



**MILL HILL MISSIONARIES**

St Joseph's Missionary Society

**THE POLICY ON  
PROTECTION & SAFEGUARDING OF CHILDREN  
AND  
VULNERABLE ADULTS**

**For  
KENYA**

January 2015

‘Over recent years there has been increasing recognition not only of the existence of child abuse but the global nature of child abuse. Abuse of children across the world occurs on a staggering scale. It is estimated that 40,000,000 children are abused each year.’<sup>1</sup>

## MISSION STATEMENT

The Mill Hill Missionaries in Kenya<sup>2</sup> are committed, wherever they live and work, to ensuring the provision of safe and life-giving environments for children and vulnerable persons.<sup>3</sup>

### Introduction

As Mill Hill Missionaries, we affirm the basic guiding principles that:

- Each child and vulnerable person shall be cherished and affirmed as a gift from God, with an inherent right to dignity of life and bodily integrity, which shall be nurtured and protected by all.
- All children and vulnerable persons, regardless of gender, culture, race, tribe, language, religious beliefs or social status, have a fundamental right to protection and care.
- As the most vulnerable members of the community they need a safe environment and special protection in society: an environment free from discrimination<sup>4</sup> *abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.*<sup>5</sup>
- Everyone in the Church has an obligation to ensure that the fundamental rights of children and vulnerable persons are respected.

Following on from these principals, and in the light of the teachings of the Church and civil legislation, the Mill Hill Missionaries are committed to:

- Demonstrate that the right of the child and the vulnerable person to protection from harm is paramount.
- The safeguarding of children and vulnerable persons, and so to foster practices that will protect children and vulnerable persons from harm, neglect or abuse.
- Demonstrate accountability through establishing effective structures.
- Support Church organisations and personnel in safeguarding children and vulnerable persons.
- Establish safe recruitment and vetting practices aimed at preventing those who pose a risk to children and vulnerable persons from holding positions of trust.
- Maintain codes of behaviour that ensure safe environments for children and vulnerable persons..

### CLARIFICATION OF TERMS

- The term ‘Child’, according to the UN Convention on the Rights of the Child 1989<sup>6</sup>, and as legally defined by ‘The Children Act’ of Kenya<sup>7</sup>, refers to a person under the age of 18.
- The term ‘vulnerable person’ means a child, a person with mental disabilities or an elderly person.<sup>8</sup>
- The term ‘Child Abuse’ refers to any abuse of power over a child by an adult or another child which disadvantages the child and to which the child cannot give informed consent.<sup>9</sup> Abuse can be physical, sexual, emotional, or by neglect.
- ‘Informed consent’ is consent made by a person above 18 years of age with full awareness of the relevant facts necessary for making the agreement.
- ‘Physical abuse’ may involve hitting, shaking, kicking, suffocating, misusing of medication, giving addictive drugs, applying inappropriate sanctions or otherwise causing physical harm to a child.
- ‘Sexual abuse’ involves forcing or enticing a child to take part in sexual activities, whether the child is aware of what is happening or not. The activities may involve physical contact, including penetrative sex (e.g. rape) or non-penetrative sex (oral sex).

Other forms may include non-contact activities such as involving children in looking at, or participation in, the production of pornographic material, in watching sexual acts or behaving in sexually inappropriate ways.

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<sup>1</sup>Misean Cara, *Child protection and safeguarding policy*, Updated March 2012, p.4

<sup>2</sup> The Mill Hill Missionaries are legally incorporated in Kenya as ‘Mill Hill Missionaries of Saint Joseph Registered Trustees’, which incorporation was effected on 29<sup>th</sup> March 1994 by the Minister for Lands and Settlement of the Republic of Kenya.

<sup>3</sup> This policy is a revised version of the ‘Child Protection and Safeguarding Policy’ (2014) and has been updated to incorporate the protection and safeguarding of ‘vulnerable persons’. While the language in this document continues to refer to ‘child’ or ‘children’, the policy, and the principles of care and respect that underpin it; apply in equal measure to vulnerable persons.

<sup>4</sup> The Republic of Kenya, ‘The Constitution of Kenya’ (2010) Article 27

<sup>5</sup> *Ibid.* Article 53 (d) (see also Articles 54 and 57)

<sup>6</sup> Article 1

<sup>7</sup> *The Children Act*, CAP 141 of the Laws of Kenya, Section 2

<sup>8</sup> *The Sexual Offences Act No 3 of 2006 of the Laws of Kenya*, Section 2

<sup>9</sup> Misean Cara, *Child protection and safeguarding policy*, Appendix 7

Boys and girls can be sexually abused by males or females, by adults, by young people, family members or people from all walks of life.

- ‘Emotional abuse’ is the persistent emotional ill-treatment or rejection of a child by conveying that he/she is unloved, inadequate or even worthless; or by overprotection and therefore limiting exploration, learning and normal social interaction.
- ‘Neglect’: Any person who having responsibility, custody, charge or care of any child and, whether by any act or omission, knowingly or wilfully causes that child to become, or contributes to his/her becoming, in need of care and protection, or who fails to provide adequate food, clothing, warmth, hygiene or medical attention shall be considered negligent.<sup>10</sup>
- The term ‘Rumour’ refers to general gossip among people.
- The term ‘Allegation’ refers to a claim that a crime has been committed which has not yet been proved.

#### **HOW TO RECOGNISE CHILD ABUSE**

Abuse of a child may take the form of physical, sexual, or emotional abuse, or by neglect.

Recognising the signs of child abuse is not easy, nor is it the responsibility of an individual to decide whether or not child abuse has taken place. It is, however, important to be alert to the ‘indicators’ of possible abuse and to inform the appropriate officer(s) if there is a suspicion of abuse, in order that he/she (they) can take the necessary actions to protect a child.

The following information, while not meant to be definitive, could help a person become more alert to the signs of possible abuse.

#### ***Signs and Symptoms of Child Abuse***<sup>11</sup>

##### **1. Physical Abuse:**

Unexplained/Untreated injuries on any part of the body including; bruising, finger marks, scars, bald patches, scratches, burn marks, scalds and/or any fracture with no clear accidental history.

##### **2. Emotional Abuse**

Delays in physical/mental development; over-reaction to mistakes; underweight/lethargic; withdrawn/attention seeking; neurotic behaviour e.g. rocking/hair twisting; speech disorders; self-harm; and/or suicide.

##### **3. Sexual Abuse:**

Pregnancy; injuries to genital/anal area; venereal disease; sexualised drawings/play/language; having unexplained sums of money; anorexia/bulimia; running away; substance or drug abuse; and/or self-mutilation

##### **4. Neglect**

Neglected appearance; poor personal hygiene; inappropriate clothing; tiredness; hunger; compulsive stealing/scavenging; underweight and/or dry sparse hair.

**Note:** All forms of abuse have 5 elements in common: secrecy, fear, guilt, powerlessness and mistrust.

#### **POLICY ON PROTECTION AND SAFEGUARDING OF CHILDREN AND VULNERABLE PERSONS**

The Policy of the Mill Hill Missionaries in Kenya applies to:

- All members, associates<sup>12</sup> and students in training of the Mill Hill Missionary Society working and residing in Kenya or visiting Kenya.<sup>13</sup>
- All those employed by the Mill Hill Missionaries and all those who work voluntarily for the organisation.
- All Church personnel who are in contact with children or vulnerable persons on behalf of parishes under the care of the Mill Hill Missionaries.

#### **GENERAL GUIDELINES OF THE PROTECTION POLICY**

It is the responsibility of all people to ensure the protection of children and vulnerable persons by adhering to the best possible practise and behaviour in relation to children and vulnerable persons, that is:

- treat all children and vulnerable persons with respect and dignity;
- treat all children equally;
- model positive, appropriate behaviour to all children and vulnerable persons with whom we come into contact;
- challenge and report potentially abusive behaviour;
- develop a culture where children have permission to talk about any concerns or worries that they may have;
- respect children’s boundaries and support them to develop their own sense of rights;

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<sup>10</sup> *The Children Act*, CAP 141 of the Laws of Kenya, Section 127

<sup>11</sup> Misen Cara, *Child protection and safeguarding policy*, Appendix 7

<sup>12</sup> Associates are persons who have, by written agreement, made a commitment to share in the missionary work of the Mill Hill Missionary Society for a period of three years or more and as such are accountable to the Society.

<sup>13</sup> Members, associates and students of the Mill Hill Missionaries working in parishes must also adhere to the ‘Child and Vulnerable Person Protection Policy’ of the local diocese, where such a policy exists and is implemented.

- be visible to others when working with children and maintain appropriate distance; and whenever possible, in meeting a child, ensure the presence of another responsible adult.

**You must never:**

- hit or otherwise physically assault or physically abuse children or vulnerable persons;
- develop sexual relationships with children or vulnerable persons;
- develop relationships with children that could in any way be deemed exploitative or abusive;
- act in any way that may be abusive or may place a child/vulnerable person at risk of abuse;
- use language, make suggestions or offer advice which is inappropriate, offensive or abusive;
- expose a child to pornographic material;
- touch a child or vulnerable person in an inappropriate or culturally insensitive way;
- do things for a child or vulnerable person of a personal nature that they can do themselves;
- condone or participate in behaviour that is illegal, unsafe or abusive;
- act in any way that is intended to shame, humiliate, belittle or degrade;
- give monetary or material gifts to the children; or
- discriminate against, favour or treat differently particular children to the exclusion of others.

**In general it is inappropriate to:**

- Spend excessive time alone with children away from others; and
- Take children away to your own home, room or office, especially where they will be alone with you.

**Information Technology**

Children can be put in danger and exposed to abuse and exploitation by some of the modern means of information technology. It is inappropriate, therefore, for any Mill Hill member, associate, student or any employee or volunteer of the Mill Hill Missionaries to ask for or retain the mobile number or email address of any child without the explicit consent of his/her parents/guardians. Neither will they get in contact with any child through social networks. They must not assume that they can take photographs or videos of children without the explicit consent of the parents/guardians of these children or to use any images of children in publications without the written consent of their parents/guardians. No images may be used of a child that may negatively portray him/her in circumstances that may compromise his/her physical or psychological well-being. Nor can the details of the child's identity be disclosed except in cases where the information is kept strictly confidential, such as in court hearings.

**RESPONDING TO CHILD ABUSE**

Children and vulnerable persons have a right to be listened to, heard and believed. As Mill Hill Missionaries, we are committed to responding effectively and sensitively to all allegations and suspicions of child abuse and abuse of vulnerable persons. We therefore seek to foster a safe environment in all our centres and parishes.

In regard to this, the Mill Hill Missionaries have appointed two designated officers in Kenya to oversee the implementation of, and adherence to, the Policy on Protection and Safeguarding of Children and Vulnerable Persons.

**The designated officers for the Mill Hill Missionary Society in Kenya are:**

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|------------------------------------|--------------------------|
| <b>1. Mr. Ko Klaver mhm</b>        | <b>(Tel. 0722317242)</b> |
| <b>2. Sr. Medrine Musundi fmsj</b> | <b>(Tel. 0736444425)</b> |

**The designated officers will:**

- Ensure understanding of, and adherence to, this policy by all Mill Hill members, associates and students working and residing in Kenya;
- Ensure understanding of, and adherence to, this policy by those employed by the Mill Hill Missionaries and those who are working voluntarily for the organisation;
- Ensuring that appropriate structures are set in place in the parishes run by the Mill Hill Missionaries<sup>14</sup> and that the parish personnel concerned with care of children be appropriately trained and informed;
- Be responsible for following up suspicions or allegations of child neglect or abuse or abuse of a vulnerable person;
- Take the lead role in the reporting and follow up of child protection referrals to the Authorities (local Children's Officer) in Kenya;
- Inform the General Superior of the Mill Hill Missionaries of any suspicions or allegations of child/vulnerable person neglect or abuse by one of its members, associates or students;
- Ensure that, once an accusation of abuse has been made, the alleged victim(s) of abuse is (are) not left at risk/in danger from the accused;
- Act as liaison with the local Authorities in Kenya in matters relating to child protection and protection of vulnerable persons; and

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<sup>14</sup> See Appendix I: 'Structures for Safeguarding Children and Vulnerable Persons in the Parish'

- Act as resource persons to the organisation providing support and guidance in matters relating to child and vulnerable person protection.

#### **REPORTING PROCEDURE IN RELATION TO ALLEGATIONS OR CONCERNS ABUSE OF CHILDREN OR VULNERABLE PERSONS**

*It is the responsibility of all* to take seriously any rumour, allegation or accusation of child abuse or abuse of a vulnerable person.

- If you receive a concern, suspicion or allegation of abuse then you must act immediately and refer the matter to one of the named designated officers of the Mill Hill Missionaries and, in dioceses where such exist, to the Diocesan designated officer.
- If the rumour or allegation concerns a member or associate of the Mill Hill Missionaries then the matter must be reported directly to the General Superior of the Mill Hill Missionaries as well as to the relevant designated officer.<sup>15</sup>
- Never guarantee absolute confidentiality to the one who discloses the information, as all suspicions, allegations and concerns must be reported to the designated officer, who in turn will report the matter to the local Authorities. It should be explained to the person making the disclosure of information that the disclosure may be used as evidence to the Authorities and in the Court of Law.
- Remember, it is not your responsibility, or the responsibility of the designated officer, to *investigate* the allegation. This is the role of the local Authorities that are trained to carry out child/vulnerable person protection investigations.
- Whenever possible and appropriate, written notes should be taken during the reporting of the concern, suspicion or allegation of abuse. Ask permission to do so first and if the child/adult does not feel comfortable with note taking, write your notes as soon as practicable following the report.

Remember, it is the responsibility of all members, associates and students of the Mill Hill Missionaries, as well as those employed by, or working voluntarily for, the organisation, to safeguard and protect children and vulnerable persons by:

- Being familiar with, and adhering to, the above procedure;
- Maintaining the best interests of the child as paramount at all times;
- Ensuring that all allegations and suspicions of child abuse are treated seriously and with the utmost professional integrity; and
- Being well versed the rights of children in Kenya as outlined in Article 53 of *The Constitution of Kenya* and protected by the law in *The Children Act* (CAP 141) of Kenya, as well as the rights of vulnerable persons as outlined in Articles 54 and 57 of *The Constitution of Kenya*.

This policy will be reviewed regularly and, when necessary, updated in order to ensure that the structures and guidelines it supports remain most effective in facilitating the provision of safe and life-giving environments for children and vulnerable persons wherever Mill Hill Missionaries live and work in Kenya.

#### **Further Reading**

The content of this policy has relied heavily on various documents which could be useful for further reading and understanding:

- Misesan Cara, *Child protection and safeguarding policy* (Updated March 2012)
- Kenya Episcopal Conference, *Safeguarding Children: Policy and Procedures* (2011)
- The Republic of Kenya, *The Children Act*, CAP 141 of the Laws of Kenya (2010)
- The Republic of Kenya, *The Constitution of Kenya* (2010)
- UN, *Convention on the Rights of the Child* (1989)
- Mill Hill Missionaries, *Protocol on Dealing with Abuse of Children and Vulnerable Adults* (2010)

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<sup>15</sup> This is in accordance with the *Protocol on Dealing with Abuse of Children and Vulnerable Adults* (2010) of the Mill Hill Missionaries.

## APPENDIX I

### Structures for Safeguarding Children and Vulnerable Persons in the Parish<sup>16</sup>

#### Safeguarding Practices

Each parish will ensure that included in its policy will be guidelines for operating safe activities for children. The policy will clearly outline the procedures, including the parental consents that are required to operate any activity for children outside of the parish on a parish-based activity for a designated time.

Each parish, under the care of the Mill Hill Missionaries, *where there is no active Diocesan Child and Vulnerable Person Protection or Safeguarding Policy*, will implement their own policy based on the policy of the Mill Hill Missionaries in Kenya. This policy will be posted in a public place in the parish for all to see.

All parish employees and volunteers who are in contact with children or vulnerable persons on behalf of the parish under the care of the Mill Hill Missionaries must be informed of, and trained in, the Policy on Protection and Safeguarding Children and Vulnerable Persons and to have agreed in writing to adhere to it. No one can be allowed to work with children or vulnerable persons on behalf of the parish who has not first been vetted to ascertain his/her suitability for the responsibility, and who has understood and agreed to the Policy on Protection and Safeguarding Children and Vulnerable Persons.

#### Safeguarding Children and Vulnerable Persons Committee

Within parishes run by the Mill Hill Missionaries a Safeguarding Children and Vulnerable Persons Committee of the Parish Pastoral Council will be established. The Chairperson of the Parish Pastoral Council will chair this Committee.

The Safeguarding Children and Vulnerable Persons Committee will appoint one or more Designated Officers (each with an assistant) within the parish whose role will be to receive any allegations of Child/Vulnerable Person Abuse against any employee or volunteers of the parish.

In the event of an allegation being made the Designated Officer and assistant will formally meet with the person who makes an allegation (the complainant)<sup>17</sup> as soon as possible. They will also inform, through the Chair, the Safeguarding Children and Vulnerable Persons committee that an allegation has been received. On meeting the complainant, they will first advise him/her of his/her right to take the complaint to the Authorities, explain that any information disclosed may be used as evidence to the Authorities and in Court, and then assure him/her that the allegation will be taken seriously. They will listen carefully and sympathetically to the details of the allegation and write a report of the meeting which they will then check for accuracy with the complainant. This report will be signed by the Designated Officer and Complainant. It is advisable that the Complainant be accompanied to this meeting. The Designated Officer will then, as soon as possible, give the written report to the Safeguarding Children and Vulnerable Persons Committee.

If the Committee has *any* concern that there is a credible basis to the allegation and that an abuse *may* have taken place then it will report the matter immediately to the Authorities and submit any written documentation.

It is the responsibility of the Safeguarding Children and Vulnerable Persons Committee to inform the employee or volunteer that an accusation has been made against him/her and to withdraw the Accused from any contact with children/vulnerable persons in the parish until the resolution of the issue.

Once an accusation of abuse has been made, then it will be the responsibility of the designated officer to ensure that the alleged victim(s) of abuse is (are) not left at risk/in danger from the accused.

Absolute confidentiality is required of the Safeguarding Children and Vulnerable Persons Committee and of the designated Officers and Assistants in dealing with any allegation as the good name of persons is involved.

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<sup>16</sup> This is taken from the 'Safeguarding Children Policy' of St. Patrick's Missionary Society in Kenya

<sup>17</sup> **Note:** The complainant need not necessarily be the alleged victim of the abuse. Anyone who knows that abuse of a child/vulnerable person is taking place or has taken place by an employee or volunteer or in fact by any parishioner within the jurisdiction of the Church has a responsibility to report it.