

St. Peter's Out of School Care Limited



Child Protection and Safeguarding Policy and Procedures (Regulation 22 and NMS 20.2)

KEY CONTACTS WITHIN THE (COMPANY)

***DESIGNATED CHILD PROTECTION CO-ORDINATOR**

NAME: Joshua Flynn

CONTACT NUMBERS: 07561128607 (work)

***DEPUTY DESIGNATED CHILD PROTECTION CO-ORDINATOR**

Deputy Manager (07561128607)

* Contact will not be made with these individuals if they are the subject of an allegation of any kind

KEY CONTACTS WITHIN THE LOCAL AUTHORITY

REFERRAL TO CHILDREN'S SERVICES

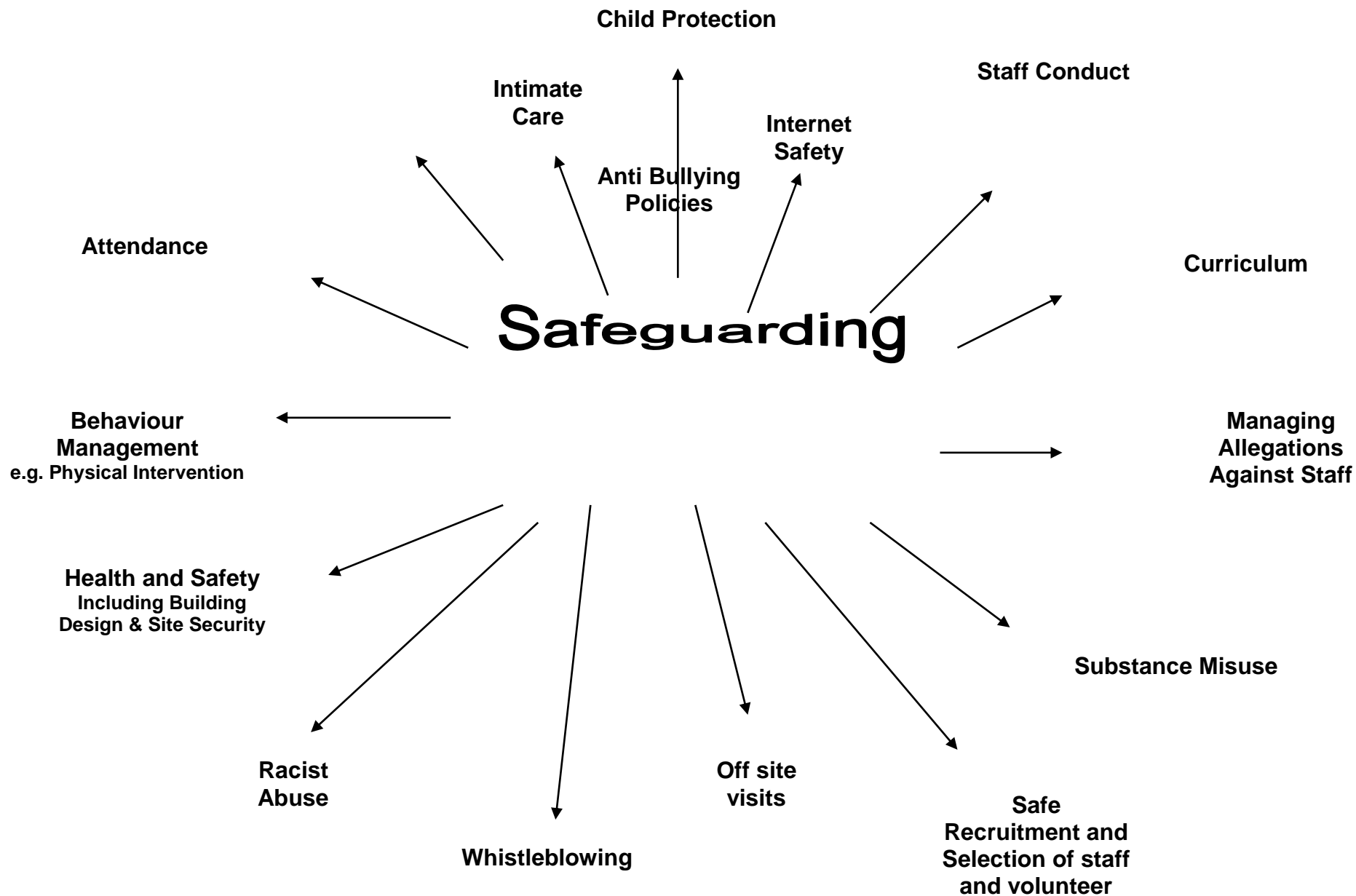
Where the company has URGENT and **IMMEDIATE** concerns for the safety and welfare of a child or young person during office hours telephone MASH : **029 20338506 (Child concerns) 02920338439 (Adult concerns)**

To make **URGENT** referrals **OUT OF OFFICE HOURS** telephone numbers above Fax **02920536395** email landAGlobals@Cardiff.gov.uk

POLICE (CHILD PROTECTION): 029 2022 2111

The **MASH TEAM** is able to provide advice and support use the above numbers.

Safeguarding



Child Protection

“We all share a responsibility for safeguarding and promoting the welfare of children and young people, whether as a parent, or family member, a friend or neighbour, an employer or as a paid or volunteer worker. All members of the community can help to safeguard and promote the welfare of children and young people and should act to do so if they have concerns about a child’s welfare” Safeguarding Children: Working Together under the Children Act 2004”

- The COMPANY acknowledges the importance of its role in the welfare of young people, and through the general ethos, mission and vision of the school will seek to encourage children in need of support to come forward.
- The COMPANY is committed to ensuring the safety and protection of all children and will take action to safeguard their wellbeing and acknowledge that children have a right to protection.
- All persons directly involved in the provision offered by the COMPANY will work with multi-disciplinary partners within the statutory framework established by:
 - Cardiff Local Safeguarding Children Board
 - The All Wales Child Protection Procedures 2008
 - Safeguarding Children: Working Together Under the Children Act 2004 Section 28
 - Education Act 2002 Section 175 – Schools have a statutory duty to ensure arrangements are in place to safeguard and promote the welfare of children
 - Allegations of Professional Abuse Procedures (AWCPP Part IV)

The child protection policy applies to all employees, contractors, visitors, clients and volunteers at the COMPANY. Any person connected to the COMPANY can be the first point of disclosure for a child. Concerned parents may also contact Responsible individual . The policy will be reviewed annually taking into account feedback from stakeholders and any new policy documentation or guidance.

Aim

The COMPANY aims to provide an environment in which children and young people feel safe, secure, valued and respected and feel confident, and know how to approach adults if they are in difficulties believing they will be effectively listened to.

There are 4 main elements to our policy in implementing the above aim:

1. **Prevention** through the teaching and pastoral support offered to children and the creation and maintenance of a safe environment where children know who to approach with any concerns about their welfare.
2. **Procedures** for identifying and reporting concerns about the welfare of a child.
3. **Support To Children** who have/ may have been abused
4. **Preventing Unsuitable People From Working With Children** through robust vetting and recruitment processes

1. Prevention

The Responsible individual recognises that high self-esteem, confidence, supportive friends and good lines of communication with a trusted adult help to protect children.

The COMPANY will therefore:

- Establish and maintain an ethos where children feel secure and are encouraged to talk, and are listened to.
- Ensure children know that there are adults in the COMPANY whom they can approach if they have concerns about their welfare, are worried or in difficulty
- Include in the activities and opportunities where possible for Personal, Social and Health Education (PSHE) which support children within the COMPANY environment with the skills they need to stay safe from abuse and information about who to turn to for help;
- Include where possible in the activities and opportunities at the COMPANY materials which will help children develop realistic attitudes to the responsibilities of adult life particularly with regard to child care and parenting skills
- Ensure that wherever possible every effort will be made to establish effective working relationships with parents and colleagues from partner agencies associated with the COMPANY.

2. Procedures

This policy is compliant with guidance provided by the All Wales Child Protection Procedures 2008.

Roles and Responsibilities

Child Protection is everybody's business; however the Responsible individual and designated staff within COMPANY will have specific responsibilities' which are outlined below.

- It is the role of the Designated Child Protection Co-ordinator to ensure that all of the child protection procedures are followed within the setting, and to make appropriate, timely referrals in accordance with procedures.
- If for any reason the **Designated Child Protection Co-ordinator** is unavailable, a **Deputy Designated Child Protection Co-ordinator** has been identified who will act in their absence.
- It is the role of the Designated Child Protection Co-ordinator to ensure all staff employed including temporary staff and volunteers within the COMPANY are aware of the procedures, to advise staff and to offer support to those requiring this.
- The Designated Child Protection Co-ordinator will review and update if necessary the policy and procedures annually.

- The Designated Child Protection Co-ordinator will ensure that Basic Level Child Protection awareness training is undertaken by all staff at the COMPANY regularly. The existing pattern is every three years and during an induction period.
- Ensure parents are aware of the child protection policy which alerts them to the fact that referrals may be made and the role of the COMPANY.
- Where children leave the provision take advice from MASH relating to any requirement to securely transfer a child protection file to the new establishment offering similar care.

Attendance of Children who are on the Child Protection (CP) Register

The COMPANY will contact Children's Services if they have concerns relating to:

- a child* on the CP register, if there is an awareness of this status, is excluded from the provision, whether for a fixed term or permanent exclusion; and
- an unexplained absence from reserved provision for a child* on the CP register, if there is an awareness of this status, of more than two days' duration from and/or COMPANY (or one day following a weekend) * If staff at the COMPANY are aware of the child's placement on the CP register.

Representatives from the LA Safeguarding Team (Tel: 02920 338506) are available to offer advice, support and training to the COMPANY's Designated Child Protection Co-ordinator.

Training for all staff

All staff, contractors and volunteers, in the COMPANY should have completed Basic Level Safeguarding and Child Protection Awareness Training.

The Basic Level Child Protection training enables staff to;

- Understand the Safeguarding Agenda for COMPANY's and where Child Protection fits in
- Understand key roles and responsibilities
- Recognise signs and symptoms of abuse
- Know how to respond to a disclosure of abuse and how to make a referral
- Manage allegations against professionals

The Designated and Deputy Child Protection Co-ordinators should in addition also attend the LSCB Working Together to Safeguard Children course on a three yearly basis.

In addition we have also received training in emergency aid, food hygiene; behavioural and medical conditions e.g. diabetes and allergies.

Recognising Child Abuse

Staff working in out of school care provision, are particularly well placed to detect signs of child abuse. It is important, therefore, that any case of suspected abuse is taken seriously and that there is a clear system of communication within the COMPANY to bring concerns to the appropriate authorities.

The All Wales Child Protection Procedures 2008 identify four categories of abuse:

- **Neglect**

- **Physical Injury**
- **Sexual Abuse**
- **Emotional Abuse**

Definitions of Child Abuse and Neglect

The Children Act 1989 and 2004 and All Wales Child Protection Procedures 2008 PART 1 1.1 to 1.1.4 defines of abuse as follows;

'A child is abused or neglected when somebody inflicts harm, or fails to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. A child or young person up to the age of 18 years can suffer abuse or neglect and require protection via an inter-agency child protection plan'

- **Physical Abuse**

This may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates or induces illness in a child whom they are looking after.

- **Sexual Abuse**

Forcing or enticing a child/young person to take part in sexual activities, whether or not they are aware of what is happening, may involve, physical contact, including penetrative or non-penetrative acts; non-contact activities, such as involving children in looking at, or in the production of pornographic material or watching sexual activities; or encouraging children to behave in sexually inappropriate ways.

- **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

- **Emotional Abuse**

The persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional and behavioural development. It may involve conveying to the child that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may feature age and developmentally inappropriate expectations being imposed on children. It may involve causing children to feel frightened or in danger, for example witnessing domestic abuse within the home or being bullied, or the exploitation or corruption of children.

Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone.

Taking action

Abuse or the suspicion of abuse may come to your attention as a result of:

- A disclosure
- Observation of bruises/burns etc. for which the explanation given is not plausible
- Another pupil/parent may give you information
- You may observe changes in behaviour that worry you
- You may instinctively feel something is wrong
- There are neglect issues

Where a member of staff has concerns about the welfare of a child they should immediately report their concerns to the designated child protection co-ordinator, who will appropriately consider the concern and what actions, if any, should be taken.

Making a referral

- If the designated child protection co-ordinator decides a referral is necessary they should immediately telephone the MASH Team at Children's Services. Telephone referrals should be followed up with an email with the attached forms. Completion and return of the appropriate forms to MASH should be within 48 hours from the initial telephone call. A copy should be kept for your records. **Referrals should be made in a timely manner.** Professionals cannot remain anonymous when making a referral.
- When making a child protection referral parental consent is not required however, after consultation with Children's Services when the verbal referral is made staff may be advised to seek parental consent.
- The MASH Team will assess whether the concern is Child in Need of support or Child in Need of Protection. The person dealing with them must seek to gain a clear judgement as soon as possible.
- If a member of staff is informed that a child has disclosed that he/she has been abused, the member of COMPANY staff **MUST NOT** take the child through a formal interview to confirm the concerns but must **IMMEDIATELY** refer the matter to the Designated Child Protection Co-ordinator or Deputy or in the absence of both to the MASH Team.
- The DCPC should be immediately notified of all referrals made to the Intake and Assessment Team
- If there are concerns of a Child Protection nature and the child is about to leave the COMPANY premises the Responsible individual should be informed. The Responsible individual, in consultation with MASH (I and A) will decide on the next step to be taken.
- Referrers should receive a response, in writing, from the MASH Team within 10 working days. If this does not happen referrers should follow up with Children's Services to establish what decisions have been taken regarding the referral and any actions.

- Staff will be informed of relevant information in respect of individual cases regarding child protection on a "need to know basis" only. Any information shared with a member of staff in this way must be held confidentially to themselves.

If the individual reporting the concern disagrees with the Designated Child Protection Co-ordinator's decision that a referral is not necessary, they must make the referral and inform the Designated Child Protection Co-ordinator of this.

This Responsible individual recognises there is a responsibility to refer concerns with the essential details of WHO, WHEN and WHERE and not to investigate at that point.

If a child in the setting has an injury and there is reason to believe that it has been caused by abuse, the following action should be taken.

- If the injury is serious and warrants urgent medical attention, the child should be taken to the nearest available A and E Department. In an emergency the 999 service should be used.
- I and A must be informed of this course of action **IMMEDIATELY** as they may wish to make arrangements for the child to be examined by a Paediatrician upon arrival at Hospital. It should be made clear that it is a case of suspected child abuse.
- In cases where there is reasonable cause to believe that the injury or abuse is caused by the parent or carer, all staff must remember that the interests of the child are paramount and should, therefore, discuss their concerns with MASH or the Police who will make the decision as to when the parents/carers will be notified.

Subsequent Action

- All referrals must be confirmed in writing to the MASH Team within 48 hours from the initial telephone call.
- In a case of suspected child abuse, if it is in the best interest of the child, the Responsible individual can allow a child to be interviewed on the COMPANY (school) premises at the request of the Police and/or MASH. Any statement resulting from an interview in school must be read by the Responsible individual and signed as an accurate record of what was said.

Dealing with Disclosures

It is important that you:

- Do not interrogate the child
- Do not promise to keep secrets if the disclosure is of a CP nature; explain that you will need to speak to someone else who will be able to help him/her.
- act promptly
- note your concerns
- give as much information as you know about the child to the DCPC

Do not challenge someone you suspect may be involved in abusing children (even if this person is a colleague)

What to do if a child tells you that they are being harmed

<u>DO</u>	<u>DO NOT</u>
<ul style="list-style-type: none">• Keep an open mind• Reassure the child that they have a right to tell• Listen carefully• Work at the child's pace• Ask only open questions – if you must ask them, clarify the facts, don't interrogate• Explain what you need to do next• Record accurately and quickly using the child's words• Pass on to DCPC same day	<ul style="list-style-type: none">• Promise to keep secret what they are telling you• Interrupt• Interrogate/investigate• Assume e.g. this child tells lies• Make suggestions about what is being said• Speculate or accuse anyone• Show anger, shock etc...• Tell the child to go and speak to someone else• Forget to record accurately and/or pass on to DCPC• Confront alleged abuser

Attendance at child protection conferences & core groups

It is the responsibility of the Designated Child Protection Co-ordinator / Responsible individual to ensure that the COMPANY is represented, if required, at any child protection conference for children on their school roll or previously known to them.

The Designated Child Protection Co-ordinator / Responsible individual or nominated individual should be fully briefed on any issues or concerns the COMPANY has and must present their report, if required, during the meeting and be prepared to make decisions on registration at the end of the conference.

When a child is placed on the Child Protection Register and is, therefore, a child with a plan, it is the Designated Child Protection Co-ordinators responsibility to ensure that the child is monitored regarding their COMPANY attendance, welfare and presentation.

If the COMPANY is part of the core group then the Responsible individual should ensure that the COMPANY is represented at these meetings; that there is a record of attendance and issues discussed.

All concerns about the child protection plan and / or the child's welfare should be discussed and recorded at the core group meeting unless the child is at further risk of significant harm whilst registered in the COMPANY. In this case the Responsible individual must inform the child's social worker **immediately** and then record that they have done so and the actions agreed. The COMPANY will be informed of actions and outcomes as is appropriate.

Record Keeping

Any member of COMPANY staff receiving a disclosure of abuse from a child/ young person, or

noticing signs or symptoms of possible abuse in a child /young person should make notes as soon as possible, what was said or seen, putting the scene into context, and giving the time and location. *It is very important to keep this record safely and confidentially in a Child Protection File*

(These should be securely stored by the Responsible individual)

- Dates and times of events should be recorded as accurately as possible, together with a note of when the record was made. This should be signed and dated and given to the Designated Child Protection Officer for his or her attention to decide on further actions.
- All documentation/records relating to child protection concerns should be placed on the child's individual Child Protection files and securely stored.
- When a child who is on the child protection register leaves the setting the Designated Child Protection Officer will inform the child's new provider immediately.
- The Designated Child Protection Officer will inform Children's Services/social worker if they are aware of significant changes to the child protection plan or family circumstances.
- If a child has a Child Protection file and the Responsible individual is aware that the child has moved school, the Responsible individual will take advice from MASH regarding any action to be taken;

At all times parents/carers should be notified when this information is shared. This should be dealt with on an individual basis, however, good practice would also suggest that all parents/carers should be reminded of such practises upon the child's admission into the setting e.g. in the information booklet.

3. Support to Pupils

We recognise that children who are abused or witness violence may find it difficult to develop a sense of self-worth. The setting may be the one of the few stable, secure and predictable elements in the lives of children at risk. Nevertheless, when at the setting their behaviour may be challenging and defiant or they may be withdrawn.

We recognise that some children actually adopt abusive behaviours and that these children may need be referred on for appropriate support and intervention. Such an action is beyond the remit of the COMPANY. Such concerns should be discussed with MASH and guidance should be sought.

The COMPANY will endeavour to support the child as much as possible through:

- The encouragement of self-esteem and self- motivation.
- The COMPANY ethos which promotes a positive, supportive and secure environment , and gives children a sense of being valued

- The COMPANY behaviour policy is aimed at supporting vulnerable children admitted to the setting. All staff are aware they need to adopt a consistent approach which does not attribute blame for any abuse which has occurred
- Liaison with other agencies within a multi-agency framework which can assist the COMPANY in its work.
- A commitment to develop productive and supportive relationships with parents whenever it is in the child's best interest to do so

Additional Vulnerability for Children and Young People

The COMPANY recognises that the following groups of children* are additionally vulnerable to abuse.

- Children with a disability
- Looked After Children
- Asylum Seekers
- Children who live in a household where there is Domestic Abuse
- Children who live in a household where parenting is compromised by Substance Misuse.

*The level of knowledge and information the Responsible individual and staff in the COMPANY have about individual children is not comprehensive and the input and actions are governed by this knowledge and information.

4. Preventing Unsuitable People from Working with Children

The Responsible individual operates recruitment and management procedures that take account of the need to safeguard children and young people including arrangements for appropriate checks on staff, contractors and volunteers that comply with locally agreed inter-agency procedures.

The Responsible individual operates procedures for advertising, interviewing and recruiting staff, including the requirement for Disclosure and Barring Service (DBS) checks. The Responsible individual operates safe recruitment practices ensuring that all staff at the COMPANY that have contact with children or access to information about children have appropriate DBS reference checks undertaken according to Welsh Government Circular No: 34/02 Preventing Unsuitable people from working with children and young persons in the education service 2002.

Allegations against staff in the COMPANY setting

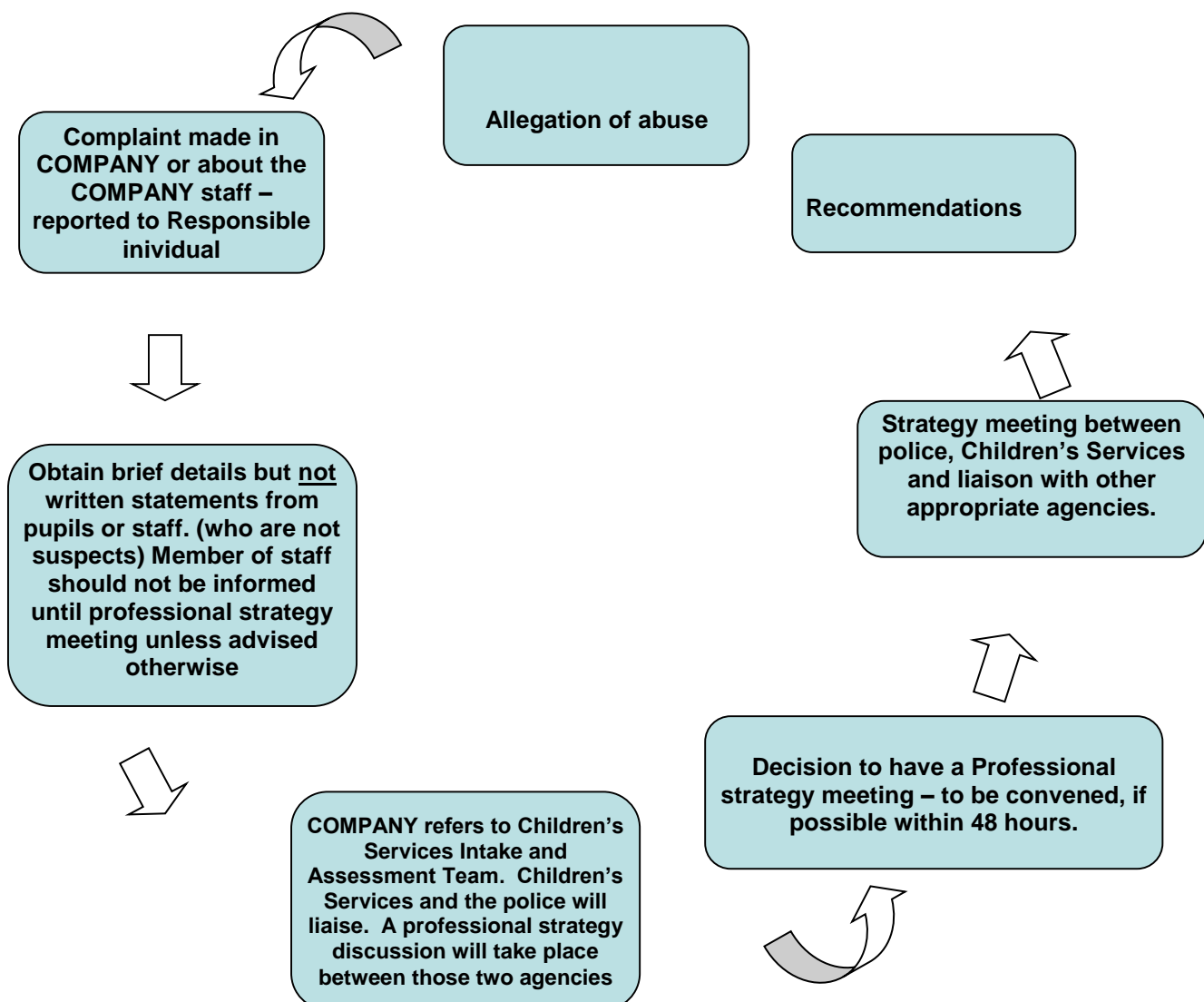
When it is alleged or suspected that a child has been abused by a member of staff the following procedures must be undertaken.

- The Responsible individual must be informed immediately

- All suspected or alleged abuse must be reported to the Multi Agency Safeguarding Hub or the police without delay. MASH is based at Cardiff Central Police Station and is designed to share all information with all the professionals and other stakeholders.
- The Responsible individual will seek advice, if appropriate, from a HR provider regarding the alleged member of staff's continued employment, and a risk assessment should be undertaken and recorded in writing immediately.
- In the event of the allegation being made directly or indirectly about the Responsible individual the staff member should promptly report the allegation to MASH.
- The questioning or interviewing of children/staff of the alleged incident must not take place unless MASH or the Police give instructions to do so.

Any member of staff or other stakeholder reporting an alleged incident must strictly adhere to confidentiality requirement and not discuss the concerns with the alleged perpetrator or any other person other than the Responsible individual .

- The Responsible individual will refer this to the MASH team and follow its guidance.
- The COMPANY will ensure that all staff, contractors and volunteers are aware of the need for maintaining appropriate and professional boundaries in their relationships with children and parents.



Radicalisation/Extremism

The company is aware of its responsibilities (under Section 26 of the Counter Terrorism and Security Act 2015 and the Prevent Duty Guidance) to safeguard pupils at risk of radicalisation.

The company does this by:

- Providing a safe environment for children to talk about issues that may concern them, including sensitive topics such as terrorism and extremist ideology.
- Identifying and risk assessing individuals who may be drawn into terrorism, violent or non-violent extremism.
- Knowing how to complete a Channel referral and how to seek support for the child/young person.
- Ensuring all staff receive appropriate training (Workshop to Raise Awareness of Prevent (WRAP)) and have the knowledge and confidence to identify pupils at risk of being drawn into terrorism and extremism and challenge extremist ideas.
- Ensuring children are safe from terrorist and extremist material when accessing the Internet at school, including having in place appropriate levels of filtering, which are controlled by Cardiff LA.

Definitions

- **'Extremism'** is defined in the 2011 *Prevent* strategy as vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.
- **'Non-violent extremism'** is extremism, as defined above, which is not accompanied by violence.
- **'Prevention'** in the context of this document means reducing or eliminating the risk of individuals becoming involved in terrorism. *Prevent* includes but is not confined to the identification and referral of those at risk of being drawn into terrorism into appropriate interventions. These interventions aim to divert vulnerable people from radicalisation.
- **'Radicalisation'** refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

<http://www.northlincslocal.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=19744>

If there are concerns of a child protection nature the usual child protection procedures should be followed and advice sought from the MASH team in conjunction with advice from the Prevent Team.

An electronic file of Prevent Guidance documents is available from the WRAP facilitators.
Issued May 2016

REFERRAL TO PREVENT

Prevent Entry Point email address:

prevent@south-wales.pnn.police.uk

Contact number: 02920 774275

This will be the entry point for all referrals to the Prevent team. In addition, the team are always available for any queries and questions.

Child Exploitation

As a setting we recognise our responsibilities to safeguard and promote the wellbeing of our pupils when there are concerns that they are at risk of abuse through any forms of exploitation (Criminal, County Lines, and Sexual).

Child exploitation is the coercion or manipulation of children and young people into taking part in activities (criminal, sexual etc.). It is a form of abuse involving an exchange of some form of payment which can include money, mobile phones and other items, drugs, alcohol, a place to stay, 'protection' or affection. The vulnerability of the young person and grooming process employed by perpetrators renders them powerless to recognise the exploitative nature of relationships and unable to give informed consent.

Exploitation includes:

- abuse through exchange of sexual activity for some form of payment or gift
- abuse through the production of indecent images and/or any other indecent material involving children whether photographs, films or other technologies
- abuse through grooming whether via direct contact or the use of technologies such as mobile phones and the internet
- abuse through trafficking for sexual or criminal purposes
- abuse through taking ownership of individuals property (cuckooing).

Children do not volunteer to be sexually exploited and they cannot consent to their own abuse; they are forced and/or coerced.

Child Sexual Exploitation might be when someone gives you things like love, affection, food, money or gifts, but then makes you do sexual things to pay them back. They might make you feel special, or make you think that you're in a relationship, but that's not true. Sometimes they can be violent or say nasty things.'
(Child Sexual Exploitation Steering Group, 2019)

If there are concerns that a pupil is at risk of CSE a Sexual Exploitation Risk Assessment Framework (SERAF) will be completed or consideration given to the list of vulnerabilities and risks to sexual exploitation (attached in document 4) and advice sought from Cardiff MASH.

Further information can be sought from the All Wales Protocol Safeguarding Children and young People at Risk of Sexual Exploitation 2013 Cardiff Child Sexual Exploitation Prevention Strategy and the Cardiff 'Think Safe' Team.

Whistleblowing

We recognise that children cannot be expected to raise concerns in an environment where staff fail to do so.

All staff should be aware of their duty to raise concerns about the attitude or actions of colleagues. They should follow the COMPANY Whistleblowing Policy.

Other supporting Policies and Documents

Physical Contact Policy

Our policy on physical contact by staff is set out in a separate document and is reviewed annually by the Responsible individual .

Equality

Our policy on all aspects of equality and incidents relating to race, sex, gender, disability and all other areas covered in the Equalities Act 2010 is set out in the information booklet and operational plan.

Operational Plan

This sets out how the COMPANY operates.

Information Booklet

This outline the information a parent needs when accessing the service, the COMPANY provide

Joshua Flynn

Responsible individual (CIW)

September 2020

Appendices:

- 1.Record of Concern
2. Safeguarding Practice Note
- 3.UN Convention on the Rights of the Child

St. Peter's Out of School Care Limited



Safeguarding
Incident/Concern Report

Child's Name :				
Child's DOB :				
Male/Female:	EAL	ALN	AM session	PM session
	Y/N	Y/N		
Date and Time of Incident/Concern :				
Account of the Incident/Concern : (What was, alleged to have happened, said, observed, reported and by whom. Please ensure this is a factual account, do not express hearsay as fact. Do not speculate or make assumptions)				

Additional Information :

(Supporting facts, evidence, context of concern/disclosure)

Actions/Response of Person Completing the Report :

(What did you do/say following the incident/concern? Who did you give this form to and when date and time?)

Your Name :

PRINTED

Your Signature :

Your Position in COMPANY :

Date and Time of this Recording :

Action and Response of DCP Officer:

(Actions must be detailed here. Two COMPANY staff should be involved in each case. They should be named here. Details of feedback to the Person Completing the Report)

Your Name :

PRINTED

Your Signature :

Date and Time of this Recording :

Continuation Sheet

(Please number all sheet 1/3, 2/3 and 3/3 etc.)

St. Peter's Out of School Care Limited



Safeguarding Practice Note September 2020

Vision Statement:

That every child who is placed in the care the company provides and every person who is employed by the company fulfils their potential by growing and developing in a human and spiritual sense.”

Mission Statement:

To create an environment within the out of school provision that reflects the Regulations and the National Minimum Standards for Regulated Childcare for children up to the age of 12 years in Wales

Definition:

In **Safeguarding Children: Working Together Under the Children Act 2004**, the National Assembly for Wales defines safeguarding as:

- Protecting children from abuse and neglect;
- Preventing impairment of their health and development; and
- Ensuring that they receive safe and effective care;

Duties and Responsibilities:

Our duties and responsibilities in this area are shared and clear. We all have a duty in whatever role we are in at the COMPANY to ensure that we act quickly and decisively, following the agreed policies and procedures that are in place in the school, to ensure that we enable our children to have optimum life chances. We have to always strive to ensure that our children feel safe and they are safe.

Effective safeguarding deals with many aspects of school environment and life as well as other issues that have the potential to have a negative impact upon our pupils. These include:

- children's health and safety
- bullying
- racist abuse
- harassment and discrimination
- use of physical intervention
- meeting the needs of children with medical conditions
- meeting the needs of children with additional needs
- providing first aid
- drug and substance misuse
- educational visits
- intimate care
- internet safety
- matters that may be specific to the local area
- security

All members of staff and adults who have any contact with the operation of the COMPANY must understand that they have a duty and a responsibility for the

safeguarding of children. The foundations for discharging this responsibility are simple. Individuals need to:

BE AWARE – of the needs of children and the policies and procedures that are in place within the COMPANY.

BE VIGILANT – ensure you try to be constantly looking at situations and individuals with an eye for danger and vulnerability

BE OBSERVANT – look at situations and individuals with a critical eye **trying to ensure that if a child has an injury or is withdrawn it is noted and acted upon**

TAKE ACTION – always take an action it is not about directly intervening, in most cases. What is important is ensuring the designated individuals at the COMPANY are aware of your concerns or observations and you follow up if necessary to ascertain what actions they have taken.

COMMUNICATE EFFECTIVELY – this is key it is often the difference between protecting and keeping a child safe and preventing harm and allowing what is preventable and avoidable to occur

September 2020

There will be a review of the policy and practice annually

Signed:

Responsible individual

Date:

Convention on the Rights of the Child
Adopted and opened for signature, ratification and accession by
General Assembly resolution 44/25 of 20 November 1989
entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognising that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.
Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

- States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:
- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
 - (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
 - (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
 - (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
 - (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge

of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere

with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of

the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

- (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two

thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting

upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.