.

12.30 Secure Records

Safeguarding records shall be securely stored with access restricted to authorized personnel.

Physical records shall be protected from unauthorized access.

Electronic records shall be protected through appropriate access controls and security measures.

12.31 Information Sharing

Information shall be shared only to the extent necessary for the legitimate purpose.

Personnel shall follow the principle of:

Share what is necessary, with whom it is necessary, for the purpose for which it is necessary.

12.32 Communication with the Child

Where appropriate, ILA shall explain to the child:

- what will happen next;
- who may need to receive information;
- what support may be available;
- what decisions the child may participate in; and
- what the organization can and cannot do.

Information shall be provided in a manner appropriate to the child's age and understanding.

12.33 Feedback to Complainants

Where safe, lawful and appropriate, ILA shall provide reasonable information to complainants about the progress or outcome of a complaint.

Confidentiality obligations may limit the amount of information that can be disclosed.

12.34 Complaints Handling Timeframes

ILA shall seek to acknowledge safeguarding complaints promptly and initiate an appropriate assessment without unnecessary delay.

Serious or urgent cases shall receive priority.

12.35 Emergency Reports

Reports indicating immediate danger to a child shall be treated as urgent.

The organization shall prioritize immediate protection over routine administrative processes.

12.36 Safeguarding Incident Management Team

For serious cases, ILA may establish a small incident-management team comprising appropriate personnel with relevant expertise.

The team shall operate on a strict need-to-know basis and shall avoid unnecessary disclosure of information.

12.37 Conflict of Interest

Anyone receiving, assessing or managing a complaint shall disclose an actual or potential conflict of interest.

A person with a conflict shall not make decisions concerning the matter unless their involvement is unavoidable and appropriately managed.

12.38 Independence and Impartiality

Safeguarding concerns shall be handled as impartially as circumstances permit.

Where allegations concern senior personnel or create institutional conflicts of interest, ILA shall consider external or independent support.

12.39 Cooperation with Investigations

ILA personnel shall cooperate with authorized safeguarding investigations.

No person shall:

- destroy evidence;
- influence witnesses;

- intimidate complainants;
- obstruct an investigation; or
- interfere with legitimate investigative processes.

12.40 Protection of Evidence

Relevant documents, electronic records, messages and other information shall be preserved where necessary for an authorized investigation or legal process.

12.41 Non-Interference

Personnel shall not attempt to resolve serious allegations privately where doing so could:

- place the child at further risk;
- compromise evidence;
- intimidate the complainant;
- prejudice an investigation; or
- conceal misconduct.

12.42 Monitoring Complaints

ILA shall periodically review safeguarding complaints and reports in an anonymized form to identify:

- recurring risks;
- high-risk locations;
- programme weaknesses;
- training needs;
- patterns of misconduct; and
- necessary policy improvements.

12.43 Complaint Data Protection

Complaint information shall be handled in accordance with ILA's Data Protection and Privacy Policy and applicable legal requirements.

12.44 Accessibility of the Mechanism

ILA shall communicate its reporting mechanisms to children and communities in accessible ways.

Information may be provided through:

- orientation sessions;
- posters;
- community meetings;

- programme materials;
- child-friendly information sheets; and
- other appropriate communication channels.

12.45 No Cost to Report

Where possible, ILA's internal safeguarding reporting mechanisms shall be accessible without charge.

A child shall not be required to pay a fee merely to report a safeguarding concern.

12.46 Protection from Abuse of the Reporting Mechanism

Reporting mechanisms shall not be used to:

- intimidate staff;
- harass individuals;
- obtain confidential information improperly;
- interfere with legal proceedings; or
- deliberately obstruct organizational operations.

12.47 Continuous Improvement

ILA shall periodically review the accessibility and effectiveness of its reporting mechanisms.

The organization shall consider feedback from:

- children;
- caregivers;
- personnel;
- partners;
- community members; and
- relevant protection actors.

12.48 Minimum Standard

Every ILA programme involving children shall have a clearly identified and accessible mechanism through which a child or other person can safely report a protection concern.

CHAPTER THIRTEEN

RESPONSE, REFERRAL AND CASE MANAGEMENT

13.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that an effective child protection system must go beyond prevention and reporting. Where a concern arises, ILA shall respond promptly, safely, confidentially and in a manner consistent with the best interests and rights of the child.

This Chapter establishes the institutional framework for responding to child protection concerns, making referrals and managing safeguarding cases within ILA's mandate and capacity.

13.2 Purpose

The objectives of this Chapter are to ensure that:

- children receive timely protection;
- immediate risks are identified and addressed;
- appropriate services are accessed;
- safeguarding concerns are handled consistently;
- confidentiality is maintained;
- cases are managed only by appropriately authorized personnel;
- children are not subjected to unnecessary repeated interviews; and
- ILA does not undertake functions beyond its competence.

13.3 Guiding Principles

All safeguarding responses shall be guided by:

1. **Best interests of the child**
2. **Do no harm**
3. **Non-discrimination**
4. **Confidentiality**
5. **Respect for dignity**
6. **Child participation**
7. **Safety and security**
8. **Accountability**
9. **Timeliness**
10. **Professional competence**

13.4 Scope of ILA's Case Management Role

ILA shall only undertake child protection case-management functions that fall within its mandate, capacity, professional competence and authorization.

Where a matter requires specialized services, ILA shall facilitate an appropriate referral rather than attempting to provide services for which it lacks competence.

13.5 Initial Response

When a concern is received, the receiving person shall:

1. listen and respond appropriately;
2. assess whether there is an immediate danger;
3. take reasonable steps to protect the child;
4. record essential information;
5. report the concern through the designated mechanism; and
6. facilitate referral where necessary.

13.6 Immediate Safety Assessment

The first assessment shall determine whether:

- the child is currently in danger;
- the alleged perpetrator has access to the child;
- urgent medical assistance is required;
- the child is at risk of retaliation;
- the child has been displaced or separated from caregivers;
- urgent legal intervention is required; or
- emergency protection services are necessary.

13.7 Emergency Response

Where a child faces an immediate threat of serious harm, ILA shall prioritize immediate protection.

Depending on the circumstances, this may involve:

- contacting an appropriate emergency service;
- facilitating medical attention;
- contacting an appropriate child protection authority;
- arranging safe temporary accommodation;
- notifying a responsible caregiver where safe;
- restricting contact with an alleged perpetrator; or
- taking other lawful protective measures.

13.8 Risk Classification

Safeguarding concerns may be classified for operational purposes as:

Low Risk: No immediate threat and limited protection concerns.

Moderate Risk: Significant concern requiring timely intervention or referral.

High Risk: Serious risk of harm requiring urgent protective action.

Critical/Emergency: Immediate threat to life, serious injury, sexual violence, abduction or other grave harm requiring urgent action.

Risk classifications shall guide response but shall not replace professional judgment.

13.9 Child-Centred Response

The response shall take into account:

- the child's age;
- maturity;
- understanding;
- wishes and views;
- safety;
- family circumstances;
- disability;
- cultural and social circumstances; and
- specific protection needs.

13.10 Handling Disclosures

Personnel receiving a disclosure shall avoid conducting an investigation.

They should obtain only information reasonably necessary to:

- understand the immediate protection concern;
- identify the child;
- assess immediate danger; and
- determine appropriate referral.

13.11 Avoiding Re-Traumatization

ILA shall take reasonable measures to avoid unnecessary repetition of a child's account.

Where the child's testimony or detailed interview is required for legal proceedings, it should be undertaken by appropriately trained and authorized personnel.

13.12 Referral Assessment

Before making a referral, ILA shall consider:

- the child's immediate needs;

- urgency;
- availability of services;
- safety of the referral destination;
- accessibility;
- confidentiality;
- the child's views;
- caregiver circumstances; and
- legal requirements.

13.13 Referral Services

Depending on the circumstances, referrals may include:

- legal services;
- medical services;
- psychosocial support;
- social welfare services;
- child protection services;
- police or other competent authorities;
- emergency accommodation;
- disability support;
- family tracing and reunification services; and
- other specialized services.

13.14 Referral Directory

ILA shall maintain, where practicable, an updated referral directory containing relevant service providers and contact information.

The directory should be reviewed periodically because service availability may change.

13.15 Safe Referral

A referral shall not be made merely because a service exists.

ILA shall consider whether the referral could expose the child to:

- retaliation;
- further abuse;
- stigma;
- unnecessary disclosure;
- discrimination; or
- other harm.

13.16 Referral Documentation

Where appropriate, referrals shall be documented, including:

- date;
- reason for referral;
- receiving service;
- relevant information shared;
- consent or authorization where applicable; and
- follow-up arrangements.

13.17 Consent and Information Sharing

ILA shall seek appropriate consent or authorization before sharing personal information, subject to applicable law and circumstances requiring protective disclosure.

Only information necessary for the referral shall be shared.

13.18 Mandatory or Protective Disclosure

Where law or serious protection circumstances require disclosure without consent, ILA may share relevant information with an appropriate authority or service.

The disclosure shall be limited to what is reasonably necessary.

13.19 Case Assignment

Where ILA formally manages a legal or protection case, responsibility shall be assigned to an appropriately qualified person.

Caseworkers shall not manage cases beyond their competence.

13.20 Case Management Plan

Where appropriate, a case management plan may identify:

- protection concerns;
- immediate needs;
- legal needs;
- health needs;
- psychosocial needs;
- referral actions;
- responsible persons;
- timeframes; and
- follow-up requirements.

13.21 Case Records

Case records shall be:

- accurate;
- objective;
- relevant;
- confidential;
- securely stored; and
- accessible only to authorized persons.

Records shall distinguish between:

- facts;
- information provided by others;
- professional assessments; and
- allegations that have not been verified.

13.22 Case Identification

Where possible, safeguarding cases shall be assigned a unique reference number.

The child's name should not be unnecessarily repeated in routine correspondence or reports.

13.23 Confidential Case Files

Child protection files shall be maintained separately from general administrative records where appropriate.

Access shall be based on legitimate professional need.

13.24 Caseworker Conduct

A caseworker shall:

- treat the child with dignity;
- maintain professional boundaries;
- avoid promises that cannot be fulfilled;
- explain procedures clearly;
- document significant actions;
- respect confidentiality; and
- seek supervision where necessary.

13.25 Supervision of Caseworkers

Personnel handling child protection cases shall receive appropriate professional supervision.

Supervision shall support:

- quality of decision-making;
- risk assessment;
- emotional well-being of personnel;
- appropriate referrals;
- compliance with legal obligations; and
- case closure.

13.26 Legal Case Management

Where the child is receiving legal assistance, the responsible legal practitioner shall ensure that the legal case is managed separately but appropriately coordinated with protection needs.

Legal strategy shall not unnecessarily compromise the child's safety.

13.27 Children in Conflict with the Law

Where a child is accused of an offence, ILA shall consider both:

- the child's legal rights; and
- any safeguarding concerns arising from detention, family circumstances, violence, exploitation or other risks.

13.28 Child Victims and Witnesses

Children who are victims or witnesses shall receive child-sensitive support.

ILA shall seek to reduce:

- unnecessary exposure to alleged perpetrators;
- repeated interviews;
- intimidating environments;
- public identification; and
- unnecessary court-related trauma.

13.29 Family and Caregiver Involvement

Parents or caregivers may play an important role in protecting children.

However, caregiver involvement shall be assessed in light of the child's safety.

A caregiver shall not automatically be informed where doing so could:

- expose the child to further harm;
- compromise protection;
- facilitate retaliation; or
- otherwise conflict with the child's best interests.

13.30 Alternative Care and Safe Accommodation

Where a child cannot safely remain in their current environment, ILA shall facilitate referral to appropriate protection services.

ILA shall not independently establish or operate alternative care arrangements without appropriate authorization, expertise and safeguards.

13.31 Medical Referral

Where a child may require medical attention, ILA shall facilitate appropriate referral.

Personnel shall not conduct medical examinations unless professionally qualified and authorized to do so.

13.32 Psychosocial Referral

Where a child demonstrates distress or may benefit from psychosocial support, appropriate referral should be considered.

ILA personnel shall not represent themselves as counsellors or mental-health professionals unless appropriately qualified.

13.33 Legal Referral

Where a matter falls outside ILA's capacity, geographic coverage, mandate or available resources, it may be referred to another competent legal service provider.

13.34 Cross-Agency Coordination

Where appropriate, ILA may coordinate with relevant child protection, legal, health, social welfare and humanitarian actors.

Coordination shall respect:

- confidentiality;
- consent requirements;
- data protection;
- professional ethics; and
- the child's best interests.

13.35 Information Sharing Meetings

Where a multi-agency meeting is necessary, only relevant personnel should participate.

Personal information shall not be disclosed beyond what is necessary.

13.36 Case Follow-Up

Where appropriate and safe, ILA shall follow up on referrals to determine whether:

- the child accessed the service;
- additional protection needs emerged;
- the referral was appropriate; and
- further legal assistance is required.

Follow-up shall not unnecessarily expose the child to repeated questioning.

13.37 Case Closure

A case may be closed where:

- the identified objectives have been achieved;
- the child no longer requires ILA assistance;
- the matter has been appropriately transferred;
- the child cannot reasonably be contacted after appropriate efforts;
- the child requests closure where appropriate; or
- continued case management is no longer justified.

Case closure shall be documented.

13.38 Safe Case Transfer

Where a case is transferred to another organization or professional, ILA shall ensure that:

- the receiving party is appropriate;
- necessary information is securely transferred;
- confidentiality is maintained;
- the child is informed where appropriate; and
- responsibility is clearly established.

13.39 Case Closure Review

Before closure, the responsible person should consider:

- outstanding protection risks;
- pending legal matters;
- unresolved referrals;
- safety concerns;
- confidentiality;
- record retention; and
- whether another service should assume responsibility.

13.40 Serious Incident Review

A serious safeguarding incident may require an internal review to identify:

- what occurred;
- how the concern was detected;
- whether procedures were followed;
- whether institutional weaknesses contributed; and
- what corrective action is necessary.

Such a review shall focus on organizational learning and shall not replace a lawful investigation.

13.41 Investigation

Where an investigation is required, it shall be conducted by persons with appropriate competence and independence.

The investigator shall:

- avoid conflicts of interest;
- respect confidentiality;
- preserve evidence;
- treat persons fairly;
- avoid unnecessary contact with the child;
- document findings objectively; and
- comply with applicable legal requirements.

13.42 Investigation of Criminal Allegations

ILA shall not attempt to replace competent law enforcement or judicial authorities in investigating alleged criminal conduct.

Where appropriate, ILA shall facilitate referral to competent authorities.

13.43 Administrative Investigation

ILA may conduct an internal administrative investigation where necessary to determine whether:

- organizational policies were breached;
- personnel misconduct occurred;
- contractual obligations were violated; or
- corrective action is required.

13.44 Separation of Functions

Where practicable, the persons responsible for:

- receiving a complaint;
- providing support;
- investigating an allegation; and
- making disciplinary decisions

should be appropriately separated to reduce conflicts of interest.

13.45 Protection During Investigation

During an investigation, ILA shall consider measures to protect:

- the child;
- witnesses;
- complainants;
- alleged perpetrators from prejudicial treatment;
- records; and
- evidence.

13.46 Presumption and Fairness

An allegation shall be treated seriously without automatically assuming that it has been proven.

ILA shall maintain appropriate fairness and due process while prioritizing immediate child protection.

13.47 Retaliation During Case Management

Any retaliation arising during case management shall be treated as a separate safeguarding concern and addressed promptly.

13.48 Case Management and Data Protection

Case information shall be handled in accordance with ILA's Data Protection and Privacy Policy.

Particular care shall be taken with:

- names;
- contact details;
- medical information;
- photographs;
- legal documents;
- statements;
- allegations; and
- information concerning family members.

13.49 Case Management Quality Assurance

ILA shall periodically review its case-management practices to assess:

- timeliness;
- quality of referrals;
- confidentiality;
- documentation;
- child participation;
- outcomes; and
- compliance with this Policy.

13.50 Minimum Standard

No child protection case shall be knowingly left without an appropriate response where ILA has the capacity and responsibility to act.

Where ILA cannot provide the required service, it shall, where practicable and safe, facilitate referral to an appropriate competent provider.

CHAPTER FOURTEEN

CHILD PARTICIPATION, COMMUNICATION AND EMPOWERMENT

14.1 Introduction

The Initiative for Legal Aid (ILA) recognizes children as rights-holders whose views, dignity, safety and participation must be respected.

Child protection is strengthened when children understand their rights, know how to seek assistance and are given safe opportunities to express their views.

ILA shall therefore promote meaningful, safe and age-appropriate participation of children in matters affecting them, while ensuring that participation never exposes a child to unnecessary risk.

14.2 Purpose

This Chapter establishes standards for:

- meaningful child participation;
- child-friendly communication;
- informing children about their rights;
- obtaining children's views;
- ensuring safe participation;
- preventing manipulation or exploitation;
- accessibility and inclusion; and
- empowering children to seek protection.

14.3 Guiding Principles

Child participation under ILA shall be:

1. **Voluntary;**
2. **Safe;**
3. **Age-appropriate;**
4. **Accessible;**
5. **Inclusive;**
6. **Respectful;**
7. **Meaningful;**
8. **Non-discriminatory;** and
9. **Consistent with the child's best interests.**

14.4 Right to Be Heard

Children shall, where appropriate, be given an opportunity to express their views in matters affecting them.

Their views shall be given appropriate weight according to:

- age;
- maturity;
- understanding; and
- the nature of the decision.

14.5 Voluntary Participation

A child shall not be forced to participate in:

- interviews;
- consultations;
- community activities;
- research;
- advocacy;
- media activities;
- public events; or
- other ILA activities.

Where participation is voluntary, a child should be free to withdraw without punishment or loss of legitimate services.

14.6 Informed Participation

Before participating, children should receive information appropriate to their age and understanding about:

- the purpose of the activity;
- what participation involves;
- who will receive the information;
- possible risks;
- confidentiality and its limits;
- their right to decline where applicable; and
- available support.

14.7 Age-Appropriate Communication

ILA shall communicate with children using language and methods appropriate to their:

- age;
- maturity;
- language;
- disability;
- literacy level; and
- circumstances.

Legal concepts shall be explained in simple language whenever possible.

14.8 Child-Friendly Legal Assistance

Where ILA provides legal assistance to children, legal practitioners shall make reasonable efforts to explain:

- the nature of the legal matter;
- relevant procedures;
- available options;
- possible consequences;
- the child's rights; and
- the role of the lawyer.

The child shall be encouraged to ask questions.

14.9 Language and Interpretation

Where a child does not understand the language being used, ILA shall make reasonable arrangements for interpretation or other appropriate communication support.

Interpreters shall respect confidentiality and professional boundaries.

14.10 Children with Disabilities

ILA shall take reasonable steps to ensure that children with disabilities can participate meaningfully.

This may include:

- accessible venues;
- sign-language interpretation;
- alternative communication methods;
- additional time;
- accessible information; and
- appropriate support persons.

14.11 Children in Vulnerable Circumstances

Additional safeguards shall be considered when engaging:

- displaced children;
- separated children;
- children in detention;
- children affected by violence;
- children with disabilities;
- children without adequate parental care; and
- children exposed to other significant risks.

14.12 Child-Friendly Environment

Where children are interviewed or consulted, ILA shall, where practicable, provide an environment that is:

- safe;
- private;
- respectful;
- non-intimidating;
- accessible; and
- appropriate to the child's age.

14.13 Avoiding Intimidation

Personnel shall not use:

- threats;
- coercion;
- excessive authority;
- intimidating language;
- financial pressure; or
- other improper influence

to obtain a child's participation.

14.14 Avoiding Leading or Manipulative Questions

Personnel shall avoid questions or statements designed to force a child toward a predetermined answer.

Children shall be given reasonable opportunity to express their own views.

14.15 Child Participation in Programme Design

Where appropriate, ILA may seek children's views when designing programmes that directly affect them.

Participation may include:

- consultations;
- focus-group discussions;
- age-appropriate surveys;
- feedback sessions; and
- child advisory activities.

14.16 Child Participation in Programme Evaluation

Children may be invited to provide feedback on ILA services.

Feedback mechanisms shall be designed so that children can express dissatisfaction without fear of losing services or facing retaliation.

14.17 Child Feedback Mechanisms

ILA shall establish appropriate ways for children to communicate:

- whether services are helpful;
- whether they feel safe;
- whether personnel treated them respectfully;
- whether they understand the assistance provided; and
- whether they have concerns or complaints.

14.18 Protection from Retaliation

A child shall not be punished, excluded or disadvantaged for:

- expressing an opinion;
- declining participation where participation is voluntary;
- making a complaint;
- providing negative feedback; or
- reporting misconduct.

14.19 Participation and Confidentiality

Children shall be informed that participation does not necessarily mean that everything they say can remain confidential.

Personnel shall explain confidentiality limitations in a manner the child can understand.

14.20 Public Advocacy

Where ILA uses children's experiences in advocacy, appropriate safeguards shall be applied.

A child's story shall not be used merely because it is compelling or likely to attract public attention.

14.21 Use of Children's Stories

ILA shall avoid:

- sensationalizing children's experiences;
- exaggerating suffering;
- presenting children as helpless objects;
- using degrading descriptions; or
- disclosing unnecessary identifying information.

14.22 Photographs and Images

Images of children shall be used only where there is a legitimate organizational purpose and appropriate authorization.

ILA shall consider whether publication could expose the child to:

- stigma;
- retaliation;
- exploitation;
- discrimination;
- identification by an alleged perpetrator; or
- other harm.

14.23 Names and Identifying Information

ILA shall avoid publishing a child's full name, address, school, exact location or other identifying information where doing so could create a protection risk.

Particular caution shall be exercised in cases involving:

- sexual abuse;

- trafficking;
- child victims;
- children in conflict with the law;
- family disputes; and
- children at risk of retaliation.

14.24 Social Media and Digital Participation

Where children participate in digital activities, ILA shall consider:

- privacy;
- online safety;
- cyberbullying;
- inappropriate contact;
- data protection;
- digital consent; and
- exposure to harmful content.

14.25 Online Meetings

Where children participate in online meetings, ILA shall establish appropriate safeguards, including:

- controlled access;
- appropriate communication rules;
- protection of personal information;
- avoidance of unnecessary recording; and
- appropriate supervision.

14.26 Recording of Participation

Meetings involving children should not be audio- or video-recorded unless there is a legitimate reason and appropriate authorization.

Where recording is necessary, the purpose and handling of the recording shall be explained appropriately.

14.27 Child Participation in Research

Research involving children shall be subject to appropriate ethical and safeguarding standards.

Researchers shall consider:

- consent and assent;
- confidentiality;
- risk of harm;

- appropriate incentives;
- data protection; and
- referral arrangements where distress or protection concerns arise.

14.28 Child Participation in Legal Proceedings

Where children are involved in legal proceedings, ILA shall seek to ensure that:

- the child understands the process;
- unnecessary exposure to intimidating environments is minimized;
- the child's views are appropriately presented;
- confidentiality is protected; and
- appropriate legal and psychosocial support is available where necessary.

14.29 Participation of Child Survivors

Children who have experienced abuse or exploitation shall never be required to publicly disclose their experiences as a condition of receiving assistance.

14.30 Consent of Parents or Caregivers

Where appropriate, ILA shall consider parental or caregiver consent for activities involving children.

However, caregiver consent shall not automatically override the child's rights or safety, particularly where the caregiver may be implicated in the concern.

14.31 Child Consent and Assent

Depending on age, maturity and applicable law, ILA shall seek the child's informed assent in addition to any required parental or guardian consent.

Children should understand that they are being asked to participate and what participation involves.

14.32 Refusal to Participate

Where participation is voluntary, refusal shall be respected.

Personnel shall not pressure a child to change their decision.

14.33 Child Empowerment

ILA shall promote children's ability to understand and exercise their rights through:

- legal awareness;

- child-friendly information;
- community education;
- safe referral information;
- awareness of complaint mechanisms; and
- age-appropriate rights education.

14.34 Information About Reporting

Children participating in ILA programmes shall, where appropriate, be informed about:

- how to report abuse;
- who they can speak to;
- available complaint mechanisms;
- how to seek help; and
- what to do in an emergency.

14.35 Child Protection Awareness

ILA may conduct child-friendly awareness activities concerning:

- children's rights;
- personal safety;
- violence prevention;
- exploitation;
- online safety;
- access to justice;
- reporting mechanisms; and
- available support services.

14.36 Community Engagement

ILA shall work with parents, caregivers, community leaders and other stakeholders to promote an environment in which children are respected and protected.

Community engagement shall not compromise children's confidentiality or individual rights.

14.37 Avoiding Tokenism

Child participation shall be meaningful.

ILA shall not involve children merely to create the appearance of participation where their views have no reasonable opportunity to influence the activity or decision.

14.38 Feedback on Decisions

Where children are consulted about a decision, ILA should, where practical, explain how their views were considered.

If a child's preference cannot be followed, the organization should provide an appropriate explanation.

14.39 Safeguarding During Participation

Every child participation activity shall consider:

- physical safety;
- emotional well-being;
- privacy;
- transportation;
- supervision;
- accessibility;
- communication risks; and
- potential retaliation.

14.40 Personnel Conduct During Participation

Personnel facilitating child participation shall:

- remain professional;
- avoid favoritism;
- respect boundaries;
- avoid private or inappropriate relationships;
- listen without judgment; and
- report protection concerns.

14.41 Monitoring Participation

ILA shall periodically assess whether children are:

- able to participate safely;
- being listened to;
- receiving understandable information;
- able to complain;
- protected from retaliation; and
- treated with dignity.

14.42 Documentation

Records of child participation shall contain only information reasonably necessary for programme purposes.

Personal information shall be protected in accordance with ILA's Data Protection and Privacy Policy.

14.43 Accountability

Programme managers are responsible for ensuring that child participation activities comply with this Policy.

Personnel who organize child consultations or activities shall ensure appropriate safeguarding measures are in place before participation begins.

14.44 Minimum Standard

No ILA activity shall require a child to sacrifice their safety, dignity, privacy or well-being merely to facilitate programme implementation, advocacy, research, fundraising or legal work.

CHAPTER FIFTEEN

DIGITAL SAFETY, DATA PROTECTION AND ONLINE CHILD PROTECTION

15.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that children may face significant risks through digital communication, social media, electronic case management, online legal services and other technologies.

Digital systems can expose children to privacy violations, exploitation, grooming, harassment, cyberbullying, unauthorized disclosure and other forms of harm.

ILA shall therefore integrate child protection into its information technology, communications and data-management practices.

15.2 Purpose

This Chapter establishes standards for:

- protecting children's personal information;
- safe digital communication;
- responsible use of photographs and recordings;
- online meetings and services;
- social media;
- electronic case files;
- cybersecurity;
- prevention of online exploitation; and

- response to digital safeguarding incidents.

15.3 Scope

This Chapter applies to all ILA digital and electronic activities, including:

- websites;
- email;
- social media;
- messaging platforms;
- electronic case-management systems;
- cloud storage;
- databases;
- online meetings;
- digital legal consultations;
- photographs and videos;
- mobile devices; and
- other technology used for ILA activities.

15.4 Data Protection Principles

ILA shall handle children's personal information in accordance with the principles of:

- lawfulness;
- fairness;
- transparency;
- purpose limitation;
- data minimization;
- accuracy;
- security;
- confidentiality; and
- appropriate retention and disposal.

15.5 Data Minimization

ILA shall collect only information that is reasonably necessary for a legitimate organizational purpose.

Personnel shall not collect sensitive information merely because it may be useful in the future.

15.6 Sensitive Child Information

Particular care shall be given to information relating to:

- abuse or exploitation;
- health;

- disability;
- family circumstances;
- legal proceedings;
- criminal allegations;
- location;
- photographs;
- identity documents;
- sexual violence; and
- other information that could expose a child to harm.

15.7 Purpose Limitation

Information collected for legal assistance, protection or programme purposes shall not be used for unrelated personal, commercial or other unauthorized purposes.

15.8 Access Controls

Access to child-related information shall be restricted according to legitimate professional need.

ILA shall, where practicable, use:

- individual user accounts;
- passwords;
- role-based access;
- device security;
- access logs; and
- other appropriate safeguards.

15.9 Password Security

Personnel shall:

- use strong passwords;
- avoid sharing passwords;
- avoid storing passwords insecurely;
- use multi-factor authentication where available; and
- immediately report suspected account compromise.

15.10 Personal Devices

Where personnel use personal devices for authorized ILA work involving children, they shall ensure appropriate security measures are in place.

Child-related information shall not be stored on personal devices unnecessarily.

15.11 Loss or Theft of Devices

Loss or theft of a device containing child-related information shall be reported promptly to the appropriate ILA authority.

ILA shall assess whether further protective action is required.

15.12 Email Communication

Personnel shall exercise caution when sending child-related information by email.

Where appropriate, sensitive documents should be protected through suitable security measures.

Recipients shall be checked before sensitive information is sent.

15.13 Messaging Applications

Personnel shall use approved communication channels where available.

They shall not use messaging applications to:

- groom children;
- send inappropriate content;
- solicit personal information unnecessarily;
- establish inappropriate relationships; or
- conceal prohibited communications.

15.14 Digital Communication with Children

Where direct communication with a child is necessary, personnel shall:

- maintain professional boundaries;
- use appropriate language;
- communicate for legitimate purposes;
- avoid unnecessary late-night communication;
- avoid disappearing-message features where they undermine accountability; and
- maintain appropriate records where required.

15.15 Online Legal Consultations

Where ILA provides legal assistance remotely, personnel shall consider:

- privacy;
- whether the child is safe to speak;
- whether another person may be monitoring the conversation;
- confidentiality;
- technology limitations; and
- appropriate referral arrangements.

15.16 Safe Online Environment

ILA shall take reasonable measures to ensure that online activities involving children do not expose them to:

- harassment;
- sexual exploitation;
- grooming;
- cyberbullying;
- unauthorized contact;
- harmful content; or
- identity exposure.

15.17 Online Grooming

ILA personnel shall not engage in conduct intended to build an inappropriate emotional, sexual or personal relationship with a child through digital communication.

Any suspected grooming involving ILA personnel shall be reported immediately.

15.18 Social Media

ILA's official social-media accounts shall comply with this Policy.

Content involving children shall be reviewed before publication to ensure that it does not create unnecessary protection risks.

15.19 Personal Social Media

Personnel shall not use personal social-media accounts to:

- contact children for inappropriate purposes;
- publish confidential information;
- share identifiable case details;
- post inappropriate images of child clients; or
- create relationships that compromise professional boundaries.

15.20 Photography and Videography

Before taking or publishing photographs or videos involving children, ILA shall consider:

- legitimate purpose;
- consent and authorization;
- privacy;
- dignity;
- safety;

- context;
- potential identification; and
- possible future consequences.

15.21 Child Images in Legal Cases

Images relating to child protection or legal cases shall be treated as highly sensitive.

They shall not be published or shared publicly unless there is a legitimate, lawful and appropriately authorized reason.

15.22 Prohibition on Exploitative Images

ILA personnel shall never request, create, possess, distribute or share sexual or exploitative images involving children.

Any such material encountered in the course of legitimate safeguarding or legal work shall be handled strictly in accordance with applicable law and organizational procedures.

15.23 Digital Records

Electronic child protection records shall be:

- securely stored;
- appropriately backed up;
- protected against unauthorized access;
- retained only as long as necessary; and
- securely deleted or disposed of when retention is no longer required.

15.24 Cloud Storage

Where cloud services are used for child-related information, ILA shall use reputable and appropriately secured services.

Access shall be restricted to authorized personnel.

15.25 Shared Computers

Personnel shall not leave child-related files open or accessible on shared computers.

Users shall:

- lock screens when leaving devices;
- log out of systems;
- avoid saving sensitive information to public computers; and
- follow ILA's ICT security procedures.

15.26 USB Devices and External Storage

Sensitive child-related information should not be transferred using removable storage devices unless necessary and appropriately secured.

Where removable storage is used, reasonable security measures should be applied.

15.27 Printing and Physical Copies

Printed child-related information shall be protected from unauthorized viewing.

Unneeded documents containing sensitive information shall be securely destroyed.

15.28 Data Breaches

A data breach involving child-related information shall be reported immediately.

Examples include:

- unauthorized access;
- lost devices;
- accidental disclosure;
- hacked accounts;
- misdirected email;
- stolen files; and
- unauthorized publication.

15.29 Response to Data Breaches

ILA shall assess:

1. what information was exposed;
2. which children may be affected;
3. whether there is an ongoing risk;
4. what immediate protective measures are required;
5. whether affected persons should be informed; and
6. whether competent authorities or other bodies must be notified.

15.30 Cybersecurity Training

Personnel with access to child-related information shall receive appropriate training on:

- password security;
- phishing;
- malware;
- data protection;

- safe communication;
- social media;
- device security; and
- safeguarding risks online.

15.31 Phishing and Fraud

Personnel shall exercise caution when receiving requests for:

- passwords;
- case information;
- identity documents;
- financial information;
- photographs; or
- other sensitive information.

Suspicious requests shall be reported.

15.32 Digital Record of Consent

Where consent is required for digital activities, ILA shall maintain an appropriate record of consent or authorization.

The record shall not contain more information than necessary.

15.33 Online Events

For online events involving children, organizers shall establish appropriate safeguards, including:

- access controls;
- moderation;
- rules of conduct;
- privacy safeguards;
- appropriate supervision; and
- mechanisms for reporting inappropriate conduct.

15.34 Recording Online Meetings

Online meetings involving children should not be recorded unless there is a legitimate and authorized purpose.

Participants shall be informed where recording is taking place, subject to applicable legal and safeguarding requirements.

15.35 Third-Party Digital Platforms

Before using a third-party digital platform involving child information, ILA should consider:

- privacy protections;
- security;
- data storage;
- access controls;
- terms of use;
- data-sharing practices; and
- safeguarding risks.

15.36 Vendors and Service Providers

Contracts with technology providers that process child-related information should include appropriate confidentiality, security and data-protection requirements.

15.37 Digital Safeguarding in Partnerships

Partners using ILA-provided or ILA-funded digital systems shall comply with applicable ILA safeguarding requirements.

15.38 Online Complaints

ILA shall, where practicable, provide safe options for children and other persons to report safeguarding concerns electronically.

Online reporting mechanisms shall be designed to protect confidentiality.

15.39 Monitoring and Surveillance

ILA shall not use technology to monitor children unnecessarily.

Any monitoring undertaken for legitimate security or programme purposes shall be proportionate, transparent where appropriate and consistent with applicable law.

15.40 Artificial Intelligence and Emerging Technology

Where ILA uses artificial intelligence or other emerging technologies in work involving children, it shall consider:

- privacy;
- confidentiality;
- accuracy;
- bias;
- security;
- inappropriate disclosure;
- human oversight; and

- potential harm to children.

Sensitive child information shall not be entered into public or unauthorized AI systems.

15.41 Digital Case Management

Where an electronic case-management system is used, ILA shall establish:

- user permissions;
- access controls;
- audit mechanisms;
- secure backups;
- retention rules; and
- procedures for correcting inaccurate information.

15.42 Data Retention

Child-related information shall be retained only for as long as necessary to fulfil its legitimate purpose or meet applicable legal, contractual or professional requirements.

15.43 Secure Disposal

When information is no longer required, ILA shall dispose of it securely.

Electronic information shall be securely deleted where practicable, while physical records shall be destroyed using appropriate methods.

15.44 Digital Safety Awareness for Children

Where appropriate, ILA may educate children about:

- protecting passwords;
- privacy;
- online grooming;
- cyberbullying;
- suspicious messages;
- inappropriate requests for photographs;
- reporting harmful online behaviour; and
- seeking help.

15.45 Reporting Online Abuse

Any suspected online abuse involving a child and connected to ILA activities shall be reported through the organisation's safeguarding mechanism.

Where necessary, ILA shall facilitate referral to appropriate authorities or specialized services.

15.46 Cross-Border Data Transfers

Where child-related information is transferred across borders, ILA shall consider applicable legal requirements, confidentiality and the potential protection risks associated with such transfer.

15.47 Digital Communications During Emergencies

During emergencies, personnel shall continue to protect children's information even where normal communication systems are disrupted.

Alternative communication channels shall be used only after considering their security and confidentiality.

15.48 Accountability

The ILA management and ICT functions shall work together to ensure that technological systems support rather than undermine child protection.

All personnel remain individually responsible for complying with digital safeguarding requirements.

15.49 Breach of Digital Safeguarding Rules

Unauthorized access, disclosure, misuse or manipulation of child-related information may constitute serious misconduct and may result in disciplinary, contractual or legal action.

15.50 Minimum Standard

ILA shall ensure that technology used in its work does not unnecessarily expose children to harm and that children's personal information is protected throughout its collection, use, storage, sharing and disposal.

CHAPTER SIXTEEN

SAFEGUARDING IN PROGRAMMES, FIELD OPERATIONS AND SERVICE DELIVERY

16.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that child protection must be integrated into the practical delivery of its legal aid, legal awareness, community outreach, advocacy, research and other programmes.

Safeguarding shall therefore be considered at every stage of programme implementation, from planning and beneficiary identification through service delivery, monitoring and closure.

16.2 Purpose

This Chapter establishes minimum safeguarding standards for:

- legal aid services;
- community outreach;
- legal awareness activities;
- field visits;
- mobile legal clinics;
- workshops and trainings;
- research and assessments;
- referrals;
- transportation;
- events;
- programme monitoring; and
- other activities involving or affecting children.

16.3 General Programme Principle

No programme objective shall justify exposing a child to unnecessary risk of abuse, exploitation, discrimination, retaliation or other harm.

Programme managers shall incorporate safeguarding into planning, budgeting and implementation.

16.4 Programme Design

Every programme involving children shall consider:

- who the children are;
- their age and vulnerability;
- the nature of contact;
- locations;
- personnel involved;
- partners;
- transportation;
- information collected;
- communication methods;
- reporting mechanisms; and
- foreseeable safeguarding risks.

16.5 Safeguarding Plan

Where appropriate, a programme shall have a safeguarding plan identifying:

- key risks;

- mitigation measures;
- responsible personnel;
- reporting channels;
- referral pathways;
- emergency procedures; and
- monitoring arrangements.

16.6 Child Identification and Registration

When children are registered for ILA activities, personnel shall collect only information reasonably necessary for the legitimate programme purpose.

Children shall not be required to disclose sensitive personal information unnecessarily.

16.7 Beneficiary Selection

Selection of beneficiaries shall be:

- transparent;
- fair;
- non-discriminatory;
- based on legitimate programme criteria; and
- free from sexual, financial or other improper influence.

16.8 No Exchange of Benefits for Access

ILA personnel shall never require or solicit:

- sexual favours;
- personal relationships;
- money;
- gifts;
- employment;
- political support; or
- other improper benefits

in exchange for legal assistance, protection, referral or programme participation.

16.9 Legal Aid Services

Where ILA provides legal aid to children, the service shall be:

- child-sensitive;
- confidential;
- professional;
- age-appropriate;

- accessible; and
- consistent with applicable law and professional standards.

16.10 Client Intake

During intake, personnel shall:

- explain the purpose of the service;
- identify immediate protection concerns;
- establish the child's legal needs;
- maintain confidentiality;
- avoid unnecessary questioning; and
- identify appropriate referrals.

16.11 Legal Aid Offices

Where children visit ILA offices, the organization shall seek to provide:

- safe waiting areas;
- reasonable privacy;
- appropriate supervision;
- accessible facilities; and
- child-friendly communication.

16.12 One-to-One Meetings

Where a private meeting with a child is necessary, personnel shall balance confidentiality with safeguarding.

Where practicable, meetings should occur in an environment that is private but does not create unnecessary isolation or risk.

16.13 Field Visits

Before undertaking a field visit involving children, personnel shall consider:

- security;
- transportation;
- location;
- community dynamics;
- confidentiality;
- supervision;
- emergency contacts; and
- available referral services.

16.14 Home Visits

Home visits involving children shall only be undertaken for legitimate purposes.

Personnel shall:

- obtain appropriate authorization;
- assess safety;
- maintain professional boundaries;
- avoid unnecessary isolation; and
- document relevant protection concerns.

16.15 Mobile Legal Clinics

Mobile legal clinics shall have appropriate safeguarding arrangements before operations begin.

These should include:

- safe consultation areas;
- privacy;
- controlled access;
- reporting information;
- referral arrangements; and
- appropriate supervision.

16.16 Community Legal Awareness

Legal awareness activities involving children shall use age-appropriate materials.

Personnel shall avoid exposing children to:

- graphic material unnecessarily;
- frightening content;
- public disclosure of personal experiences; or
- pressure to disclose abuse.

16.17 Workshops and Training

Where children attend ILA workshops or training:

- registration shall be appropriate;
- supervision shall be adequate;
- facilitators shall follow the Code of Conduct;
- venue safety shall be assessed;
- reporting mechanisms shall be communicated; and
- appropriate emergency arrangements shall be established.

16.18 Adult-to-Child Ratios

For activities involving significant numbers of children, ILA shall consider appropriate adult-to-child supervision ratios based on:

- age;
- activity;
- location;
- vulnerability;
- duration; and
- identified risks.

16.19 Children Attending with Caregivers

Where children attend activities with parents or caregivers, ILA shall clarify responsibility for supervision.

Organisational personnel shall not assume parental responsibilities unless this forms part of an authorized programme arrangement.

16.20 Children Without Caregivers

Where unaccompanied or separated children participate in ILA activities, additional safeguards shall be implemented.

Personnel shall consider appropriate referral to competent child protection services.

16.21 Transportation

Programme-related transportation involving children shall:

- use appropriate vehicles;
- use authorized drivers;
- comply with applicable safety requirements;
- avoid unnecessary stops;
- maintain appropriate supervision; and
- prevent unauthorized passengers where relevant.

16.22 Driver Requirements

Drivers transporting children on behalf of ILA shall:

- be appropriately licensed;
- comply with ILA's Code of Conduct;
- maintain professional boundaries;
- avoid inappropriate private contact; and

- report safeguarding concerns.

16.23 Accommodation

Where ILA activities require overnight accommodation for children, management shall ensure appropriate safeguarding arrangements.

Accommodation should consider:

- separation of adults and children where appropriate;
- privacy;
- supervision;
- security;
- emergency procedures; and
- accessibility.

16.24 Staff and Children Sharing Accommodation

Personnel shall not share sleeping accommodation with children except where an exceptional, necessary and formally approved safeguarding arrangement requires it.

16.25 Field Communication

Personnel shall maintain appropriate communication with supervisors during field activities.

Where field activities involve significant safeguarding risks, appropriate check-in and emergency communication arrangements shall be established.

16.26 Community Volunteers

Community volunteers working with children shall receive appropriate safeguarding orientation and shall be subject to relevant screening and conduct requirements.

16.27 Community Leaders

Engagement with traditional, religious or community leaders shall not compromise children's confidentiality or rights.

Community authority shall not be used to pressure children into participation or disclosure.

16.28 Working with Schools

Where ILA conducts activities in schools, it shall coordinate with appropriate school authorities while maintaining appropriate child protection and confidentiality standards.

School personnel shall not automatically be given access to confidential legal or safeguarding information.

16.29 Working in Detention Facilities

Where ILA provides legal assistance to children in detention, personnel shall consider:

- privacy;
- safety;
- confidentiality;
- appropriate access;
- separation from alleged perpetrators where necessary; and
- the child's legal and protection rights.

16.30 Children in Conflict-Affected Areas

Programmes in conflict-affected areas shall consider additional risks including:

- armed violence;
- recruitment of children;
- sexual violence;
- displacement;
- abduction;
- explosive hazards;
- family separation; and
- restricted access to protection services.

16.31 Security Incidents

Where a security incident threatens children participating in an ILA activity, personnel shall prioritize immediate safety and follow applicable security procedures.

16.32 Emergencies and Evacuation

Programme managers shall consider child protection in emergency planning, including:

- evacuation;
- relocation;
- emergency communication;
- reunification;
- safe transportation; and
- referral to protection services.

16.33 Research and Assessments

Research involving children shall comply with applicable ethical and safeguarding standards.

Participation shall not expose children to unnecessary legal, social, psychological or physical risks.

16.34 Surveys and Interviews

Personnel conducting surveys or interviews shall:

- explain the purpose;
- use age-appropriate methods;
- avoid unnecessary sensitive questions;
- protect confidentiality; and
- establish an appropriate referral mechanism where sensitive protection issues may arise.

16.35 Focus Group Discussions

Focus groups involving children shall consider the risk that participants may disclose personal information in front of others.

Facilitators shall establish appropriate ground rules and avoid requiring children to disclose personal experiences.

16.36 Monitoring Visits

Programme monitoring shall not unnecessarily expose children to repeated interviews or disclosure of sensitive information.

Monitoring personnel shall comply with the same safeguarding standards as programme personnel.

16.37 Photography During Programmes

Photographs shall only be taken where there is a legitimate purpose and appropriate authorization.

Photographs shall not reveal sensitive information or expose children to unnecessary risk.

16.38 Public Events

Before an event involving children, organisers shall assess:

- venue safety;
- crowd control;
- access;
- transportation;
- supervision;
- photography;

- emergency response;
- reporting mechanisms; and
- accessibility.

16.39 Distribution of Materials or Assistance

Where ILA distributes materials, food, financial assistance or other resources involving children, distribution shall be conducted transparently and without creating opportunities for exploitation.

16.40 Cash and Financial Assistance

Where programmes provide cash or financial assistance to families or children, appropriate safeguards shall be established to prevent:

- exploitation;
- coercion;
- theft;
- diversion;
- favoritism; and
- exchange of assistance for sexual or other improper benefits.

16.41 Complaints During Service Delivery

Children shall be informed, in an appropriate manner, that they can report:

- misconduct;
- abuse;
- exploitation;
- discrimination;
- poor treatment; or
- other concerns

without losing access to legitimate services.

16.42 Feedback from Children

ILA shall seek appropriate feedback from children regarding:

- safety;
- accessibility;
- treatment by personnel;
- quality of services; and
- concerns they may have.

16.43 Partner-Implemented Activities

Where programmes are implemented through partners, ILA shall ensure that safeguarding responsibilities are clearly defined.

Partnership agreements should address:

- minimum safeguarding standards;
- reporting;
- information sharing;
- investigations;
- referral;
- monitoring; and
- consequences for serious breaches.

16.44 Contractors and Service Providers

Contractors whose work brings them into contact with children shall comply with applicable safeguarding requirements.

This may include:

- screening;
- Code of Conduct acknowledgment;
- safeguarding orientation; and
- reporting obligations.

16.45 Procurement for Child-Facing Activities

Procurement shall consider safeguarding where suppliers provide:

- transportation;
- accommodation;
- security;
- event services;
- technology;
- communications; or
- other services involving children.

16.46 Staff Presence in Programme Locations

Personnel shall avoid unnecessary private or unsupervised interaction with children.

Where one-to-one interaction is necessary, the purpose shall be legitimate and appropriate safeguards shall be applied.

16.47 Professional Boundaries in the Community

Personnel shall maintain professional boundaries even outside formal programme activities when they are identifiable as ILA representatives.

16.48 Programme Closure

Before closing a programme involving children, ILA shall ensure that:

- ongoing cases are safely transferred;
- referrals are completed or handed over;
- child information is securely managed;
- children are informed where appropriate; and
- outstanding protection risks are addressed.

16.49 Safeguarding Monitoring

Programme managers shall monitor compliance through:

- supervisory visits;
- feedback;
- incident reporting;
- risk reviews;
- partner monitoring;
- staff discussions; and
- other appropriate mechanisms.

16.50 Minimum Standard

No ILA programme or service involving children shall be implemented without reasonable consideration of child protection risks and appropriate safeguards proportionate to the activity.

CHAPTER SEVENTEEN

PARTNERS, CONTRACTORS, VOLUNTEERS AND THIRD-PARTY SAFEGUARDING

17.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that child protection risks may arise not only from its own personnel but also from partners, contractors, consultants, volunteers, interns, suppliers, service providers and other third parties.

ILA shall therefore take reasonable measures to ensure that organizations and individuals acting on its behalf or participating in ILA-supported activities uphold appropriate child protection standards.

17.2 Purpose

This Chapter establishes requirements for:

- partner selection;
- due diligence;
- contractual safeguarding obligations;
- volunteers and interns;
- consultants and contractors;
- suppliers and service providers;
- third-party activities;
- monitoring;
- reporting;
- corrective action; and
- termination of relationships where necessary.

17.3 Scope

This Chapter applies to third parties who:

- work directly with children;
- have access to children through ILA programmes;
- access child-related information;
- implement ILA-funded activities;
- provide services at ILA facilities;
- represent ILA externally; or
- otherwise create safeguarding risks for children.

17.4 Safeguarding Due Diligence

Before entering into a significant relationship involving children, ILA shall, where proportionate and practicable, conduct safeguarding due diligence.

The assessment may consider:

- existence of safeguarding policies;
- Code of Conduct;
- recruitment and screening practices;
- reporting mechanisms;
- previous safeguarding concerns;
- organizational capacity;
- training;
- complaints procedures; and
- willingness to comply with ILA standards.

17.5 Risk-Based Due Diligence

The extent of due diligence shall be proportionate to the level of contact with children.

Higher-risk relationships may require enhanced due diligence.

17.6 Minimum Partner Requirements

Partners implementing child-facing programmes should, at minimum:

- commit to child protection;
- prohibit abuse and exploitation;
- maintain reporting mechanisms;
- cooperate with safeguarding investigations;
- protect child information; and
- ensure their personnel understand safeguarding responsibilities.

17.7 Partnership Agreements

Where appropriate, ILA partnership agreements shall contain safeguarding provisions covering:

- applicable standards;
- responsibilities;
- reporting;
- confidentiality;
- referrals;
- investigations;
- information sharing;
- monitoring; and
- consequences of breaches.

17.8 Partner Accountability

Partners remain responsible for the conduct of their personnel.

ILA shall not assume that a partner's status as an independent organization removes the need for safeguarding oversight.

17.9 Sub-Partners

Where a partner engages another organization to implement ILA-supported activities, the partner shall ensure that appropriate safeguarding requirements are extended to that organization.

17.10 Partner Reporting Obligations

Partners shall promptly report safeguarding concerns connected to ILA-supported activities in accordance with agreed procedures.

Failure to report a serious concern may itself constitute a safeguarding breach.

17.11 Partner Investigations

ILA may require a partner to conduct an appropriate investigation or may undertake or commission an independent process where circumstances require.

The interests and safety of affected children shall remain paramount.

17.12 Partner Monitoring

ILA may monitor partner compliance through:

- programme visits;
- document reviews;
- safeguarding assessments;
- interviews;
- training records;
- incident reviews; and
- other proportionate measures.

17.13 Corrective Action

Where a partner has safeguarding weaknesses, ILA may require:

- additional training;
- improved reporting systems;
- stronger supervision;
- policy development;

- enhanced screening;
- corrective action plans; or
- other appropriate measures.

17.14 Suspension of Activities

ILA may suspend a programme or activity where safeguarding risks are serious and cannot be adequately managed.

17.15 Termination

A partnership may be suspended or terminated where:

- serious safeguarding violations occur;
- the partner fails to report serious concerns;
- investigations are obstructed;
- corrective actions are repeatedly ignored;
- the partner refuses to comply with safeguarding requirements; or
- continued engagement creates unacceptable risk.

17.16 Volunteers

All volunteers working with or around children shall:

- comply with this Policy;
- follow the Code of Conduct;
- maintain professional boundaries;
- report concerns;
- protect confidential information; and
- participate in required safeguarding orientation.

17.17 Interns

Interns shall receive appropriate safeguarding orientation before undertaking child-facing work.

Interns shall not perform tasks beyond their competence or authorization.

17.18 Supervision of Volunteers and Interns

Volunteers and interns shall work under appropriate supervision.

They shall not be placed in positions where they are unnecessarily responsible for children without appropriate authorization and safeguards.

17.19 Consultants

Consultants who interact with children or access child-related information shall comply with relevant safeguarding requirements.

Their contracts shall include appropriate confidentiality and safeguarding provisions.

17.20 Contractors

Contractors shall comply with safeguarding requirements relevant to their activities.

This includes contractors providing:

- transportation;
- security;
- cleaning;
- construction;
- catering;
- IT services;
- accommodation; or
- other services that may create contact with children.

17.21 Security Personnel

Security personnel shall:

- treat children respectfully;
- avoid unnecessary physical contact;
- refrain from intimidation;
- respect confidentiality;
- maintain professional boundaries; and
- report safeguarding concerns.

17.22 Drivers

Drivers working for or on behalf of ILA shall:

- maintain professional conduct;
- comply with transport safety requirements;
- avoid unnecessary private contact with children;
- refrain from inappropriate communication; and
- report concerns.

17.23 Suppliers

Suppliers shall not use children for labour or other activities connected to ILA contracts in violation of applicable law or safeguarding standards.

17.24 Child Labour

ILA shall not knowingly engage suppliers or contractors who exploit children through unlawful or harmful child labour.

Where concerns arise, appropriate investigation and corrective measures shall be considered.

17.25 Third-Party Events

Where a third party organizes an ILA-supported event involving children, the third party shall comply with agreed safeguarding requirements.

17.26 Third-Party Premises

Where ILA uses premises operated by another organization, reasonable safeguards shall be considered before children participate in activities there.

17.27 Third-Party Digital Platforms

Where third parties process child-related information, ILA shall assess relevant privacy and security risks.

Appropriate contractual protections should be used where necessary.

17.28 Screening

Where proportionate and legally permissible, ILA may undertake appropriate screening of personnel who will have significant or regular contact with children.

Screening shall not replace supervision and other safeguarding measures.

17.29 Reference Checks

For child-facing positions, ILA may conduct appropriate professional reference checks before engagement.

17.30 Safeguarding Orientation

Third parties with child-facing responsibilities shall receive appropriate orientation regarding:

- child protection;
- prohibited conduct;
- reporting;
- confidentiality;
- professional boundaries; and
- emergency procedures.

17.31 Acknowledgment of Obligations

Where appropriate, third parties shall acknowledge in writing that they have understood and agree to comply with relevant ILA safeguarding requirements.

17.32 Professional Boundaries

Third-party personnel shall not:

- engage in sexual activity with children;
- groom children;
- exploit children;
- solicit inappropriate personal information;
- establish inappropriate relationships;
- use children for personal benefit; or
- abuse their position of authority.

17.33 Gifts and Benefits

Third-party personnel shall not provide or request inappropriate gifts, money or benefits from children where doing so could create dependency, favoritism or exploitation.

17.34 Private Communication

Third-party personnel shall not maintain unnecessary private communication with children outside legitimate programme purposes.

17.35 Reporting by Third Parties

Third parties shall report safeguarding concerns through agreed channels.

They shall not conceal allegations to protect themselves, their organization or ILA's reputation.

17.36 Cooperation

Third parties shall cooperate with legitimate safeguarding assessments and investigations, subject to applicable legal requirements.

17.37 Protection from Retaliation

ILA shall take reasonable measures to protect third-party personnel who make good-faith safeguarding reports from retaliation connected to their engagement with ILA.

17.38 Conflicts of Interest

Third parties shall disclose actual or potential conflicts of interest that may affect safeguarding decisions.

17.39 Confidentiality

Third parties shall protect confidential information obtained through their work with ILA.

Confidentiality obligations shall continue after the relationship ends where appropriate.

17.40 Data Protection

Third parties processing child-related information shall comply with applicable ILA data protection requirements and contractual obligations.

17.41 Third-Party Breaches

Where a third party breaches safeguarding requirements, ILA shall assess:

- seriousness;
- impact;
- immediate protection needs;
- contractual obligations;
- need for referral;
- corrective action; and
- whether the relationship should continue.

17.42 Serious Third-Party Misconduct

Serious safeguarding misconduct may result in:

- immediate restriction of access;
- suspension;
- removal from the programme;
- contract termination;
- referral to authorities; or
- other appropriate action.

17.43 No Retaliation Against Children

No third party shall retaliate against a child because the child:

- complained;
- disclosed abuse;
- refused inappropriate conduct;
- provided information;
- participated in an investigation; or

- requested assistance.

17.44 Partner Capacity Building

Where feasible, ILA may support partners to strengthen their safeguarding capacity through:

- training;
- technical assistance;
- policy development;
- risk assessments;
- reporting mechanisms; and
- safeguarding tools.

17.45 Monitoring High-Risk Partners

Partners presenting significant safeguarding risks shall be subject to proportionate enhanced monitoring.

17.46 Safeguarding Clauses in Contracts

Relevant contracts should clearly state:

- prohibited conduct;
- reporting duties;
- confidentiality;
- cooperation requirements;
- consequences of breaches; and
- ILA's right to take protective action.

17.47 Third-Party Complaints

Children and community members shall be able to report concerns involving third-party personnel through ILA's reporting mechanisms where the concern relates to an ILA-supported activity.

17.48 Documentation

ILA shall maintain appropriate records of:

- safeguarding due diligence;
- partner assessments;
- training;
- contractual requirements;
- reported concerns; and
- corrective actions.

17.49 Accountability for Programme Managers

Programme managers are responsible for ensuring that relevant third-party safeguarding requirements are implemented within their programmes.

17.50 Minimum Standard

No third party shall be permitted to participate in an ILA child-facing activity without reasonable safeguards proportionate to the level of risk involved.

CHAPTER EIGHTEEN

RECRUITMENT, SCREENING, TRAINING AND STAFF CONDUCT

18.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that the safety of children depends significantly on the suitability, integrity, competence and conduct of the people who work with them.

ILA shall therefore apply appropriate safeguarding standards throughout the recruitment, engagement, induction, supervision, training and separation of employees, volunteers, interns, consultants and other personnel.

18.2 Purpose

This Chapter establishes standards for:

- safeguarding during recruitment;
- screening and reference checks;
- safeguarding commitments;
- induction;
- training;
- professional boundaries;
- supervision;
- performance management;
- disciplinary action; and
- separation from service.

18.3 Scope

This Chapter applies to:

- employees;
- volunteers;
- interns;
- consultants;

- temporary personnel;
- secondees;
- board members;
- contractors;
- partner personnel where applicable; and
- other persons representing or working on behalf of ILA.

18.4 Recruitment Principle

ILA shall seek to recruit people who demonstrate:

- integrity;
- respect for human dignity;
- professional competence;
- appropriate judgment;
- commitment to child protection; and
- willingness to comply with organizational policies.

18.5 Child-Sensitive Recruitment

Where a position involves regular or significant contact with children, the recruitment process shall include appropriate safeguarding considerations.

18.6 Job Descriptions

Relevant job descriptions shall clearly state safeguarding responsibilities.

Where appropriate, job descriptions shall include responsibility for:

- protecting children;
- reporting concerns;
- maintaining professional boundaries;
- confidentiality; and
- compliance with the Child Protection Policy.

18.7 Vacancy Announcements

Where appropriate, vacancy announcements shall state that ILA is committed to child protection and that safeguarding requirements form part of the selection process.

18.8 Application Information

Applicants shall provide truthful information relevant to their qualifications and suitability for the position.

False statements or material omissions may constitute grounds for rejection or disciplinary action.

18.9 Interviews

Interviews for child-facing positions may include questions assessing:

- understanding of safeguarding;
- professional boundaries;
- ethical decision-making;
- response to child protection concerns;
- confidentiality; and
- appropriate conduct with children.

18.10 Reference Checks

Where appropriate, ILA may conduct professional reference checks before appointment.

References should, where legally permissible, assist in assessing the applicant's suitability for the role.

18.11 Screening

Where proportionate and legally permissible, ILA may conduct additional screening for positions involving significant access to children.

Screening shall be handled confidentially and consistently.

18.12 Criminal Record Checks

Where legally available and appropriate, ILA may request criminal record or equivalent checks for certain child-facing positions.

A criminal record shall not automatically determine suitability without considering applicable law, relevance and fairness.

18.13 Verification of Qualifications

ILA shall take reasonable steps to verify qualifications where a position requires professional credentials or specialized expertise.

18.14 Safeguarding Declarations

Personnel may be required to sign a declaration confirming that they:

- understand ILA's safeguarding expectations;

- agree to comply with the Code of Conduct;
- understand reporting obligations; and
- will not engage in prohibited conduct.

18.15 Prohibition on Misrepresentation

No person shall knowingly provide false safeguarding information during recruitment or engagement.

18.16 Recruitment Records

Recruitment and screening information shall be handled confidentially and retained in accordance with ILA's applicable records-management and data-protection requirements.

18.17 Appointment

Appointment to a child-facing position shall be conditional upon compliance with applicable safeguarding requirements.

18.18 Induction

All new personnel shall receive safeguarding orientation appropriate to their role.

Induction shall cover:

- this Policy;
- Code of Conduct;
- reporting mechanisms;
- prohibited conduct;
- confidentiality;
- professional boundaries;
- digital safeguarding; and
- emergency response.

18.19 Safeguarding Training

ILA shall provide appropriate safeguarding training based on personnel responsibilities.

Training may include:

- recognizing abuse;
- responding to disclosures;
- reporting;
- prevention of sexual exploitation and abuse;
- child-friendly communication;
- data protection;

- digital safety;
- risk assessment; and
- referral procedures.

18.20 Specialized Training

Personnel with specialized safeguarding responsibilities may require additional training in:

- case management;
- interviewing children;
- legal protection;
- psychosocial first response;
- investigation;
- survivor-centred approaches; and
- safeguarding leadership.

18.21 Refresher Training

Safeguarding training shall be periodically refreshed.

Additional training shall be provided where:

- policies change;
- new risks emerge;
- an incident reveals training gaps; or
- personnel assume new responsibilities.

18.22 Training Records

ILA shall maintain appropriate records showing participation in mandatory safeguarding training.

18.23 Staff Awareness

Personnel shall know:

- where the Child Protection Policy is located;
- whom to contact with a concern;
- how to report an allegation;
- what conduct is prohibited; and
- their responsibilities toward children.

18.24 Code of Conduct

All personnel shall comply with ILA's Child Protection Code of Conduct.

The Code shall establish clear behavioural standards for interactions with children.

18.25 Professional Boundaries

Personnel shall maintain clear professional boundaries with children at all times.

They shall avoid conduct that could reasonably be interpreted as:

- exploitative;
- inappropriate;
- manipulative;
- sexualized;
- overly personal; or
- abusive.

18.26 Prohibited Sexual Conduct

ILA personnel shall never engage in sexual activity with a child.

Sexual exploitation, grooming, sexual harassment or sexualized communication involving children is strictly prohibited.

18.27 Physical Contact

Personnel shall avoid unnecessary physical contact with children.

Where physical assistance is necessary, it shall be appropriate, proportionate and respectful.

18.28 Physical Discipline

ILA personnel shall never use physical punishment or corporal punishment against a child.

18.29 Emotional Abuse

Personnel shall not:

- humiliate;
- threaten;
- insult;
- intimidate;
- deliberately isolate; or
- emotionally manipulate

children.

18.30 Favouritism

Personnel shall avoid inappropriate favouritism toward individual children.

Special assistance may be provided where justified by genuine protection or accessibility needs.

18.31 Gifts

Personnel shall not give or receive gifts from children where the exchange could create:

- dependency;
- favoritism;
- obligation;
- secrecy; or
- inappropriate personal relationships.

Reasonable exceptions may be permitted for organizationally approved activities.

18.32 Money and Financial Transactions

Personnel shall not borrow money from, lend money to, or enter private financial arrangements with children participating in ILA programmes.

18.33 Private Meetings

Personnel shall avoid unnecessary private meetings with children.

Where confidential legal or protection consultations are necessary, appropriate safeguards shall be applied.

18.34 Transportation

Personnel shall not provide unauthorized private transportation to children.

Where programme-related transportation is authorized, appropriate transport procedures shall apply.

18.35 Accommodation

Personnel shall not share sleeping accommodation with children except under exceptional and formally authorized circumstances where necessary for protection.

18.36 Digital Communication

Personnel shall maintain professional digital communication with children.

They shall not:

- request inappropriate photographs;
- engage in sexualized communication;
- use disappearing messages to conceal prohibited conduct;
- establish secret relationships; or
- communicate for personal gratification.

18.37 Social Media

Personnel shall not use personal social-media accounts to create inappropriate relationships with children connected to ILA programmes.

18.38 Confidentiality

Personnel shall protect information obtained through their work with children.

Confidentiality shall not be used as a reason to conceal a safeguarding concern.

18.39 Reporting Responsibility

All personnel have an obligation to report safeguarding concerns in accordance with this Policy.

They shall not investigate serious allegations independently.

18.40 Failure to Report

Failure to report a serious safeguarding concern, where there is a clear duty to report, may constitute misconduct.

18.41 Supervisory Responsibility

Managers shall ensure that personnel under their supervision:

- understand safeguarding requirements;
- receive appropriate training;
- have access to reporting channels; and
- are appropriately supervised.

18.42 Performance Management

Compliance with safeguarding requirements may form part of personnel performance assessment where relevant to their roles.

18.43 Probation

Where appropriate, safeguarding conduct shall be monitored during probation.

Serious safeguarding concerns may lead to immediate review of the appointment.

18.44 Disciplinary Action

Breaches of this Policy may result in:

- counselling;
- additional training;
- written warning;
- suspension;
- removal from child-facing duties;
- termination of engagement; or
- referral to competent authorities.

The response shall be proportionate to the seriousness of the conduct and consistent with applicable law and ILA's HR procedures.

18.45 Serious Misconduct

The following may constitute serious misconduct:

- sexual abuse or exploitation;
- grooming;
- physical abuse;
- deliberate concealment of abuse;
- retaliation against a complainant;
- serious confidentiality breaches;
- falsification of safeguarding records;
- obstruction of an investigation; or
- knowingly exposing a child to serious harm.

18.46 Administrative Leave or Temporary Restrictions

Where appropriate, ILA may temporarily restrict a person's contact with children while a serious allegation is being assessed.

Such measures shall not automatically constitute a finding of guilt.

18.47 Presumption of Fair Process

Safeguarding concerns shall be taken seriously while ensuring appropriate procedural fairness for persons accused of misconduct.

18.48 Conflicts of Interest

Personnel involved in managing a safeguarding concern shall disclose conflicts of interest and, where appropriate, withdraw from decision-making.

18.49 Whistleblower Protection

Personnel who report safeguarding concerns in good faith shall be protected from retaliation in accordance with ILA's whistleblowing and safeguarding procedures.

18.50 Separation from Service

When personnel leave ILA, appropriate steps shall be taken to:

- terminate access to systems;
- recover organizational property;
- restrict access to child information;
- transfer cases appropriately; and
- maintain confidentiality obligations.

18.51 References After Separation

Where legally permissible and appropriate, ILA shall ensure that references or employment confirmations do not knowingly conceal substantiated serious safeguarding misconduct.

18.52 Re-Engagement

Where a former personnel member is considered for re-engagement, ILA may review relevant safeguarding information before appointment, subject to applicable law and data-protection requirements.

18.53 Volunteers and Interns

Volunteers and interns shall be subject to safeguarding requirements proportionate to their responsibilities.

They shall never be treated as exempt from the Code of Conduct because their engagement is unpaid.

18.54 Board Members

Board members shall comply with relevant safeguarding obligations and shall avoid using their position to obtain inappropriate access to or influence over children.

18.55 Leadership Responsibility

Senior leadership shall demonstrate a clear commitment to child protection and shall not tolerate:

- abuse;
- exploitation;
- concealment;
- retaliation; or
- deliberate disregard of safeguarding concerns.

18.56 Safeguarding Culture

ILA shall promote a culture in which personnel:

- speak up;
- ask questions;
- report concerns;
- challenge unsafe practices;
- respect children; and
- take responsibility for safeguarding.

18.57 Minimum Standard

No person shall be appointed or permitted to undertake child-facing responsibilities without appropriate consideration of their suitability, safeguarding responsibilities and required level of supervision.

CHAPTER NINETEEN

CHILD PROTECTION CODE OF CONDUCT

19.1 Introduction

The Initiative for Legal Aid (ILA) is committed to ensuring that every child who comes into contact with the organization is treated with dignity, respect and care.

This Child Protection Code of Conduct establishes the minimum standards of behaviour expected from all persons working for, representing or acting on behalf of ILA.

The Code applies whether the interaction with a child occurs in an ILA office, field location, community, school, court, detention facility, online environment, during travel or in any other setting connected to ILA's work.

19.2 Purpose

The Code seeks to:

- establish clear standards of conduct;

- prevent abuse and exploitation;
- protect children from inappropriate behaviour;
- maintain professional boundaries;
- guide personnel in their interactions with children;
- provide a basis for accountability; and
- support a safe organizational culture.

19.3 Persons Bound by the Code

This Code applies to:

- employees;
- managers;
- volunteers;
- interns;
- consultants;
- advocates and legal practitioners;
- Board members;
- contractors;
- drivers;
- security personnel;
- partner personnel where applicable; and
- any other person representing ILA.

19.4 Fundamental Duty

All persons covered by this Code shall:

Act in the best interests of the child, protect the child's dignity and safety, and avoid conduct that may cause or contribute to harm.

19.5 Expected Standards of Behaviour

Personnel shall:

- treat children respectfully;
- listen to children appropriately;
- communicate in a child-friendly manner;
- respect children's privacy;
- maintain professional boundaries;
- protect confidential information;
- report safeguarding concerns;
- avoid discriminatory conduct;
- use authority responsibly; and
- comply with this Policy.

19.6 PROHIBITED CONDUCT

The following conduct is prohibited.

19.6.1 Sexual Activity with Children

Personnel shall never engage in sexual activity with a child.

19.6.2 Sexual Exploitation

Personnel shall not use their position, authority, resources or relationship with ILA to obtain sexual benefits from a child.

19.6.3 Sexual Abuse

Personnel shall not engage in any form of sexual abuse of a child.

19.6.4 Grooming

Personnel shall not engage in behaviour intended to establish inappropriate emotional, personal or sexual access to a child.

19.6.5 Sexualized Communication

Personnel shall not send, request, receive or encourage sexualized messages, images or conversations involving children.

19.6.6 Sexual Images

Personnel shall never request, create, possess, store, transmit or distribute sexual or exploitative images involving children, except where handling is strictly required for a legitimate legal or safeguarding function and is authorized by applicable procedures and law.

19.6.7 Physical Abuse

Personnel shall not hit, strike, kick, push, shake, restrain or otherwise physically abuse a child.

19.6.8 Corporal Punishment

Personnel shall never use corporal punishment as a means of discipline.

19.6.9 Emotional Abuse

Personnel shall not:

- insult;

- humiliate;
- threaten;
- ridicule;
- intimidate;
- degrade; or
- deliberately frighten

a child.

19.6.10 Exploitation

Personnel shall not exploit a child's vulnerability for personal, financial, professional, political or other benefit.

19.6.11 Financial Exploitation

Personnel shall not:

- borrow money from children;
- demand money from children;
- manipulate children for financial gain; or
- misuse assistance intended for children.

19.6.12 Favouritism

Personnel shall not create inappropriate preferential relationships with individual children.

19.6.13 Gifts

Personnel shall not provide or accept gifts from children where the exchange could create dependency, obligation, secrecy or an inappropriate relationship.

19.6.14 Private Financial Arrangements

Personnel shall not enter into private financial transactions with children.

19.6.15 Unauthorized Transportation

Personnel shall not transport children privately or without legitimate authorization connected to ILA activities.

19.6.16 Unauthorized Accommodation

Personnel shall not share sleeping accommodation with children except where an exceptional and formally authorized safeguarding arrangement requires it.

19.6.17 Unnecessary Physical Contact

Personnel shall avoid unnecessary physical contact with children.

Any physical assistance must be appropriate, necessary and respectful.

19.6.18 Secret Relationships

Personnel shall not encourage children to keep their relationship or communication with the personnel member secret from parents, caregivers, ILA or other responsible adults where such secrecy creates a safeguarding concern.

19.6.19 Private Digital Communication

Personnel shall not use private digital communication with children for personal, sexual or otherwise inappropriate purposes.

19.6.20 Social Media Relationships

Personnel shall not use social media to establish inappropriate personal relationships with children connected to ILA programmes.

19.6.21 Personal Contact Details

Personnel shall avoid giving children personal contact details where such contact is unnecessary for legitimate programme purposes.

Where communication is necessary, approved organizational channels should be used where practicable.

19.6.22 Photography

Personnel shall not take photographs or videos of children for personal use.

19.6.23 Unauthorized Publication

Personnel shall not publish or share identifiable information, photographs, videos or stories about children without appropriate authorization.

19.6.24 Confidential Information

Personnel shall not disclose confidential child-related information to unauthorized persons.

19.6.25 Case Information

Personnel shall not discuss child protection or legal cases casually with:

- friends;
- relatives;
- colleagues without a legitimate need to know;
- community members;
- journalists; or
- social-media audiences.

19.6.26 Alcohol and Impairment

Personnel shall not engage with children while impaired by alcohol, drugs or any substance that compromises their judgment or ability to perform their duties safely.

19.6.27 Weapons and Threatening Conduct

Personnel shall not use weapons or threatening behaviour in a manner that intimidates or places children at risk during ILA activities.

19.6.28 Discrimination

Personnel shall not discriminate against children based on:

- sex;
- age;
- disability;
- family circumstances;
- nationality;
- social status;
- language;
- legal status; or
- other protected or relevant characteristics.

19.6.29 Retaliation

Personnel shall not retaliate against a child or any person who reports a safeguarding concern in good faith.

19.6.30 Concealment

Personnel shall not conceal, suppress or deliberately misrepresent safeguarding concerns or incidents.

19.7 EXPECTED PROFESSIONAL CONDUCT

19.7.1 Respectful Communication

Personnel shall communicate with children calmly, respectfully and in language appropriate to their age and understanding.

19.7.2 Appropriate Supervision

Personnel shall maintain appropriate supervision during child-facing activities.

19.7.3 Appropriate Meeting Spaces

Where practicable, meetings with children shall take place in safe, appropriate and professional environments.

19.7.4 Transparency

Personnel shall avoid conduct that could reasonably create suspicion of inappropriate behaviour.

19.7.5 Professional Boundaries

Personnel shall remember that children may perceive ILA personnel as authority figures.

This power imbalance must be handled responsibly.

19.7.6 Child's Right to Refuse

Where participation is voluntary, children shall be allowed to decline activities without intimidation or punishment.

19.7.7 Listening

Personnel shall listen to children without unnecessary judgment, interruption or intimidation.

19.7.8 Reporting Concerns

Personnel shall promptly report safeguarding concerns through the established mechanisms.

19.7.9 Cooperation

Personnel shall cooperate with legitimate safeguarding inquiries and investigations.

19.7.10 Protecting Evidence

Personnel shall not destroy or manipulate documents, messages, photographs or other relevant evidence.

19.8 DIGITAL CODE OF CONDUCT

Personnel using electronic communication with children shall:

- use professional accounts where practicable;
- communicate only for legitimate purposes;
- maintain appropriate boundaries;
- protect personal information;
- avoid inappropriate images;
- avoid secret communications; and
- report concerning digital interactions.

19.9 SOCIAL MEDIA CONDUCT

Personnel shall not:

- post confidential case information;
- identify vulnerable children unnecessarily;
- ridicule or shame children online;
- contact children for personal purposes;
- publish inappropriate photographs; or
- engage in sexualized communication.

19.10 USE OF CHILDREN'S STORIES

Children's stories shall not be used for personal publicity, fundraising or professional advancement without appropriate authorization and safeguarding consideration.

19.11 REPORTING OBLIGATION

Any person covered by this Code who becomes aware of a child protection concern shall report it through the appropriate ILA mechanism.

A person does not need to establish that abuse occurred before making a good-faith report.

19.12 NO INVESTIGATION BY ORDINARY PERSONNEL

Personnel who receive a concern shall not conduct their own investigation unless they are formally authorized and appropriately qualified to do so.

19.13 CONFIDENTIALITY

Personnel shall maintain confidentiality while recognizing that safeguarding concerns may need to be shared with authorized persons for the protection of the child.

19.14 FALSE ASSURANCES

Personnel shall not promise a child that information will remain absolutely secret where disclosure may be necessary for protection or legal reasons.

19.15 MANAGEMENT RESPONSIBILITY

Managers shall:

- lead by example;
- enforce this Code;
- ensure personnel understand their obligations;
- respond to reported concerns;
- prevent retaliation; and
- take appropriate corrective action.

19.16 PERSONAL RESPONSIBILITY

Every individual covered by this Code is personally responsible for their conduct.

No person may justify prohibited behaviour by claiming that:

- they were unaware of the rules;
- another person permitted it;
- the child appeared willing;
- the conduct was culturally acceptable; or
- no complaint was made.

19.17 BREACHES OF THE CODE

A breach of this Code may result in:

- corrective action;
- additional training;
- written warning;
- suspension;
- removal from child-facing duties;
- termination of employment or engagement;
- termination of a contract;
- referral to competent authorities; or
- other appropriate legal or administrative action.

19.18 SERIOUS BREACHES

Serious breaches include, but are not limited to:

- sexual abuse;
- sexual exploitation;

- grooming;
- serious physical abuse;
- deliberate concealment;
- retaliation;
- serious confidentiality violations;
- destruction of evidence; and
- obstruction of a safeguarding investigation.

19.19 ACKNOWLEDGEMENT

All personnel required to comply with this Code should acknowledge that they:

- have received the Code;
- understand its requirements;
- agree to comply with it; and
- understand their reporting responsibilities.

19.20 CHILD PROTECTION PLEDGE

ILA personnel may be required to make the following pledge:

“I commit to protecting children from abuse, exploitation, neglect and all forms of harm. I will respect every child’s dignity, rights and best interests. I will maintain professional boundaries, protect confidential information, report safeguarding concerns promptly and never use my position to exploit or harm a child.”

19.21 Review of the Code

The Code shall be reviewed periodically and updated where necessary to reflect:

- changes in law;
- emerging safeguarding risks;
- lessons learned;
- organizational experience; and
- recognized child protection standards.

19.22 Minimum Standard

Every person representing or working for ILA shall understand that **the protection of children is a personal and institutional responsibility** and that violations of this Code may result in serious disciplinary, contractual or legal consequences.

CHAPTER TWENTY

SAFEGUARDING GOVERNANCE, ACCOUNTABILITY, MONITORING AND POLICY REVIEW

20.1 Introduction

The Initiative for Legal Aid (ILA) recognizes that effective child protection requires strong institutional leadership, clear responsibilities, adequate resources, effective monitoring and continuous improvement.

Child protection shall therefore be integrated into ILA's governance, programme management, human resources, finance, procurement, legal services, communications and operational systems.

20.2 Governance Commitment

ILA's leadership shall demonstrate a clear and consistent commitment to protecting children.

No organizational objective, financial consideration, institutional relationship or reputational concern shall justify ignoring a credible child protection risk.

20.3 Board of Directors

The Board shall provide strategic oversight of child protection within ILA.

The Board shall, as appropriate:

- approve the Child Protection Policy;
- provide oversight of its implementation;
- ensure management accountability;
- review significant safeguarding risks;
- ensure appropriate resources are available; and
- oversee serious safeguarding matters involving senior leadership.

20.4 Executive Director

The Executive Director shall have overall management responsibility for implementation of this Policy.

The Executive Director shall ensure that:

- appropriate safeguarding systems are established;
- personnel understand their responsibilities;
- serious concerns receive appropriate attention;
- safeguarding risks are monitored;
- adequate resources are allocated; and
- corrective actions are implemented.

20.5 Safeguarding Focal Person

ILA shall designate a Safeguarding/Child Protection Focal Person responsible for coordinating implementation of this Policy.

The Focal Person may:

- receive safeguarding reports;
- provide initial guidance;
- coordinate referrals;
- maintain safeguarding records;
- support risk assessments;
- coordinate training;
- monitor compliance;
- advise management; and
- facilitate safeguarding reviews.

20.6 Alternate Safeguarding Focal Person

ILA should designate an alternate focal person to ensure continuity where the primary focal person is unavailable or has a conflict of interest.

20.7 Programme Managers

Programme managers shall:

- integrate safeguarding into programme design;
- conduct appropriate risk assessments;
- supervise child-facing activities;
- ensure reporting mechanisms are accessible;
- monitor partner compliance; and
- address identified safeguarding weaknesses.

20.8 Human Resources

The HR function shall support:

- safeguarding-sensitive recruitment;
- screening where appropriate;
- induction;
- training;
- Code of Conduct compliance;
- disciplinary processes; and
- appropriate separation procedures.

20.9 Legal Department/Legal Personnel

Legal personnel shall:

- ensure child-sensitive legal services;
- protect client confidentiality;
- identify protection concerns;
- make appropriate referrals;
- uphold professional standards; and
- ensure that legal strategy does not unnecessarily expose children to harm.

20.10 ICT Function

The ICT function shall support:

- secure systems;
- access controls;
- cybersecurity;
- data protection;
- secure electronic records; and
- appropriate response to data breaches.

20.11 Finance and Administration

Finance and Administration shall ensure that safeguarding requirements are appropriately considered in:

- budgeting;
- procurement;
- transportation;
- accommodation;
- events; and
- other administrative functions.

20.12 Communications Function

Communications personnel shall ensure that materials involving children respect:

- dignity;
- privacy;
- confidentiality;
- informed participation;
- non-exploitation; and
- digital safety.

20.13 All Personnel

Every ILA personnel member has a responsibility to:

- protect children;
- comply with this Policy;
- follow the Code of Conduct;
- report concerns;
- maintain confidentiality; and
- cooperate with safeguarding procedures.

20.14 Safeguarding Committee

Where appropriate to ILA's size and operational capacity, ILA may establish a Safeguarding Committee.

The Committee may support:

- risk oversight;
- policy implementation;
- training;
- incident trends;
- referrals;
- lessons learned; and
- organizational improvement.

20.15 Independence

Safeguarding responsibilities shall be structured to reduce conflicts of interest.

No individual should be responsible for managing a complaint where they are directly implicated in the allegation.

20.16 Safeguarding Budget

ILA shall seek to allocate adequate resources for:

- training;
- reporting mechanisms;
- safeguarding materials;
- risk assessments;
- referrals;
- technical support; and
- other reasonable safeguarding requirements.

20.17 Safeguarding in Strategic Planning

Child protection shall be considered in ILA's strategic and operational planning.

Safeguarding objectives may be incorporated into annual work plans and programme plans.

20.18 Monitoring and Compliance

ILA shall monitor implementation through appropriate methods, including:

- programme reviews;
- staff supervision;
- risk assessments;
- training records;
- incident reporting;
- partner assessments;
- feedback mechanisms; and
- periodic policy reviews.

20.19 Safeguarding Indicators

Where appropriate, ILA may monitor indicators such as:

- percentage of relevant personnel trained;
- percentage signing the Code of Conduct;
- number of safeguarding concerns reported;
- reporting response times;
- referrals completed;
- programme risk assessments conducted; and
- corrective actions implemented.

Safeguarding statistics shall be handled carefully to avoid identifying individual children.

20.20 Incident Reporting to Management

Serious safeguarding incidents shall be escalated to appropriate senior management without unnecessary delay.

Where the matter involves senior management, appropriate independent escalation shall be used.

20.21 Annual Safeguarding Review

ILA should conduct an annual review of its safeguarding system covering:

- policy implementation;
- risk trends;
- training;
- reporting mechanisms;
- incidents;
- referrals;
- partner compliance;
- staff awareness; and

- areas requiring improvement.

20.22 Safeguarding Audit

Where resources permit, ILA may conduct periodic safeguarding audits or independent assessments.

These may examine:

- policy compliance;
- programme practices;
- recruitment;
- reporting systems;
- data protection;
- partner arrangements; and
- organizational culture.

20.23 Lessons Learned

ILA shall use safeguarding experiences to strengthen its systems.

Lessons learned may result in:

- policy amendments;
- additional training;
- revised procedures;
- improved supervision;
- new safeguards; or
- changes to programme design.

20.24 Policy Review

This Policy shall be reviewed periodically and whenever significant changes occur in:

- applicable law;
- organizational structure;
- programme activities;
- safeguarding standards;
- operational risks; or
- lessons learned from incidents.

20.25 Review Responsibility

The Executive Director, in consultation with the Safeguarding Focal Person and relevant management structures, shall coordinate periodic review of the Policy.

Material amendments shall be submitted to the appropriate governing authority for approval.

20.26 Accessibility of the Policy

The Policy shall be made available to relevant personnel.

Appropriate child-friendly or simplified information may be developed to communicate key safeguarding principles to children and communities.

20.27 Communication of Safeguarding Standards

ILA shall communicate its commitment to child protection to:

- personnel;
- volunteers;
- partners;
- beneficiaries;
- communities;
- service providers; and
- other relevant stakeholders.

20.28 Accountability to Children

ILA shall seek feedback from children and communities regarding whether they feel:

- safe;
- respected;
- heard;
- able to complain; and
- able to access appropriate assistance.

20.29 Organisational Culture

ILA shall promote a culture in which safeguarding is viewed as everyone's responsibility.

Personnel shall be encouraged to:

- speak up;
- challenge unsafe behaviour;
- report concerns;
- seek advice; and
- support one another in maintaining professional standards.

20.30 Zero Tolerance

ILA adopts a **zero-tolerance approach to child abuse, exploitation, sexual exploitation and abuse, deliberate concealment of safeguarding concerns and retaliation against persons who report concerns in good faith.**

Zero tolerance means that allegations shall be taken seriously and addressed appropriately; it does not mean that every allegation is automatically presumed proven.

20.31 Relationship with Other ILA Policies

This Child Protection Policy shall be read together with ILA's other relevant policies and procedures, including:

- Safeguarding and PSEAH Policy;
- Data Protection and Privacy Policy;
- Anti-Fraud, Corruption and Whistleblowing Policy;
- Human Resources Policy;
- Volunteer and Internship Management Policy;
- Legal Aid Service Delivery Policy;
- ICT Policy;
- Procurement and Asset Management Policy;
- Gender Equality, Disability and Social Inclusion Policy; and
- Security and Risk Management procedures.

Where policies overlap, ILA shall apply the standard that provides the strongest reasonable protection to the child, subject to applicable law.

20.32 Compliance with Law

Nothing in this Policy shall prevent ILA from complying with applicable laws, lawful orders of competent authorities or professional obligations.

Where legal requirements provide stronger protection for children, ILA shall seek to comply with those requirements.

20.33 Implementation

The Executive Director shall ensure that an implementation plan is developed following adoption of this Policy.

The implementation plan may include:

1. designation of safeguarding personnel;
2. staff orientation;
3. Code of Conduct acknowledgment;
4. risk assessments;
5. establishment of reporting channels;

6. development of referral pathways;
7. partner safeguarding requirements;
8. safeguarding training;
9. child-friendly information materials; and
10. periodic monitoring.

20.34 Effective Date

This Policy shall take effect on the date approved by the authorized governing body of the Initiative for Legal Aid.

20.35 Review Date

The Policy shall be reviewed at least every **two years**, or earlier where significant legal, operational or safeguarding developments require revision.

CONCLUSION

The Initiative for Legal Aid recognizes that **every child has the right to safety, dignity, protection, participation and access to justice.**

As an organization committed to advancing access to justice and protecting vulnerable persons, ILA has a particular responsibility to ensure that its programmes, personnel, partners and institutional practices never become a source of harm to children.

This Policy establishes a comprehensive framework for prevention, reporting, response, referral, accountability and continuous improvement. It requires every person associated with ILA to contribute actively to creating an environment in which children are respected, listened to and protected.

The effectiveness of this Policy will ultimately depend not only on the existence of written rules but on their consistent application in daily practice.

Accordingly, ILA commits to:

- putting the best interests of the child at the centre of its work;
- preventing abuse, exploitation and neglect;
- creating safe and accessible reporting mechanisms;
- responding promptly to safeguarding concerns;
- protecting confidentiality and personal information;
- ensuring appropriate referral and support;
- holding personnel and partners accountable;
- continuously assessing and reducing safeguarding risks; and
- strengthening its child protection systems through learning and review.

Child protection is not the responsibility of one department or one individual. It is an institutional responsibility shared by the Board, management, employees, volunteers, interns, partners, consultants, service providers and every other person acting on behalf of ILA.

APPROVAL AND ADOPTION

INITIATIVE FOR LEGAL AID (ILA)

CHILD PROTECTION POLICY

Policy Status: Approved / Pending Approval

Effective Date: _____

Review Date: _____

Policy Owner: Initiative for Legal Aid – Management

Responsible Officer: Child Protection/Safeguarding Focal Person

Approved By: Board of Directors / Governing Authority

SIGNATURES

Chairperson, Board of Directors

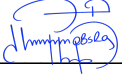
Name: Hon. Milla Amos

Signature: 

Date: _____

Executive Director

Name: Emmanuel Sumagule Benaih Swaka

Signature: 

Date: _____

Child Protection/Safeguarding Focal Person

Name: _____

Signature: _____

Date: _____

