



know one, teach one

KOTO Child and Youth Protection Policy and Code of Conduct 2019



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Definition

For the purpose of this protection policy and related procedures children and youth are any persons under KOTO care and are referred to as “trainees.”

Trainees are disadvantaged youths who are between 16-25 years old of age and they are come from different disadvantaged backgrounds across Vietnam.

Introduction

KOTO has a zero tolerance approach to child exploitation or abuse. KOTO recognises that it is the shared responsibility of all adults to prevent child exploitation and abuse and that organisations that work with children and young people also have a role in protecting them. The KOTO Child and Youth protection Policy, and the associated procedures, enable staff and volunteers meet community expectations and uphold these principles to which we are committed.

KOTO management accepts the responsibility for making all staff, volunteers and trainees aware of the Child and Youth Protection Policy and Procedures. All KOTO staff, volunteers, trainees are required to sign and abide by this policy and its procedures. Violation of this will be subject to immediate disciplinary action.

This policy also applies to KOTO’s donors, partners and supporters who are engaged in direct activities with KOTO trainees. These external stakeholders are also required to sign and abide by this policy and its procedures.

Policy Statement

The staff and volunteers at KOTO aim to create a safe and healthy environment for the children and youth with whom we work. We are committed at all times to ensuring their safety and welfare and agree to abide by the following legislations.

Policy Consideration

This policy should be considered in conjunction with the *KOTO Staff and Volunteer Social Media Policy*.

Vietnamese Legislation: Protection, Care and Education of Children Law – 1991; 2004

Section 7 – States that the handing over and receiving of children into adoption shall be conducted according to what is in the law; Children have the right to live with parents unless it is against the interest of the child.



Section 8 – Ensures the safety and protection of children against maltreatment, abuse, abandonment, swapping, coercing, and others.

Section 13 – Children have the right to live with parents unless it is against the interest of the child.

Section 14 - Strictly prohibits the inducement and mediation of child prostitution, sale of pornographic materials to children or letting them use such materials, toys or games that are detrimental to the healthy development of children.

Section 25.2 - States that the handing over and receiving of children into adoption shall be conducted according to what is in the law.

Vietnam is a signatory to and has ratified the following core treaties that form the international human rights framework:

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)
 - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPCR)
 - The CRC Optional Protocol on the Commercial Sexual Exploitation and Trafficking of Children
- Optional Protocol on the Involvement of Children in Armed Conflict
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
- The Convention against Transnational Organised Crime (CTOC)

The Rights of the Child

KOTO supports the UNICEF Convention on the Rights of the Child (CRC) (1989) as follows:

- The need for physical care and attention
- The need for intellectual stimulation
- The need for emotional love and security
- The need for social contact and relationships
- The right to have their needs met and safeguarded
- The right to be protected from neglect, abuse and exploitation
- The right to be protected from discrimination
- The right to be treated as an individual



Child and Youth Abuse (definitions from Child Wise [Australia] /see www.childwise.net)

Child abuse is a general term used about situations where the child may experience harm, usually as the result of failure on the part of the parent or caregiver to ensure a reasonable standard of care and protection.

Child abuse is categorized under four main forms:

1. Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.
2. Sexual abuse is the occurrence when a child or young person is used by an older or bigger child, adolescent or adult for his or her own sexual stimulation or gratification regardless of the age of the child or the nature of consent locally. This can be contact or non-contact acts. Including threats and exposure to pornography.
3. Emotional abuse occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or caregiver to the extent that it affects the child's physical and emotional growth.
4. Neglect is the failure to provide the child with the basic necessities of life, such as food, clothing, shelter, supervision or care to the extent that the child's health and/or development is placed at risk.

KOTO also supports the safe and responsible use of the internet by trainees, staff and volunteers. Any emails or spam of concern or pornographic images should be reported to the Trainee and Alumni Service Manager immediately.

Policy Implementation

This policy will cover:

- Staff and volunteer recruitment, selection and training
- Staff and volunteer conduct
- KOTO donors, partners and supporters in contact with trainees for any length of time
- Child and youth protection procedures



Staff and Volunteer Recruitment, Selection and Training

The KOTO Human Resources Department will ensure all staff and volunteers are suitable to work with KOTO trainees by checking their application, through questions at interview, thorough employment reference checks and the staff member and volunteer's mandatory submission of an up-to-date (three years preceding) criminal record check conducted in and supplied by the home country of that person's legal residence. Any candidate that poses unacceptable risks to the the welfare of KOTO trainees will not be employed by KOTO in either a paid staff or volunteer capacity.

During orientation new staff and volunteers will be made aware of the KOTO Child and Youth Protection Policy (CYPP) and will be required to sign the commitment form (see Appendix 1) stating that they have read, understood and will abide the policy and procedures.

KOTO will work with appropriate agencies to provide ongoing training to staff and volunteers in areas of child and youth abuse and protection to ensure they understand their responsibilities in being alert to the signs of abuse and to take responsibility for referring any concerns to the Trainee & Alumni Services Manager.

Child and Youth Protection Reporting Procedure

- The Trainee and Alumni Service Manager will be the designated contact person for staff, volunteers and trainees to report any concerns about a trainee's safety or welfare. If the Trainee and Alumni Service Manager is not available, you should report to the General Manager of KOTO to take action.
- Staff, volunteers and trainees must report any allegation or concern to the Trainee and Alumni Service Manager immediately
- Staff and volunteers must document allegations, incidents or concerns using the **Child and Youth Protection Incident Reporting Form**
- Staff and volunteers are not to start an investigation or question anyone after an allegation or concern has been raised
- All information related to any allegations or concerns that staff, volunteers or trainees have, must remain confidential
- The Trainee and Alumni Service Manager will make initial investigations and work to resolve the matter internally; however, in the case of an alleged crime, the police will be notified.



- All matters will be referred to the Trainee and Alumni Service Manager for information, advice and resolution.
- KOTO will develop effective links with relevant agencies and co-operate as required with their enquiries regarding child and youth protection matters

Staff and Volunteer Code of Conduct

This code of conduct lists the expected professional behaviours that apply to all KOTO staff, volunteers, visitors and partner organisations in their interactions with trainees:

Professional behaviours include:

- Need to respect the individual rights of trainees
- Need to maintain a clear relationship of supervisor/teacher to student, to ensure that the focus at KOTO will always remain on the development of skills of the trainees
- Are not permitted to have trainees in their homes under any circumstances and for any reason for any period of time
- Are not to lend trainees money
- Should never use physical punishment or abusive language
- Should avoid making unnecessary physical contact with trainees at all times. In times of distress, some contact may be necessary, but staff and volunteers must show restraint and dignity at all times. In such circumstances the trainee must give their consent
- Should never use behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate. This includes not engaging children under the age of 18 in any form of sexual activity, including paying for sexual services
- Be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse
- Should only meet with trainees on KOTO premises. If a situation arises where this cannot happen the Trainee and Alumni Service Manager needs to be notified prior to the meeting and his or her decision will be final as to whether or not the meeting can take place
- If the situation arises, it is not suitable to sleep close to unsupervised children unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensuring that



another adult is present if possible (noting that this does not apply to an individual's own children)

- Never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium. Refer the KOTO Social Media Policy
- Comply with all relevant local legislation, including labour laws in relation to child labour. This includes not hiring children for domestic or other labour; which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury
- Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during your association with KOTO
- Must comply with KOTO sexual and racial harassment guidelines as outlined in the *KOTO Staff Handbook*.
- Must ensure where possible that if there are trainee groups of mixed genders to be supervised, they should always be accompanied by both a male and female staff/volunteer member (covers 'wherever possible ensure that another adult is present when working near children')
- Are to be a good role model for trainees at all times and both on and off the KOTO premises

Review and Monitoring

This policy and its procedures will be monitored on a regular basis and reviewed annually.

This policy was reviewed December 2018.



Appendix 1

KOTO Child and Youth Protection Policy (CYPP) and Code of Conduct Commitment Agreement

I have read and commit to the KOTO **Child and Youth Protection Policy (CYPP)**. I am aware of my responsibility to ensure the implementation and upholding of child and youth rights and why my absolute compliance is essential.

I am committed to the strict implementation of the provisions contained within this document and take responsibility for the implementation of disciplinary and legal procedures if in violation of any one or more of the provisions of this policy.

Print one copy of this page, sign in ink and return to KOTO either as a scan or hard copy.

Name [print in full]	
Title	
Organization	
Purpose of visit to KOTO	
Today's date	
Time period at/with KOTO	From: _____ To: _____
Mobile number [including country code]	
Email	
Signature	

This signed document received by [print name in full]	
KOTO position title	
Date	
Signature	



Appendix 2

Child and Youth Protection Incident Reporting Form

Please fill out as many sections as possible with as much detail as you can. This form is confidential.

Location:
Your name:
Your position:
Child and or Youth's name:
Age/date of birth:
Child's address (if known):
Name of Parents/guardians/care-givers and addresses (if known):
Date and time of incident:
Member of staff involved in incident (if any):
Place where incident occurred:



Your observations:	
Details of concern/ suspicion/ incident. Describe what happened: time, dates, names of person(s) involved, behaviour or physical signs observed, any other details:	
Details of any conversation with the child:	
Action taken so far (if any):	
KOTO Trainee and Alumni Services Manager informed: Yes/no	
Date:	
Time:	
Details of advice received:	
External agencies contacted (if any):	
Police: Yes/no	If yes – which station:
Date:	Name and contact number of reporting officer:
Time:	Details of advice received:



<p>Social Services: Yes / No</p> <p>Date:</p> <p>Time:</p>	<p>If yes – which service:</p> <p>Name and contact number of staff:</p> <p>Details of advice received:</p>
<p>Local authority: Yes / No</p> <p>Date:</p> <p>Time:</p>	<p>If yes – which authority:</p> <p>Name and contact number of staff:</p> <p>Details of advice received:</p>
<p>Other: Yes / No</p> <p>Date:</p> <p>Time:</p>	<p>If yes – which agency:</p> <p>Name and contact number of staff:</p> <p>Details of advice received:</p>
<p>Signature:</p> <p>Name:</p> <p>Date:</p>	



Appendix 3

Child and Youth Protection Risk Register

Activity type	Risks to children and youth	Protocols/procedures to reduce risks to children and youth	Who will be responsible for strategies/action taken? By when?
Annual overnight leadership camps; annual KOTO Dream Trip	Children and youth left alone with an adult and may come to harm	<ul style="list-style-type: none"> - More than one adult should accompany children and youth at all times - No one adult should be left responsible to sleep in same room/tent as children and youth - Adequate recruitment and selection processes of paid employees and volunteers, including criminal record checks - Provide correct instruction to all those taking children on camp 	<ul style="list-style-type: none"> - Trainee and Alumni Services Manager mandated; - escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Swimming lessons provided by donor; water park visit	Children and youth required to change clothes where change rooms are unsupervised and open to the public	<ul style="list-style-type: none"> - Keep children and youth in same-sex groups - More than one same-sex staff member attends change room, swimming pool-side and water-park pool - Educate children and youth to stay in a group and avoid speaking to strangers in the change room 	<ul style="list-style-type: none"> - Trainee and Alumni Services Manager mandated - escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Friends or family periodically visit my place of KOTO employment when child and/or youth is in attendance	Children and youth left alone on premises while parent/guardian is working and may come to harm	<ul style="list-style-type: none"> - Ensure processes are in place to prevent visitors from being alone with any child and youth - Ask visitors to sign and abide by the KOTO <i>Child and Youth Protection Policy (CYPP)</i> - Provide a safe place for children and youth to play and/or do homework/study while parent is busy with work - Educate staff about potential risks to children and youth on the premises and their responsibilities for care and reporting 	<ul style="list-style-type: none"> - Trainee and Alumni Services Manager mandated; - escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Members of the public have been invited to KOTO training centre(s) or training restaurant(s) to attend an event at the organization	Children and youth may be abused if separated from parents, staff or volunteers and pushed into an unlocked room	<ul style="list-style-type: none"> - Lock all empty rooms - Security guard and rostered parents will circulate grounds throughout event - Buildings and toilets will be checked regularly 	<ul style="list-style-type: none"> - Trainee and Alumni Services Manager mandated; - escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Members of the media have been invited to KOTO training centre(s) or training restaurant(s) to attend	Children and youth may be abused if separated from parents, staff or	<ul style="list-style-type: none"> - Lock all empty rooms - Security guard and rostered parents will circulate grounds throughout event 	<ul style="list-style-type: none"> - CEO mandated; - Implemented by Marketing Officers; escalate to General



an event at the organization	volunteers and pushed into an unlocked room	- Buildings and toilets will be checked regularly - Media to sign KOTO policies re: filming, interviewing, audio making and/or photographing KOTO staff, volunteers	Manager, Foundation; final decision CEO - Immediate reporting of violations; immediate rectification
		and trainees	- Incident report within two (02) working days
Child or youth says that he/she does not want to go home with parent/guardian/house parent	Child or youth may be experiencing harm at home	- Ask child or youth for reason - If answer suggests harm to child or youth from someone at home, report to relevant authorities - If not, discuss with parent/guardian/house parent	- Trainee and Alumni Services Manager mandated; implemented by Welfare Officers; escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Supervising a large group of children and youth	Responsible adult may resort to violence/physical force, abusive, shaming, humiliating or other harmful discipline methods to control group	- Educate responsible adults (staff and volunteers) in positive discipline strategies - Provide a support person for adult - Split large groups into more manageable sizes; KOTO aims for a 5:1 ration trainees : adults - Educate children and youth about their rights and acceptable disciplinary methods - Work with children and youth to brainstorm and then implement methods of discipline that are not abusive	- Trainee and Alumni Services Manager mandated; implemented by Welfare Officers; escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Children and youth sometimes bike home late at night from activities	Child or youth may be abducted; harmed; assaulted; robbed	- The community will be consulted to determine appropriate strategies to ensure children do not walk home late at night unaccompanied by an adult - Timing of activities will be reviewed and adjusted to allow for small groups to go home together - Trainees are not left to their own devices to get home - Trainees utilize the scheduled KOTO private bus transport - Staff who organize the activity must arrange for safe transportation	- Trainee and Alumni Services Manager mandated; implemented by Welfare Officers, Operations Manager; escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Visitors to trainee housing	Children and youth left alone with an adult and may come to harm	- Visitors are not allowed for any reason inside trainee housing / this includes donors, partners and supporters and any members of the media - Staff are only permitted in groups of two (02) or more inside any trainee housing; volunteer(s) must be accompanied by staff - House parent must be told in advance of any staff intention to be onsite	- Trainee and Alumni Services Manager mandated; implemented by Welfare Officers, Operations Manager; escalate to General Manager, Foundation - Immediate reporting of violations; immediate rectification - Incident report within two (02) working days
Staff, volunteer and trainee interaction outside of work hours	Children and youth left alone with an adult and	- Staff are only permitted in groups of two (02) or more for an outside work	Staff are only permitted in groups of two (02) or more



	may come to harm	interaction - Volunteer(s) must be accompanied by a staff member - House parent must be told in advance of any staff and/or volunteer intention for outside interaction - Trainee and Alumni Services Manager must be told in advance of any staff and/or volunteer intention for outside interaction	inside any trainee housing - House parent must be told in advance of any staff intention to be onsite