

Child Protection Protocol

Fondazione Fossoli

PREAMBLE

The following documents have been consulted for this **Child Safeguarding Protocol**:

[Child Safeguarding Standards and how to implement them](#). Keeping Children Safe, 2014.

[Child safeguarding policy](#). Educo, 2019.

Child protection policy. Children International, 2019.

[Child Protection policy](#). Save The Children, 2003.

Definitions of terms in the Protocol for the Protection of Children– Fondazione Fossoli

According to the Convention on the Rights of the Child, for the purposes of this protocol, a **child** means every human being under the age of 18 years (Article 1).

Child maltreatment is defined as all forms of physical abuse, emotional abuse, sexual abuse and exploitation, neglect or negligent treatment, commercial exploitation or any other form of exploitation of a child, and includes all actions that may result in actual or potential harm to the child. Abuse of persons under the age of 18 may be a deliberate act or may not have been acted upon to prevent harm.

Harm is defined as :

Physical abuse: physical harm, actual or potential, perpetrated by another person, adult or child. It can involve beating, shaking, poisoning, drowning and burns. Physical harm can also occur when a parent or other caregiver deliberately causes illness in a child.

Sexual abuse: forcing or enticing a child to engage in sexual activities that he or she does not fully understand and has little recourse for non-consent.

Sexual exploitation: a form of sexual abuse that involves children engaging in sexual activities in exchange for money, gifts, food, shelter, affection, status or any other commodity, material or immaterial, that they or their family need. It usually involves manipulating or coercing a child; it may involve befriending children, gaining their trust or subjecting them to drugs and alcohol. The abusive relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited. It is a form of abuse that children and adults may misunderstand as consensual.

Abandonment and neglect: Abandonment and neglect refers to a persistent failure to meet a child's basic physical and/or psychological needs, which may result in a serious deterioration of the child's physical or mental health. It includes failure to adequately supervise and protect children from harm and failure to provide nutrition, shelter and safe living and/or working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and neglect and abuse of a child with a disability.

Emotional abuse: Persistent emotional maltreatment that has an impact on the child's emotional development. Acts of emotional abuse include restraint, degradation, humiliation,

bullying (including cyberbullying), and threat, fear, discrimination, ridicule or other non-physical forms of hostile treatment or rejection.

Child maltreatment is also understood as any action that individuals, institutions or processes do or fail to do, intentionally or unintentionally, that harms a child or harms a child's well-being, dignity and prospects for healthy and safe development in adulthood.

Institutional maltreatment is caused by any legislation, procedure, action or omission by public authorities, or arising from the actions of individual professionals, that results in abuse, neglect, detriment to the health, safety, emotional state, physical well-being, proper maturation or that violates the basic rights of the child.

This protocol defines **child protection** as the responsibilities, measures and preventive and response activities that **Fondazione Fossoli** will undertake to protect children, ensuring that no child is subjected to abuse as a result of the institution, its staff or its partners. It also incorporates a responsibility to ensure that, where there is cause for concern about the welfare of a child, or where a child has been abused, action is taken to address it. Such situations will be reported and acted upon appropriately and in accordance with relevant national and international procedures; and incidents will be analysed to ensure continued learning and growth over time.

POLICY

1.1. Child protection legislative framework

This **Child Protection Protocol** is framed by existing national, state and international legislation related to child protection.

At international and European level:

-General Assembly resolution 44/25 of 20 November 1989, Convention on the Rights of the Child, United Nations, 1989.

-Recommendation CM/Rec (2009) 10- Recommendation of the Council of Europe on the participation of children and young people under 18 years of age, Council of Europe, 2012.

At state level in Italy:

- Protocols of the Autorità Garante per l'Infanzia e l'Adolescenza :

<https://www.garanteinfanzia.org/pubblicazioni>

1.2. Fondazione Fossoli Protection Protocol's guiding principles

This protocol is based on a set of principles that are derived from international treaties and include:

1. All children have equal rights in relation to protection from abuse and exploitation.
2. Every child has a fundamental right to life, survival and development. Fondazione Fossoli provide a basis for ensuring the realisation of children's rights to protection from harmful influences, abuse and exploitation.
3. All children have the right to reach their potential, avoiding inequality and discrimination. This shall include the right to live their gender identity and gender expression in the way that best benefits their own personal development.
4. All staff to whom this protocol may apply should be familiar with it and respect its provisions.

1.3. Child Protection at Fondazione Fossoli

Fondazione Fossoli is committed to creating safe environments for children in all aspects of its activities. Fondazione Fossoli believes that children should be respected, protected and empowered as their capacities evolve. The Child Protection Protocol is a tool to actively

contribute to the development of a safe environment for children in Fondazione Fossoli activities. All persons to whom this protocol may apply will need to understand, accept and be adequately supported in fulfilling their responsibilities towards child protection.

2. SCOPE OF APPLICATION

2.1. Scope of application

2.1.1. Persons to whom this protocol may apply

- a) Fondazione Fossoli staff
- b) External collaborators.
- c) Suppliers and service providers
- d) Beneficiaries and participants in the activities of Fondazione Fossoli
- e) Any person providing services to the Fondazione Fossoli, regardless of the nature or legal status of the relationship, must comply with this protocol. This includes persons who, under the employment of a third party, provide their services to Fondazione Fossoli, such as personnel under contracts or subcontracts.

In the case of persons who are not contractually related or who are invited to participate in an event, the protocol will also be activated for the purpose of victim protection.

2.1.2. Temporal scope of application of the protocol

The protocol shall be applied whenever the alleged victim(s) or aggressor(s) are staff members of the previous section.

2.1.3. Territorial scope of application of the protocol

The conduct in question must take place within the organisational or service provision scope of any of the activities carried out in the framework of Fondazione Fossoli:

- Within the premises of the partners, and any space in which they carry out their activities.
- Outside these areas, if the events reported are related to the movements (access or exit) or the activities it carries out.

Fondazione Fossoli will inform, through the contact persons of the event or activity to be carried out, the companies and external collaborating entities or contractors, of the existence

of this protocol, and will also agree on how it will be applied and which persons will be in charge of applying it in each case, and in the event of any event that may give rise to doubt, the relevant committee will be informed, adopting the necessary measures and actions in accordance with the protocol and the legislation in force.

2.2. Commitment of persons

Persons to whom this protocol may apply (section 2.1.2) commit themselves to:

1. never abuse or exploit a child, or act in any way that may involve abuse or a risk of harm to the child.
2. Report any situation of child abuse that they detect in accordance with the procedures set out in this protocol.
3. Attend to a child who may have been abused or exploited in accordance with the procedures set out in this protocol.
4. Co-operate fully and confidentially in any investigative procedure of suspected or reported child abuse.
5. Contribute to building an environment where children are respected and encouraged to discuss their concerns and rights.
6. Always treat children in a manner that respects their rights, integrity, privacy and dignity, always considering their best interests and avoiding exposing them to any risk.
8. Never disclose information that identifies families or children, by any means, unless this information is in accordance with this protocol and/or has the explicit consent of the participants, their mothers, fathers or legal guardians. The means of dissemination include paper, photographs, technological means and any other type of media. Photographs that do not allow for facial identification of any participating minor shall be used for regular communication.
9. Ensure that all persons to whom this protocol may apply are made aware of it.
10. Ensure the anonymity of persons who have reported conduct contrary to the principles and guidelines of this Protocol, if they so request, support them and endeavour to protect them from problems arising from the report, including security concerns and possible retaliation.
11. Take these Child Protection Policies into account in all activities involving children.

3. PROCEDURES

3.1. Authorisation of mother, father or legal guardian

The participation of children in research or other Fondazione Fossoli activities shall be consented to by the child him/herself and, in the case of persons under 14 years of age, by their legal guardian (mother, father or legal guardian).

Before photographing or filming children or using images of children for purposes related to any Fondazione Fossoli activity, it will be necessary:

- Ensure that photographs or videos present children in a positive, dignified and respectful manner.
- Value local culture and traditions over the reproduction of personal images and make an effort to act accordingly.
- Ensure that images are honest representations of situations and events.
- Represent children as active agents of change rather than passive recipients of action.

3.2. Immediate action and attention

For all reported incidents of child abuse, Fondazione Fossoli will demand that the best interests of the child be the first priority in **accordance with the provisions of European and National law as mentioned above.**

The following recommendations are made for responding to a situation of suspected child abuse:

- Listen and accept what is said
- Do not investigate, interrogate or confront the child.
- Do not pressure the child for more information.
- Take the suspicion or allegation seriously
- Reassure the child that he or she has done the right thing

- Inform the child that, despite confidentiality, the suspicion or allegation must be brought out into the open
- Inform the child's mother, father, legal guardian, if necessary
- Explain to the child and the child's mother, father, legal guardian the next steps to be taken
- Write down what is said

A distinction must be made between two types of situations that may generate suspicions of abuse, although both are considered equally serious and both require action by Fondazione Fossoli:

- Those cases in which the persons involved belong to the Fondazione Fossoli
- Those cases where not all the persons involved belong to Fondazione Fossoli

3.3. Procedure for dealing with a possible situation of child abuse

3.3.1. Reporting of possible child abuse situations

The procedure is initiated whenever a possible situation of child abuse is brought to the attention of the Fondazione Fossoli. The information can come in several ways:

- a) The alleged victim (if necessary accompanied by the legal guardian) directly addresses the direction of the Fondazione Fossoli. By email indicating "confidential" in the subject line, or verbally to the Fondazione Fossoli. In order to guarantee confidentiality, under no circumstances should information about the facts to be reported be included in an email.
- b) Submission of a complaint through the Register.

3.3.2. Actions in possible situations of child maltreatment

Once the Fondazione Fossoli direction receives the request, it will initiate preliminary actions in order to know the circumstances of the specific case and determine the initiation of the appropriate procedure. Previously, the express consent of the victim should be sought in cases where this is necessary for the prosecution of the reported conduct. Depending on the complexity of the case, the initiation will specify whether the preliminary investigation of the preliminary proceedings should be carried out by an investigating committee.

Composition of the investigating committee

The investigating committee shall be decided by the Fondazione Fossoli and may be composed of a minimum of three and a maximum of five members.

Actions to be taken

Collection of information. The investigating body may agree to carry out other appropriate actions to obtain basic information on the case, in order to make an initial assessment.

Conclusion of the preliminary proceedings

The preliminary proceedings will conclude with a report-proposal that will be submitted to the Fondazione Fossoli co-ordination and which will contain, as a minimum, the following points:

- Nominal list of the members of the commission issued by the report and identification of the parties involved.
- Background information: complaint, if any, and the circumstances involved.
- Minutes of the investigation: witnesses, evidence, reports, etc.
- Conclusions and proposed measures.
- Establishment of a date in the short or medium term to subsequently monitor and review the implementation of the measures and verify the absence of the conduct that led to the initiation of the proceedings.

3.3.3. Receipt, custody and confidentiality

The complaint and all documentation generated during the procedure will be sent, kept in custody and archived by Fondazione Fossoli. Only the investigating body and the secretary shall have access. The obligation to maintain confidentiality shall prevail above all else.

3.4. Action to be taken in the Report-Proposal

Once the preliminary proceedings have been completed and the procedures and safeguards set out in the preceding sections have been complied with, the investigating body shall propose to the Chair of the committee the adoption of one of the following resolutions:

If the person denounced is a member of the Fondazione Fossoli:

- a) The complaint shall be closed when there is insufficient evidence to justify the opening of a sanctioning process.

- b) If it is considered that the conduct reported is neither criminal nor constitutes a disciplinary offence, but that its evolution could lead to this non-compliance or become criminal, the investigating body may propose dialogue, mediation or warning with the aim of reversing the situation.
- c) The initiation of disciplinary proceedings shall be proposed in cases where it is considered that the reported conduct is not criminal but may constitute a disciplinary offence.
- d) In the event that the conduct is considered to constitute a criminal offence, Fondazione Fossoli shall be recommended to file a complaint with the appropriate police or judicial bodies. If the complaint can only be lodged by the injured party, the recommendation is to accompany the injured party at the time of lodging the complaint.
- e) In case the complaint is manifestly false and made in bad faith, it shall be referred to a Legal Advisor to inform the coordination on whether or not there are grounds to initiate disciplinary proceedings against the complainant.

If the person complained of does not belong to Fondazione Fossoli team (external collaborating company or contractor)

- a) The complaint will be closed when there is insufficient evidence to justify the opening of a sanctioning process.
- b) In cases where it is considered that the reported conduct is not criminal the external company will be informed, with the request that it adopts the measures established in its regulations and that, in any case, it acts to correct the situation. The Fondazione Fossoli will follow up to check that the situation has been remedied and that the company has fulfilled its commitments. The unit in charge of contracting may propose measures affecting the fulfilment or termination of the contract.
- c) In the event that the investigating committee considers that the conduct constitutes a criminal offence, it shall recommend that Fondazione Fossoli inform the external company so that it can adopt the measures established in its regulations, and shall also recommend that it files a complaint with the corresponding police or judicial bodies.

In all cases, the need for corrective, preventive or victim protection measures will be taken into account, even in cases where the offence is time-barred.

4. SAFEGUARDS, MONITORING AND REVIEW

4.1. Guarantees of action

- a) Proceed with the collection of information promptly, sensitively and with respect for the persons concerned.
- b) Ensure fair treatment of all parties.
- c) Guarantee that all persons involved are heard and defended, as well as the right to be accompanied by a person of their choice, including legal advisors, if they so request.
- d) Inform the persons concerned about the evolution of the case, as well as about the corrective measures applied.
- e) Ensure that no retaliation of any kind occurs against persons making a complaint, persons appearing as witnesses and persons participating in an investigation into conduct such as that described in this protocol.
- f) Respect the right of the person accused of child abuse to be informed of the complaint or report, and to receive a copy of the report and any documentation generated during the procedure, in the terms set out in section 3.4.4, and to make representations.
- g) Guarantee that no record will be made of the complaints in the file of the persons denounced, when these complaints are false.
- h) The processing of a disciplinary file or an information file within **Fondazione Fossoli** is totally independent of any legal action that the victim may wish to take through the courts or any cooperation that may be requested in the framework of a judicial investigation.