



# **Review of Child Protection Policy and Procedures**

**March 2018**

## Introduction

This review of EFTC's Child Protection Policy and associated procedures is prepared by the Board of Trustees in response to several different issues.

Early in 2018, news broke of issues relating primarily to Oxfam and, later, other well-known charities. These news stories related to inappropriate behaviour by members of staff of these organisations, and the coverage and conversations around the stories highlighted various issues, including the importance of:

- providing robust protection of vulnerable people who are the beneficiaries of these charities, staff and volunteers
- transparency
- proper investigation and reporting procedures
- proper disciplinary process being followed
- safe recruitment practices.

These are concerns for NGOs themselves, for members of the public and supporters, and for institutional funders and regulators.

Around the same time, EFTC has been dealing with a serious child safeguarding issue at the School of Hope. We are incredibly saddened that this has happened, but we are confident that we have acted appropriately in dealing with the matter as swiftly as possible. We always take every opportunity we can to learn how we can be better, and this incident is no different.

This review of EFTC's Child Protection Policy is therefore a response to all of these issues. However, it is a remote review only, carried out by the UK Trustees. We understand that having policies and procedures in place is only one step in ensuring the continual safety of our beneficiaries, and that these policies and procedures must be lived out in the day-to-day activities of our charity on the ground. One of the recommendations from this review, therefore, is that it is followed by an in-person review in Guatemala.

We are committed to being open and transparent, and we want to always be learning and doing things better so that we can truly break the cycle of poverty for as many children in Guatemala as we can. We hope that this report will be read in that spirit and we welcome any questions or comments to Michelle Aitken, Chair of Trustees [michelle@eftc.org.uk](mailto:michelle@eftc.org.uk).

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## Historical issues

Since 2005, there have been three safeguarding incidents at the School of Hope in Guatemala involving teachers abusing their position of authority and acting inappropriately towards students.

As referred to in the introduction to this report, one is a recent issue.

In late February, our Director of Senior School was approached by two girls who are minors who informed him that their teacher was making them feel uncomfortable with the way he treated them and suggestive comments. Further conversation elicited that the issue was more serious than inappropriate comments and the school opened a full investigation into the girls' story. In the meantime, the teacher was immediately removed from school as a precaution.

The school's investigation resulted in more detailed evidence and led it to believe that there was credence in the story and another girl also came forward with a more serious allegation against the teacher.

The school has a fully staffed social services department which was set up to deal with, among other issues, child safeguarding. Our Head of Social Services took control of the incident and worked with the affected girls, their families and the wider school to establish the facts and work to minimise any effect of the incident. The department also reported the incident to the Public Ministry, the Ministry of Work and the PGN (An organisation dedicated to protecting vulnerable children and adults in Guatemala). The incident was also recorded in the official record book which is overseen by the Guatemalan Ministry of Education.

The girls were interviewed by the authorities and at all times they were accompanied by family. The authorities have concluded that there is a case to answer and we are working with them to help them gather all the evidence. The case will take its own course now, but we will monitor it at every stage.

Given the overwhelming evidence, the school terminated the employment of the teacher and alerted the Ministry of Work. We have also asked for an order ensuring that there is no contact between the teacher and the girls. The investigation by the Public Ministry is currently ongoing. The Foundation Coordinator and Director of Senior School have visited the Public Ministry several times for news on progress but have been told that due to the overwhelming amount of cases they are managing, it will take time.

Before this incident, there have been two others since 2011.

One involved a teacher having a relationship with a student. As soon as the Directors became aware of the relation, EFTC alerted the authorities. A case was opened and later dropped as there was consent to this relationship from both the student and their parents. The student was over the age of consent, which in Guatemala is 14, so EFTC was not able to pursue a legal case against him. However, this was a clear contravention of our Employee Guidelines, and therefore the teacher's employment contract was terminated immediately.

In the other case, a teacher was behaving inappropriately with a student. This was reported immediately to the Public Ministry and PGN, the body responsible for child protection. The teacher's contract was terminated immediately upon confirmation of the incident; he was found to be guilty and was made to pay a fine. EFTC then discovered that he had been given employment at another local private high school. We discussed our concerns with the school. However, whilst the school listened to our concerns, they made the decision to continue his employment with them. EFTC had several scholarship students attending this school, and we took the decision to remove them from the school in order to ensure that we could protect their safety.

All three of these cases have been immensely challenging and disappointing to EFTC. However, in each case, we followed the appropriate procedures in line with Guatemalan legislation and acted swiftly as soon as any concern was raised, doing everything in our power to protect the both the students involved and other children or young people.

EFTC also receives many volunteers from around the world that may dedicate several weeks or months working at the school in the classrooms with the kids. All volunteers must produce an official background check before starting. There are standard procedures with the Visitor and Volunteer Coordinator that must be followed prior to arriving and upon arrival before they are allowed to come in contact with children. All Visitors and Volunteers read and sign a Code of Conduct which states clearly what is permitted and what is not permitted whilst at the School of Hope. It highlights clearly the consequences that will be enforced should there be any breach of the rules during their time, which may range from a verbal warning to their volunteer contract being terminated or the involvement of local authorities. Should any incident occur, a register is kept by the Visitor and Volunteer Coordinator, which outlines the incident and action taken. Our employees are given training once a year before the start of the school year on working with volunteers and what to do in the event that an incident occurs or if they or the children have any problems with the volunteers in their classroom.

Over the years, there has only been 2 volunteers that have been asked to leave immediately as well as 1 sponsor that visited frequently. Only one of the volunteers was asked to leave for breaching the Code of Conduct for a Child Protection related incidents.

In 2012, a sponsor who visited regularly and had developed a close relationship with the family sponsored was given several verbal warnings after rumours that visits to the family's home were being carried out without the mandatory supervision and out of school hours. It was later confirmed that visits were being taken place and the

sponsor was denied access from the school from that moment, although did remain a sponsor from afar.

In 2015, a teacher reported to the School Directors and Visitor and Volunteer Coordinator an incident involving a volunteer and a child. According to the child, the volunteer had smacked the student for not knowing the correct answer in an activity. The child reported this to the teacher who immediately took the issue to the Directors and Visitor and Volunteer Coordinator. The volunteer was immediately removed from the classroom and they met briefly with him to discuss the incident and then proceeded to ask him to leave the premises.

Additionally, there are three further incidents where volunteers have been rumoured to have taken their children out for lunch, the cinema or visited their sponsor child's home during their time here. All three volunteers denied having done this but the potential incident has been added to the internal register and Salesforce for future reference should they return.

In 2016, the Visitor and Volunteer Coordinator confirmed that a volunteer had added a student on social media. The volunteer was called to a meeting and was given a verbal warning regarding the incident. They then proceeded to "unfriend" the student and said that they understood that it was not permitted and would not happen again.

Whilst this is primarily a review of child safeguarding procedures, the recent issues involving other international NGOs have highlighted the importance of also protecting staff and volunteers from inappropriate behaviour and any abuses of power.

## Review of Child Protection Policy 2017

The Child Protection Policy 2017 covers key areas of child protection, including prevention, procedures, codes of conduct, partnerships, reporting mechanisms, training. It makes clear that child protection is everyone's responsibility and leaves no doubt that child protection is paramount.

This report has been put together in conjunction with the Foundation Coordinator, based in Guatemala who is responsible for overall leadership and management of the School of Hope. In the process of reviewing the Child Protection Policy 2017, a few minor points were found that would strengthen the policy:

- Including as an appendix the action plan that is referred to as being used to ensure that a child is safeguarded when a concern is raised to the Social Services Department
- Detailing the measures that are taken to ensure the safe storage of images of children
- Including reference to all types of abuse to show recognition of the wide scope, as the 2017 policy only referred to neglect, physical, psychological and sexual abuse.

It is widely accepted that child protection is one part of a comprehensive and holistic approach to the safeguarding of children<sup>1</sup>. EFTC is committed to not only protecting children within its care during the school operating hours, but to proactively advancing the safety and well-being of the children it works with through educating and empowering them, providing support to their families and guardians, and working to prevent abuse and distress. For this reason, it is suggested that the Child Protection Policy – which outlines this wider commitment by the Foundation – should be renamed and refer instead to Child Safeguarding.

**Recommendation:** that these points are considered by the Foundation Coordinator and are addressed in the Child Safeguarding Policy 2018, which is currently in production.

There are several more significant areas that could be improved that were also fed back to the Foundation Coordinator.

### 1. Children's participation

Participation of children is one of the five guiding principles of the UN Convention on the Rights of the Child, and article 12 specifies that children have the right to participate in decision-making processes that involve them<sup>2</sup>. It is crucial to building a relationship of trust with our students that they know that they can turn to us if they feel unsafe in any way or have any concerns about their well-being. Children's participation in child protection is discussed in the Child Protection Policy 2017.

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<sup>1</sup> <https://www.rcpch.ac.uk/improving-child-health/child-protection/child-protection>

<sup>2</sup> <https://www.unicef.org/crc/files/Right-to-Participation.pdf>

However, it is particularly important to reconsider our actions in empowering children to be aware of abuse and feel comfortable to report it in light of the most recent incident that EFTC has dealt with, whereby upon reporting inappropriate behaviour of a teacher, it was revealed that this had been taking place for 5 months. It is essential that EFTC works to ensure that children can recognise what types of behaviour are inappropriate, know who to turn to, and have faith that appropriate action will be taken. It is important that information is not just told to children once, and that relevant information is provided in a format that is suitable for them to understand.

In the Child Protection Policy 2017, the introduction makes clear that children are informed about who to tell if they have any concerns. However, it would be beneficial to examine more carefully students' views on how safe they feel with EFTC, their awareness of protection concepts (such as 'good touch' and 'bad touch', when it is OK to be asked to keep a secret and when it is not OK), and how aware of and comfortable they feel with the reporting procedures.

**Recommendation:** implement a series of workshops across the school to evaluate children's awareness of our current policy and procedures to keep them safe, gathering their views and suggestions on any changes they would like to see.

**Recommendation:** ensure that information about child safeguarding is available and accessible in child-friendly formats

## 2. Roles and responsibilities

The Child Protection Policy 2017 makes clear that child safeguarding is everyone's responsibility. It is vital that everyone understands this: everyone associated with the school should take responsibility for being aware of risks to children's safety, being aware of signs that may indicate that a child is in trouble, and reporting properly anything that they have concerns about. This applies to all staff, whether or not they are teachers, and volunteers.

A child protection policy should make clear who the lead on child safeguarding in the organisation is. This is the person who takes responsibility for ensuring that the policy is implemented appropriately and kept up-to-date. The policy should also be clear on what other roles are associated with child safeguarding; for example, who staff and volunteers should report to, whose responsibility it is to investigate a concern, support a child during an investigation, inform and support the parents/guardian, report a concern to the authorities, communicate within the school about the concern if required, and communicate to the wider organisation if required.

The Child Protection Policy 2017 includes most of these responsibilities but it is not simple to follow and there are some contradictions, for example, about who to report a concern to. There should not be any room for doubt about what to do if there is a concern about child safeguarding.

These points have been fed back to the Foundation Coordinator and are already being incorporated into the Child Safeguarding Policy 2018.

**Recommendation:** Clarify roles and responsibilities so that there is no room for doubt. In terms of detailing the reporting of a concern and what actions follow, a flow chart might be a useful way of demonstrating this.

### 3. Legal intervention

International NGOs must work within the law of the country they operate in, as well as adhering to best practice international standards in child protection.

The Child Protection Policy 2017 could be stronger in its legal intervention section by:

- Clarifying the Guatemalan legislation that the policy and the actions it details is based on
- Making explicit the specific factors that will dictate whether or not the legal authorities in Guatemala are involved
- Clarifying who makes the decision about whether or not a child can continue living with their family/guardian
- Expanding upon EFTC's professional relationship with the local authorities that means we are approved to facilitate alternative living arrangements
- Detailing further how foster families are selected and screened appropriately, if EFTC is recruiting the foster families – and if another organisation sources the foster families, how we ensure that their screening processes are robust
- Whose responsibility it is to support the foster family and offer ongoing training and support and monitor the child's well-being, and what processes are involved in doing this if it is EFTC's responsibility.

The document 'A Common Approach to Child Protection for International NGOs' recommends that "there is a process for resolving differences between culturally acceptable behaviour and the child protection policy / There is a clear mechanism for evaluating the existence and effectiveness of local child welfare/judicial infrastructure and clear process for deciding whether or not to work with it"<sup>3</sup> – this may be something for EFTC to consider further.

**Recommendation:** that the details suggested above are incorporated into the section on legal intervention in the Child Safeguarding Policy 2018

**Recommendation:** that the Foundation Coordinator and Head of Social Services consider the suggestions from the 'A Common Approach to Child Protection for International NGOs' document and detail resolution of these in the Child Safeguarding Policy 2018.

### 4. Communication and transparency

EFTC is committed to being open and transparent, while protecting the privacy of individuals involved in any incident. Recent issues in the charity sector in the UK have highlighted the importance of communicating well with supporters, the public, government funders and the UK Charity Commission about issues within an organisation. It is equally important for EFTC to consider how we communicate about incidents internally, with appropriate detail being provided to employees on a need-to-know basis.

EFTC has always been committed to honesty and building genuine trust with our supporters, and we endeavour to live by this in all the work that we do – a recent example being when we exceeded a fundraising target for a particular campaign. We

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<sup>3</sup> <https://resourcecentre.savethechildren.net/sites/default/files/documents/1603.pdf>

communicated this to our donors and offered to return excess funds to them if they so wished. This belief in transparency goes beyond our fundraising practices and we commit to honesty with our supporters about any serious incidents at the charity, so that they can see exactly how we handle issues, how we learn as an organisation, and can therefore make informed choices about continuing to support our work. This goes for supporters around the world, not simply in the UK in response to the current issues being debated in that country, and applies to individual, organisational and institutional supporters. Again, communication will be respectful of the privacy of those involved.

Whilst we understand that sponsors might wish to know whether or not their sponsored child has been involved in an incident and we respect the relationship between a sponsor and their sponsored student, EFTC commits to protecting the privacy of individual children and will therefore not divulge the identities of anyone involved in any serious incident that is communicated to our supporters. This is reflected in the Sponsor Charter.

The process for both internal and external communication when an incident arises should be outlined in the Serious Incident Policy (see 'Review of other relevant procedures', p.11). Communication should be anonymised to protect the privacy of the individuals involved.

**Recommendation:** that a Serious Incident Policy, detailing roles and responsibilities during an incident and communication channels that may be used, is adopted by the Board of Trustees.

## 5. Continual improvement and learning

We are honest at EFTC that we never get everything right 100% of the time, but we are committed to always learning in order to do our absolute best for the children we support in Guatemala.

Continual improvement and organisational learning are therefore really important and we feel must be included within our Child Protection Policy. In the 2017 version of the policy, training for staff is discussed. This could be more detailed, making clear the priorities for staff training topics within the broader remit of safeguarding, and highlighting that training is also given to new staff who may join partway through the school year. We should be clear that all members of staff receive safeguarding training, not just those who are permanently based in Guatemala. Keeping children safe is a fundamental role of EFTC and as such, all staff should have a good understanding of how we do so.

There should be a strong commitment to continued professional development for the lead person on child safeguarding; such an important role should be supported by training and involvement with other networks so that the School of Hope keeps up with development of best practice and learns not just from our own experience but from others too.

The monitoring and evaluation section of this report discusses regular processes to review safeguarding, but it is also important to use each incident that occurs to identify learning immediately – this is a distinctly separate process from the annual reviews suggested in the monitoring and evaluation section, which would ensure that learning after each incident is genuinely embedded within day-to-day practice.

**Recommendation:** that the Child Safeguarding Policy 2018 considers how EFTC keeps up to date and engages with wider networks, and supports the continued professional development of the organisational lead for child protection.

## 6. Monitoring and evaluation

The Child Protection Policy 2017 did not make any mention of monitoring and evaluation, without which we cannot measure its effectiveness and impact.

Child action plans are produced to monitor individual cases; this is important to show progress and accountability for ensuring that actions to protect the child are undertaken. However, to monitor the child protection system as a whole, we should have adequate records and evidence that the policy is being used.

Evidence that can be used to monitor the procedures detailed in the policy and evaluate how well the policy is translated into practice could include:

- Signed partnership agreements
- Observation of information being provided in appropriate and accessible formats for the children
- Risk assessments
- Training records - what exactly does training consist of, records of who has had what training
- Consent records for promotional photography
- Records of the workshops for parents, staff, volunteers on a range of issues related to child protection
- Criminal record check records
- Signed codes of conduct

In terms of evaluating child protection, there are not currently measures detailed in the policy to explain how regular, systematic review of the evidence that the policy is being used properly takes place. The Child Protection Policy is currently updated every year, although this is not detailed in the policy either.

Furthermore, monitoring and evaluation should involve children themselves; they are the best placed to tell us if they feel safe and protected by us. This is addressed in the section 1.

It is suggested that at a minimum, the monitoring and evaluation procedures that are worked into the Child Safeguarding Policy 2018 include:

- Keeping accurate records of safeguarding concerns, investigations and outcomes

- Having an annual review of children's views and input into the safeguarding practices at the School of Hope
- Having an annual review that takes place at the School of Hope, looking at the evidence gathered that the policy is being used – the first of which should follow this review in the next 6 months and be carried out by either a trustee or an independent consultant
- Both of these reviews lead into an annual and updating of the policy itself
- An annual summary of the reviews and updated policy is fed into the Board of Trustees for final ratification,

**Recommendation:** that the Board of Trustees, Foundation Coordinator, and Head of Social Services agree an annual checking system.

**Recommendation:** that these monitoring and evaluation processes are included in detail in the Child Safeguarding Policy 2018

## Review of other relevant procedures

Whilst this is primarily a report on child protection and safeguarding, EFTC is committed to keeping everyone associated with the organisation safe, including staff, volunteers, and the wider Guatemalan, UK and US communities where we operate. Sadly, in the press in the UK, there have been too many reports of abuse of power between colleagues, and between supervisors and volunteers. We are therefore considering our other policies and procedures that are linked with child safeguarding and protection of our staff.

### 1. Whistleblowing

EFTC does not currently have a Whistleblowing Policy. However, it is important that all staff and volunteers know that if they witness or are aware of any serious wrongdoing in the organisation, there are appropriate channels to report concerns and there is a proper procedure that will be followed.

A draft Whistleblowing Policy has been produced.

**Recommendation:** that the Board of Trustees ratify a Whistleblowing Policy.

### 2. Serious incidents

As mentioned previously in this report, EFTC does not have a Serious Incident Policy. We feel that we have handled serious incidents well in the past, but upon review of all procedures, it is helpful that staff and volunteers are reassured that there is a process in place with clear structure for dealing with crises.

A draft Serious Incident Policy has been produced. This may need amending to also reflect the regulations for the US Foundation.

**Recommendation:** that the Board of Trustees ratify a Serious Incidents Policy.

### 3. Disciplinary

The HR manual and Employee Handbook both describe disciplinary procedures.

EFTC is clear that in any situation where gross misconduct is being investigated, the proper disciplinary procedures will be followed through to their full conclusion. If an employee resigns partway through an investigation, EFTC will endeavour to conclude the investigation during their notice period in order to be able to provide a full conclusion of the issue and thereafter provide an accurate reference to any potential future employers.

**Recommendation:** that clarity is given within existing policies that demonstrate that EFTC will not allow a member of staff to quietly resign when there is suspicion of wrongdoing.

#### 4. Recruitment

The recent issues in the UK media have highlighted that recruitment practices need to include proper checks for staff. The HR Manual is currently in review and provides guidelines for senior staff at the School of Hope when recruiting for new staff and this is supplemented by a document called 'Process for Hiring New Employees'. These include the requirement to provide criminal background checks.

The induction process detailed in the 'Process for Hiring New Employees' document does not currently contain anything about an induction into our policies and procedures, or about safeguarding training. Safeguarding training is carried out as standard at the beginning of each school year but it should be included as well for any new members of staff who join at any other point in the school year. All new staff should be required to familiarise themselves with policies as part of their induction process.

Questions asked at interview stage can also give an insight into an individual's experience with, knowledge of and attitude towards child safeguarding. In some UK organisations that work with vulnerable people, it is standard practice to include a question on this during the interview. This may be something that the Foundation Coordination wishes to consider.

**Recommendation:** that the above issues are considered in the update of the HR Manual.

#### 5. Codes of conduct

The recent issues in the UK media have also highlighted the need for responsible and moral behaviour outside of the organisation. The Codes of Conduct for volunteers and for staff should include a line that that we expect responsible behaviour in line with the law in Guatemala – and that foreign staff and volunteers are expected to treat the local community with respect.

**Recommendation:** that reference to proper behaviour outside of the School of Hope is included in the Codes of Conduct.

## Concluding remarks

It has been difficult for the Board of Trustees to witness some of the media coverage in the UK about international NGOs, both in terms of hearing about the incidents of abuse that have taken place and hearing some of the criticism leveled at the sector.

It is important that the issues raised recently are faced up to by any organisation that the public has put its trust in. Commitment to following proper procedures, openness and transparency needs to run across the whole organisation. The Foundation Coordinator has had discussions with Guatemala-based staff about these issues that are being discussed in the UK at the moment. The fact that the Board of Trustees has carried out this review of relevant policies and will be implementing the recommendations should also be communicated to the Guatemala-based team to reinforce the importance of addressing the issues.

**Recommendation:** that this review and relevant decisions and changes to practice are discussed with the Guatemala-based team

Finally, it is a vital role of the Board of Trustees to ensure that all risks to the charity are managed properly. The creation of an organisational risk register would help to provide a framework for considering the various types of risk (such as human resources, operational, safeguarding, reputational, financial and governance).

**Recommendation:** that the Board of Trustees implements an organisation risk register to provide structure to assessing risk at each quarterly Board meeting. This can be shared between the US and UK Trustees.

## Action plan

Status key:

	Outstanding
	In progress
	Complete

Status	Area	Recommendation	Owner	Timeframe
	General	Take into account introductory points on p.6 for the updating of the Child Safeguarding Policy 2018	Foundation Coordinator and Head of Social Services	By end of May 2018
	Children's participation	Implement workshops across the school to evaluate children's awareness and views of our current policy	Foundation Coordinator and Head of Social Services	By end of September 2018
		Ensure that information about child safeguarding is available and accessible in child-friendly formats	Foundation Coordinator and Head of Social Services	By June 15, 2018
	Roles and responsibilities	Clarify roles and responsibilities in Child Safeguarding Policy 2018	Foundation Coordinator and Head of Social Services	By May 31, 2018
	Legal intervention	Consider the points made in this review for	Foundation Coordinator	By May 31, 2018

		the Child Safeguarding Policy 2018	and Head of Social Services	
	Continual improvement and learning	Consider the points made in this review regarding the role of continued professional development and wider best practice for the Child Safeguarding Policy 2018	Foundation Coordinator and Head of Social Services	By end of 2018 (We have begun investigating opportunities for professional development with partners.)
	Monitoring and evaluation	Board of Trustees and Foundation Coordinator to agree annual checking system which is then detailed in the Child Safeguarding Policy 2018	Board of Trustees and Foundation Coordinator	Date of review to be April 2019
	Other relevant procedures	Ratify Whistleblowing Policy	Board of Trustees	Done - March 2018
		Ratify Serious Incidents Policy	Board of Trustees	Done - March 2018
		Update HR Manual	Foundation Coordinator	Done in UK April 2018
		Update Codes of Conduct	Foundation Coordinator	Done in UK April 2018
	Governance	Communicate about and discuss this document with the Guatemala-based team	Foundation Coordinator	Done in GUA April 2018
		Introduce an organisational risk register for regular review at Board meetings	Board of Trustees	By June 2018



