

CHILD SAFEGUARDING POLICY

Department for Educational Services



GOVERNMENT OF MALTA
MINISTRY FOR EDUCATION, SPORT, YOUTH
RESEARCH AND INNOVATION
DEPARTMENT FOR EDUCATIONAL SERVICES

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1 Introduction

1.1 Overview

Child protection or safeguarding is the responsibility that must be borne by organisations through their staff, operations, and programmes to ensure that they do no harm to children; including the risk of exposure to harm and abuse, and that any concerns are reported to the appropriate authorities. Throughout its work, The Department for Educational Services (hereinafter referred to as “DES”) employees, employees of partner organisations, volunteers and other representatives may engage with children, in which case, this policy applies.

DES recognises it has an obligation to put in place all reasonable safeguarding measures to ensure, as far as possible, the safety and protection of children with whom it works, is in contact with, or who are affected by its work and operations.

1.2 Purpose

This Child Protection Policy (the “Policy”) shall serve as guidance to all on how they should engage with children when working for, on behalf of, or in partnership with DES. It also helps DES make sure that employees and other representatives are protected. It is intended to create a common understanding of safeguarding issues, develop good practices, and increase accountability.

1.3 Scope

This Policy demonstrates how DES will meet its obligations and reassure employees, volunteers, partners, and members of the public:

- a. On what they can expect DES to do to protect and safeguard children from harm within its limits;
- b. That they are able to safely voice any concerns through an established procedure;
- c. That all reports of abuse or potential abuse are dealt with in a serious and effective manner;
- d. That there is an efficient recording and monitoring system in place;
- e. That employees, volunteers, contractors, consultants, suppliers, and partners take appropriate action on safeguarding.

1.4 Policy Statement

DES recognises that it has a duty of care to children and to put in place reasonable measures to ensure, as far as possible, the safety and wellbeing of children with whom it works, contacts, or affects, including the responsibility to help DES partners or other external affiliates to meet the minimum requirements on protection. As a result, DES shall ensure that its programmes, operations, staff, and partners do not put children at risk of harm and shall strive to respond appropriately when concerns and incidents arise. DES is committed to preventing any harm to children and fostering a culture of child protection based on the “best interests of the child” principle, as described in the United Nations Convention on the Rights of the Child (UNCRC)(2013), which shall guide all decisions related to children the DES works and interacts with in all settings, even in cases of lacunas within this Policy.

DES respects confidentiality and has a responsibility to protect sensitive personal data. Information should only be shared and handled on a *need-to-know basis*. Only individuals who have legitimate reasons to access the information are allowed to receive it.

DES commits to monitoring the implementation of this Policy, which may be reviewed from time to time as the Director General deems necessary.

DES recognises that no single organisation can safeguard children by working in isolation, and thus, it commits to work with other organisations, agencies, and groups as necessary and appropriate in a coordinated manner.

This Policy shall operate within the framework of international and national laws and policies regarding child protection, and nothing within this policy shall be interpreted to be incompatible with such laws and policies. Should a provision of this Policy be found to be incompatible, this shall not affect other provisions.

2 Responsibilities

2.1 Definitions and Applicability

All terms within this Policy shall be defined similarly to, where applicable, the definitions contained in the UNCRC, the Commissioner for Children Act (Chapter 462 of the laws of Malta), and the Minor Protection (Alternative Care) Act (Chapter 602 of the laws of Malta) unless otherwise defined in this Policy or the context otherwise requires.

For the purposes of this Policy:

“personnel” shall be defined as anyone who works for or on behalf of DES, and shall include directly employed staff, consultants, volunteers, interns, either in a paid or unpaid capacity, contractors and sub-contractors, partner organisations and all visitors to DES schools, work programmes, events, and offices, unless otherwise stated or implied or the context otherwise requires.

“relevant activity” shall be defined as any work directly or indirectly involving contact with children or possessing the ability to influence or affect children.

“protection” shall be defined as protection of children from harm.

“partner” shall include partner organisations, both governmental and non-governmental, contractors and sub-contractors, and suppliers engaged with DES, and visitors to schools, to DES work programmes, events, and offices.

“harm” shall be defined as and deemed to include, but not limited to, discrimination, violence, abuse, exploitation, harassment, exploitation, and neglect directed towards children.

2.2 Obligations

DES shall:

- Adopt and harness a *zero-tolerance approach* to harm against children;
- Commit to uphold the rights of the child and maintain as primary consideration in all actions related to regulated activities the best interests of the child;
- Ensure that all DES employees are aware of the risk of harm against children, relevant local laws, and their responsibilities and obligations towards children, including how they are

expected to interact with children and what to do in case any concerns about a child's safety are suspected, observed, or reported;

- Communicate this Policy to all relevant personnel through a variety of approaches including inclusion in induction and/or onboarding, online education sessions, and mainstreaming into programming tools across sectors;
- Ensure safeguarding and protection measures will be applied by all DES employees engaged in relevant activity, including vetting of new recruits, create awareness of child protection for all employees, conducting risk analyses of all DES programmes and developing action plans for programmes to improve child protection, and ensure children participate in decisions that affect them to the fullest extent possible, and systematically adopting child-friendly approaches that are easily understood by and accessible to children;
- Ensure that all personnel report any concerns relating to harm against children, have knowledge of and access to appropriate referral mechanisms, and are clear on what steps to take where concerns arise regarding harm against children;
- Ensure that appropriate action is taken to support and protect children where concerns arise regarding possible harm, including implementing effective investigation processes, supporting survivors as appropriate, and holding people accountable;
- Ensure procedural fairness by striving to promptly determine whether allegation of violation of this Policy by employees raise legitimate concerns and warrant an investigation. Where allegations are substantiated, disciplinary procedures shall be instituted up to and including dismissal. Due process shall be followed that allows those accused full and adequate opportunity to defend themselves. Throughout the process, DES shall adopt a survivor-centred approach to ensure the safety, confidentiality, respect, and non-discrimination of children and wherever possible respect their wishes;
- Expect that partners adhere to the general principles contained in this Policy, failure of which may lead to immediate termination of any agreement or contract.

All DES personnel shall:

- Read, understand, and adhere to the Policy, and sign a form attesting to this if they are or will be substantially engaged in relevant activity;
- Strive to promote a zero-tolerance approach to harm against children in all working environments;
- Place the safety and welfare of children above all other considerations;
- Report any concerns they may have about the behaviour of DES personnel engaged in relevant activity;
- In a one-to-one situation with a child, where privacy and confidentiality are important, try to make sure that another adult knows the contact is taking place and why. If possible, ensure that another adult is in sight and that the child knows another adult is around.

DES personnel shall not:

- Harass, hit or otherwise physically assault, abuse, exploit, or neglect, in any way, shape or form, a child, including engaging in behaviour or using language that is reasonably perceived to be intended to shame, humiliate, belittle, degrade, discriminate, or otherwise perpetrate any form of psychological abuse or otherwise causing harm to children, be it in-person or online;

- Condone, or participate in, behaviour which is violent, abusive, harrising, exploitative, discriminatory, illegal, or unsafe, or otherwise causing harm to children;
- Develop, encourage, or fail to take action on relationships with children which could be reasonably deemed violent, sexual, exploitative, or abusive, or otherwise causing harm to children;
- Act in ways intended or reasonably likely to be violent, inappropriate, or sexually provocative, or otherwise causing harm to children;
- Agree with a child to keep a secret which has implications for their safety or the safety of other children;
- Allow unsupervised time between personnel of an DES project and a child during a programme or event;
- Fail to take reasonable actions to provide referrals for appropriate services to a child who reports or who has someone else report, or has signs of, harm;
- Use any computers, mobile phones, video cameras, cameras, or social media involving children in any way that harms a child, including accessing child exploitation material through any medium at any time, regardless of whether it is during working hours and/or on DES issued electronic equipment;
- Take a photo or video of a child, posting children's images without the necessary permissions, depict children in ways that are not dignified or when children are not properly clothed, and fail to adhere to the DES protection standards for photography, images, and social media;
- Undertake activities or programmes with children without the express permission of their parents or guardians, or relevant authorities for separated or unaccompanied children;
- Work alone with a child somewhere that is secluded or where they cannot be observed by others;
- Leave a child alone in a room or at an event when a child or parent or guardian has expressed reservations about potential risks from DES personnel.
- Compliance with this Policy is mandatory for all DES personnel who are or will be engaged in relevant activity.

DES expects partners engaged in relevant activity to:

- Formally acknowledge and comply with the key principles of this Policy;
- Immediately notify DES if they suspect any personnel, be it from DES, from their side, or some other partner's side, of causing harm to children, or if any of their personnel are suspected of, accused of, charged with, arrested for, or convicted of a criminal offence relating to violence, abuse, exploitation, harassment, or neglect of children;
- Accept that any contract or agreement between DES and them may be immediately terminated when a breach/es of the key principles is substantiated, and/or a failure to take appropriate action when a breach of key principles is discovered, including reporting the allegations the same day the report is made to the contractor or partner;
- Accept that DES may raise with the partner issues of compliance and may request audits or other measures to assess compliance;
- Ensure best efforts to promote and enhance child safeguarding measures and protective actions.

2.3 Heads of Colleges, Schools and Management Responsibility

DES employees at Head of College Network, Heads of School and management grades shall be responsible for overseeing the implementation of this Policy and ensuring that all personnel are aware of the Policy and are supported to implement and work in accordance with it, as well as create a culture that encourages and ensures safeguarding. They must ensure that they are responsive, acting immediately if they become aware of any safeguarding concerns, and supportive towards employees or volunteers who complain about breaches of this Policy. They are to also be aware of the support structure provided by the National School Support Service and refer any relevant cases for their expert advice.

2.4 Designated Protection Officer

The Director General shall act as the Protection Officer, or he shall designate other DES employees to act as Protection Officers, which Protection Officers shall handle reports or concerns about the protection of children in their assigned Colleges, Schools, Sections or activities appropriately and in accordance with the procedures that underpin this Policy.

The Protection Officers shall be responsible for:

- Monitoring and recording safeguarding concerns;
- Ensuring referrals to the relevant competent authorities take place without delay;
- Disseminating and updating safeguarding training materials for all employees;
- Ensuring this Policy is adequately and periodically reviewed;
- Ensuring this Policy is implemented throughout the organisation and safeguarding training is carried out for DES employees;
- Ensure monitoring and recording procedures are implemented.

3 Procedures Overview

3.1 Induction and Support

DES shall provide advice and support to all employees on:

- What they should do in the event of a disclosure;
- What to do if they have concerns about the welfare of a child;
- How to recognise signs of abuse;
- What to do if they have concerns about DES personnel;
- Where to go for advice and support within the organisation.
- DES shall ensure that clear processes for reporting and dealing with safeguarding concerns and incidents are widely communicated, regularly reviewed, and consistently applied. Where allegations are made about an employee, careful consideration must take place about the appropriateness of the person continuing to work with DES.

3.2 Data Protection

DES shall ensure that personal information is kept confidential unless the person who hold parental responsibility or guardianship of the child provides his agreement for disclosure of said

information, except where it is necessary to pass this to a specialised child welfare or law enforcement authority in relation to a protection incident, and that data protection systems are in place.

3.3 Minimum Standards

Without prejudice to what has been stipulated elsewhere in this Policy, where employees or volunteers are contracted by other employers, or when working with partners, DES shall brief them on this protection Policy and enquire on how the organisation works to protect children and ensure that they meet its protection standards.

All employees shall familiarise themselves with specific policies published by DES that guide and assist in specialised support areas, including but not limited to; bullying behaviour; substance abuse; suicide ideation; suicide attempts; physical and/or emotional abuse; and others.

3.4 Social Media

In relation to DES's use of actual names, images, including photographs and recordings in all and any social media spaces and platforms, all personnel shall:

- Use names and images of children which are respectful and not expose them to further vulnerability, and which is in no way degrading or showing images in an inappropriate context;
- Reproduce images and use names of children only where there is the written consent of their parents or guardians using a consent form issued and maintained by respective schools.
- Make clear to children and their parents or guardians that agreement to provide information or consent to images is not a requisite for involvement in DES activities and programmes; and that any consent granted, may also be withdrawn.
- Inform all personnel about the DES Policy in relation to the use of technology and understand that they must not use this technology for the purpose of accessing, producing, or distributing any information or violent or sexual images that are harmful to children.
- In all the above cases, the use and publication of any form of information related to a child should be only for professional use, consented, and adequate, and due consideration should be given to the safety, wellbeing, and best interests of the child. DES recognises that there may be diverging opinions on what constitutes "professional use" and "adequate", thus, all employees shall consult with a Head of College Network, a Head of School, or manager prior to use and publication.

3.5 Risk Assessment and Mitigation

DES shall ensure that it has a format for carrying out and implementing risk assessments at all levels of the organisation and for every specific task or project that is a relevant activity, in order to identify specific risks in a particular activity and take adequate steps to address the risk and protect the interests of children. This shall take place after due consideration of the following:

- The context, scope, and setting of the relevant activity;
- The relevant activity's potential impact on or contact with children;

- The potential risks of that impact or contact;
- The risks in terms of likelihood they could occur and the seriousness of the impact on children;
- The principles, policies, and procedures which may minimise or prevent altogether that risk;
- Communications and consultations with superiors and/or colleagues.

4 Reporting and Response to Concerns

Where personnel has reason to raise concerns, suspicions, allegations, or incidents which indicate actual or potential harm against children, or which suggests this Policy may have in any other way been breached, they may file a report.

It is not the responsibility of the personnel or DES itself to decide whether the abuse has actually taken place, however, concerns should be raised with an individual's superior or line manager, functional lead, or a Designated Protection Officer who will initiate the procedure for dealing with suspected or actual incidents of abuse.

Designated Protection Officers are responsible for ensuring that the reporting procedure is followed so that suspected or actual cases of abuse are responded to appropriately and consistently and referred to the relevant and competent statutory authority.

To ensure that all such situations are handled appropriately and effectively, DES claims, and shall adhere to, the following:

- DES is not an investigative authority, therefore, it is essential that referrals are made to the relevant law enforcement agency and other competent authorities, as the case may be, to ensure that appropriate protection and support is given to the child and his family, and that any evidence is collected in accordance with the law;
- Reports shall be made, and decisions and actions shall be taken in a diligent and timely manner;
- All sensitive and personal data must be kept confidential, including the names of anyone who makes a report of abuse, and shall be shared on a strictly *need-to-know basis*, that is, access must be necessary for the execution of one's official duties;
- Where a DES employee is the subject of an investigation, the principal Designated Protection Officer shall lead the case, unless it is not in the best interests of the child to do so.

Reports can be made through the relevant channels in the DES, including but not limited to:

- The Designated Protection Officer;
- Human Resources Department;
- The Head of College Network;
- The Head of School;
- Any principal or senior manager

Personnel shall share all relevant information when making a report. Relevant information may include what happened, who was involved, where, when, and how the employee was informed. During the reporting process, the principle of confidentiality shall be respected, and data protection systems are in place.

All reports and concerns raised by both employees and individuals in the community shall be properly considered, documented, and treated seriously, with care, discretion, and in a reasonable timeframe.