

MAHINDRA ACADEMY
CHILD PROTECTION POLICY 2021

INDEX

Sr. No	Topic	Page No
1.	Introduction	02
2.	Exclusions	03
3.	Purpose of the Policy	03
4.	Applicability and Scope	04
5.	Definitions	04
6.	Code of Conduct	07
7.	Implementation of the Policy	09
	A. Preventive Measures	09
	i. Recruitment	
	ii. Safe Environment	
	iii. Monitoring	
	iv. Role and Responsibility of Head of School	
	v. Role and Responsibility of stakeholders having access to children	
	B. Protective Measures	11
	i. Respond	
	ii. Report	
	iii. Capacity building and training of stakeholders	
	C. Redressal Mechanism	12
	i. Filing Complaint through POCSO EBOX	
	ii. Child Protection Committee	
	iii. Role and Responsibility of CPC	
	iv. Role and Responsibility of CPO	
8.	Annexure A – Guide to mandatory reporting under POCSO Act 2012	14
9.	Annexure B – Steps for safety of the child victim	17
10.	Annexure C - Inquiry Process	18
11.	Annexure D – Compliance Checklist -	19
	Safety of Children against Abuse/ Sexual Abuse	



INTRODUCTION

As children spend a significant part of their childhood and formative years in schools, Mahindra Academy is committed to maintain an ambiance in schools which is positive and nurturing, where the children feel safe and secure on the premises and with stakeholders having access to children.

School Safety means creating safe environment for children, starting from their homes to their schools and back. This includes safety from any kind of abuse, violence, psycho-social issue, disaster: natural and manmade, fire, transportation. Emotional safety is especially important because it is often difficult for teachers and parents to detect emotional problems and difficulties in children. Bullying can cause victimized students to suffer from lower self-esteem and daily stress about their well-being. Children require a healthy and supportive environment to grow and develop. Children of our country have constitutionally guaranteed fundamental rights to live with dignity and to have access to education in an environment that is safe, protective and conducive to growth and development.

Everyone in school has a role to play in ensuring good safety, healthy and secure environment within the school; be it teachers, staff, visitors, volunteers and contractors (stakeholders) and students themselves. Any form of humiliating treatment or abuse is not only a violation of the child's constitutional right to life, personal liberty and education which includes safe schools but also counter-productive to learning and development, which are the primary purposes of schooling

The Child Protection Policy is a statement of intent that defines the School's commitment to safeguard children from all forms of harm, abuse, neglect, violence, maltreatment and exploitation at schools. The Policy has a Child Centric rights approach as per the National Policy for Children 2013 and UN Convention on the Rights of the Child. The School has recommended a number of measures and steps to be followed within school premises to create a safe and positive environment for children and specifies stakeholder responsibilities and roles in the protection of children. This Policy shall act as a ready reference and can be utilized by itself or with other strategies or state level guidelines as deemed fit. The Policy may require customization or improvement based on prevalent circumstances.

The Policy has taken into consideration the following Acts / Guidelines / Circulars / Notifications



1. Protection of children from sexual offences Act, 2012 (POCSO)
2. Protection of children from sexual offences Act, Rules 2012
3. Model guidelines under Section 39 of the POCSO Act, by the Ministry of Women and Child Development, 2013
4. National Policy for Children of Government of India, 2013
5. Guidelines on complaint / redressal mechanism for children by National Commission for Protection of Child Rights (NCPCR), 2014
6. User handbook of POCSO Act, 2012 by NCPCR, 2017
7. CBSE circular no 19/2017 dated 12.09.2017 along with 11 annexures, where applicable
8. Manual on safety and security by schools by NCPC, 2020

EXCLUSIONS

This policy does not cover the following aspects related to child safety:

1. Risks to physical safety and infrastructure safety hazards
2. Health and hygiene related safety of the child within school premises
3. Risks from natural and manmade disasters and fire
4. Online Safety

PURPOSE OF THE POLICY :

1. To promote a safe and positive environment in school, conducive for learning and development in partnership with children.
2. To prevent all forms of harm, abuse, neglect, violence, maltreatment and exploitation of children at School or within School premises
3. To protect and safeguard children from all forms of harm, abuse, neglect, violence, maltreatment and exploitation of children at School or within School premises
4. To inform and equip relevant stakeholders in monitoring the measures of school's safety and security
5. To define the roles and responsibilities and accountability of school authorities and other stakeholders to prevent and protect children from any forms of abuse
6. To enable the staff and others to recognize signs of abuse or situation when a child may require protection and help, and enable them to report or bring to the notice of the concerned authority for immediate action
7. To constitute a Child Protection Committee and set in place an internal redressal mechanism to deal with complaints of abuse and for monitoring and review and implementation of the child protection standards and the child protection policy
8. To establish a procedure for mandatory reporting of child sexual abuse as per law



APPLICABILITY AND SCOPE

The scope of this policy covers the responsibility of school authorities including management, school teachers, staff and others having access to children, towards safety and protection of children :

- Within the school premises during school hours and after school hours including holidays, where children are specifically present in school for certain school related activities. In relation to transportation organized by the school and private transport service providers engaged by the School to the extent possible.
- Events organized by the school authorities or when students represent schools at events outside the school premises.

The policy is applicable to all stakeholders who come in direct or indirect contact with children

- Direct Contact with Children: Those personnel who are with and in the physical presence of a child or children as part of their professional or school related work, be it regular, occasional, temporary or long term.
- Indirect Contact with Children : Those whose work does not require them to be in the physical presence of a child but have a supervisory/ administrative role or has access to personal and sensitive personal information of the children such as photographs, case files etc.

DEFINITIONS

1. 'Abuse' shall mean and include intended, unintended and perceived, whether habitual or not, abuse or maltreatment of a child and shall constitute and include all forms of Contact or non contact abuse, physical abuse, emotional abuse, discrimination, sexual abuse or neglect or negligent treatment, or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. It includes any act, deed, or word which debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being. Child abuse can be both contact or non-contact abuse and includes among other things :
 - a. Physical abuse/ Violence
 - b. Emotional abuse
 - c. Neglect/ ill-treatment
 - d. Corporal Punishment
 - e. Bullying



f. Discrimination

g. Sexual abuse

2. 'Bullying' shall mean and include any direct or indirect form of abuse such as physical intimidation or attacks, verbal abuse, unwanted attention and advances, damaging property or through spreading malicious rumours. It also includes cyber-bullying such as sending unpleasant SMS messages, photographs or emails, to the victim or to others
3. 'Child' is any person under the age of 18 years as per the Juvenile Justice Act 2000.
4. 'Corporal Punishment' shall mean and include physical punishment, mental harassment or discrimination and will have the same meaning as defined under the Right to Education Act 2009 and will also include all forms of sexual offences as per the POCSO Act, 2012 and POCSO (Amendment) Act, 2019
5. 'Competent Authority' shall mean the Child Welfare Committee, Juvenile Justice Board, Special Juvenile Justice Units, Special Courts under the POCSO Act, 2012
6. 'Discrimination' shall mean and include any prejudiced views and behaviour towards any child because of her/his caste/gender, occupation or region and non-payment of fees or for being a student admitted under the 25% reservation to disadvantaged groups or weaker sections of society under the RTE, 2009. It can be latent; manifest; open or subtle. a) By announcing, verbally or otherwise in the class, the names of the community or castes or tribes of the students.
7. 'Emotional abuse' shall mean and include verbal abuse, mental abuse, and psychological maltreatment i.e any non-physical treatment that is detrimental to the psychological wellbeing of a child e.g. sarcasm that hurts or lower the child's dignity, calling names and scolding using humiliating adjectives, intimidation, using derogatory remarks on the child, ridiculing the child on background or status or parental occupation, belittling a child in classroom due to his/her inability to meet academic expectations or achievement. It may involve serious bullying causing children frequently to feel frightened or in danger or the exploitation or corruption of children.
8. 'Harm' shall mean and include any act or behavior, often intentional that hurts, causes grievous injury, pain or trauma to the child.
9. 'Neglect' shall mean and include failure to protect the child from exposure to any kind of harm or danger that results in significant impairment in the health and development of the child.
10. 'Premises' will include registered office, branch offices, administration office, premises including school premises at which the school conducts its programs.
11. 'Ragging' shall mean any conduct whether by words spoken or written or by an act which has the effect of harassing, teasing, treating or handling with rudeness any other student, indulging in rowdy or undisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so



as to adversely affect the physique or psyche of a fresher or a junior student or any student.

12. 'Rights' shall mean constitutional rights of the child and not limited to the Right to Life and Personal Liberty and Freedom of Speech and Expression and Right to Education
13. 'Risks' shall mean and include any potential or probable harm to the child or any danger/ risk of a child suffering child abuse or the violation of his/ her rights.
14. 'Sexual abuse' : Includes Acts or behavior as defined under section 5,7,9 and 11 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) and includes
 - a. making sexual comments about the child's appearance;
 - b. forcible physical touch, looking or staring at body;
 - c. objectionable letters, telephone calls, SMS, MMS, e-mails, etc;
 - d. sexual jokes or innuendo or taunts causing or likely to cause embarrassment to the child;
 - e. gender-based insults or sexist remarks;
 - f. actual or attempted penetrative sexual intercourse with a child;
 - g. non-penetrative sexual activity, e.g. rubbing the penis between the child's thighs or genitals;
 - h. touching, pinching, or fondling a child's sexual parts, i.e. genitals breasts or buttocks;
 - i. brushing against any part of the body;
 - j. oral sex with a child, i.e. mouth or sexual parts;
 - k. masturbation between adult and child;
 - l. the abuser showing his or her private parts to the child;
 - m. the exploitative use of a child in prostitution or any other unlawful sexual practice;
 - n. the exploitative use of a child in pornography;
 - o. showing pictures of a sexual nature to the child
 - p. letting the child watch or hear an act of sexual intercourse
 - q. forcing a child into marriage
 - r. Unwelcome sexually determined behavior in the form of verbal- non-verbal and physical
 - s. Eve-teasing
 - t. Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.
 - u. Any other act which violates or is likely to violate the child's privacy or cause mental or physical disturbance to the child due to its sexual nature or content.
 - v. anyone who administers or helps getting a child administered any drug or hormone or any chemical substance, with the intent that such child attains early sexual maturity
15. 'Sexual harassment' has the same meaning as assigned to it in Section 11 of the POCSO Act and reads as follows :



A person is said to commit sexual harassment upon a child when such person with sexual intent-

- a. utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child ; or
- b. makes a child exhibit his body or any part of his body so as it is seen by such person or any other person ; or
- c. shows any object to a child in any form or media for pornographic purposes; or
- d. repeatedly or constantly follows or watches or contacts a child either directly or indirectly or through electronic, digital or any other means ; or
- e. threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode , of any part of the body of the child or the involvement of the child in a sexual act; or
- f. entices a child for pornographic purposes or gives gratification therefor

Explanation – Any question which involves “sexual intent” shall be a question of fact

16. ‘Sexual Assault’ has the same meaning as assigned to it in Section 7 of the POCSO Act

17. ‘Aggravated Sexual Assault’ has the same meaning as assigned to it in Section 9 of the POCSO Act

18. ‘Aggravated penetrative Sexual Assault’ has the same meaning as assigned to it in Section 5 of the POCSO Act

19. ‘Stakeholder’ means and includes all employees , Teachers (Fulltime, Part time , Permanent, Temporary, Contractual), Staff (Fulltime, Part time , Permanent, Temporary, Contractual), Trainees, Volunteers, Directors, Trustees, Consultants, Alumni, Service Providers, Vendors, whether for remuneration or not, or any person visiting the school and accessing the school premises or any person having any direct or indirect contact with the school children and over which the school has control

CODE OF CONDUCT

All Stakeholders shall respect the dignity and privacy of the child and not commit any act that may be construed as one amounting to any form of abuse of the child. Any stakeholder violating the policy knowingly or unknowingly shall be subjected to a disciplinary action as provided for in this policy

The following list of prohibited acts is only indicative :

No stakeholder shall :

1. Hit or otherwise physically abuse a child



2. Develop relationships with children, which could be interpreted or deemed as inappropriate.
3. Use language or make suggestions that are inappropriate, offensive or abusive.
4. Act in any way that intends to embarrass shame, humiliate, or degrade a child
5. Act in ways that may be verbally or physically abusive.
6. Discriminate against a child on the basis of race, economic status, culture, age, gender, disability, religion, sexuality, political persuasion or any other status.
7. Behave or suggest physically or otherwise in a manner, which is inappropriate or sexually provocative or may be considered to be sexual abuse.
8. Touch, kiss, hug, fondle, or rub a child in any way that may be considered inappropriate, culturally insensitive or may be construed as sexual abuse.
9. Demonstrate any lessons by physically touching a child that may be considered inappropriate, culturally insensitive or construed as sexual abuse.
10. Provide unsolicited assistance to a child, of a personal nature, that a child could do on its own including but not limited to dressing, bathing, and grooming.
11. Take photographs or videos of children in their classrooms without permission of the School Leadership (School Supervisor for the Secondary Section and Head Teacher for the Pre-Primary and Primary Section)
12. Ignore or enable actions when inappropriate conduct has occurred.
13. Any misconduct that may pose a threat to the emotional or physical health and safety of the children in class or has a lasting effect on the individual is considered a severe misconduct such as :
 - a. Subjecting students to painful body postures like kneeling, frog jumping, etc.
 - b. Taunting the child – rude remarks which are personal in nature
 - c. Humiliating the child about his/her ability
 - d. Physically grabbing students and shaking them up
 - e. Slapping / spanking/ pinching the child
 - f. Stuffing the mouth of the child with any object (handkerchief, soap)
 - g. Hitting child on the knuckles
 - h. Any inappropriate touch which might be sexual in nature
 - i. Having inappropriate conversations which might be sexual in nature
 - j. Asking a Child to stand for the entire day, facing a corner and standing
 - k. Throwing objects at the child – chalk, eraser, books, paper etc.
 - l. Flinging objects across the classroom in anger
 - m. Placing masking tape on the mouth of a child
 - n. Any other act of sexual/emotional/physical abuse (mentioned in the above definition)



IMPLEMENTATION OF THE POLICY

The school commits to take preventive and protective measures that aim to prevent/decrease the abuse of children and protect their rights. The School also has a complaint redressal mechanism in case any complaint of abuse is received against a child or in case of any reported incident of child abuse.

The School shall adhere to the compliance and the mandatory reporting requirements of cases of child sexual abuse as per provisions of the POCSO Act, 2012 as detailed hereinbelow.

A. PREVENTIVE MEASURES

i. Recruitment

- a. School shall conduct background check and police verification for all staff members including contract employees.
- b. All employees to sign a copy of the terms and conditions related to child protection after they join the school.
- c. All newly selected candidates must also provide a signed affidavit to the school that they have not been accused of offence under the POCSO Act, 2012 and JJ Act, 2015.

ii. Safe Environment

- a. **Visibility:** Building or choosing spaces that are open and visible to multiple people. Ensure safety of children while using toilets or bathrooms, and adult supervision in laboratories, sports equipment rooms etc, to address risk of adult sexual abuse, but also the risk of inappropriate or harmful contact among children.
- b. **Stakeholder interaction with children :** Define clear boundaries of interaction between staff and child. (e.g.:- no teacher will lock the classrooms from inside)
- c. **Access control:** Implement adequate access control at entry and exit points of the school premises
- d. **CCTV:** Install CCTVs in classrooms and in school premises and ensure that their feed is monitored
- e. **Off-site activity guidelines:** When trips outside the school are undertaken including excursions, picnics, educational tours the following are to be mandatorily followed – written permission of parent/guardian, safety orientation to students be provided
- f. **Photography on premises:** On certain special occasions photography on premises will be allowed but for the same prior permission has to be taken in writing from the following authorities :
 - a. For the pre primary and the primary section - Head Teacher
 - b. For the secondary section – Supervisor



- g. **Internet Usage Policy:** Refer to the Computer Usage policy.
- h. **Transportation Policy:** School does not have a transport facility for its students. Parents have to drop their child at the school gate and take him/her home after the school hours from the school premises.

If parents are arranging a private transport for their child (like a private van or an auto rickshaw) then they have to give to a written application for the same to the class teacher. In the application they have to mention the full name and the contact number of the driver of the private vehicle. Along with the application following documents are to be attached.

1. A passport size photo of the driver
2. A self attested photo copy of the Aadhar card of the driver.

If the child is travelling alone from home to school and vice versa then the parent has to give a written application for the same to the class teacher. In such a case, the school will not be held responsible if the child does not reach the school or once the child leaves the school premises.

i. Notices to be displayed in the school premises :

i. Anti Bullying / Anti Ragging :

“Bullying is strictly prohibited inside the school premises and no such act will go unnoticed or unpunished” may be clearly stated in the school prospectus and other guidelines circulated by the school.

ii. Details of the Child Protection Officer : Name, contact details

iii. Details of the Child Protection Committee: Names, contact details

iv. Display the number of Childline / Helpline

v. Display the Child Safety Poster at prominent locations in the school premises

iii. Monitoring

- a. Orient all staff members on detecting the warning signs of sexual abuse among children
- b. Try and recruit a full time counselor or a visiting counselor to the school.
- c. Monitor activities of all teachers, visiting faculty and strangers by their immediate supervisor through the appropriate committee

iv. Role and Responsibilities of Head Of School:

- a. Implementation of the Child Protection Policy.
- b. Appointment of the Child Protection Committee
- c. Appointment of the Child Protection Officer (CPO)
- d. Compliance with applicable laws



- e. Annual review of the Child Protection Policy with the School Management, Child Protection Committee, Child Protection Officer (CPO) and other relevant stakeholders

v. Role and Responsibilities of stakeholders having access to children :

- a. The women teachers should interact with the students frequently and in case of any problem/misconduct happens with them must be immediately reported.
- b. All teachers must encourage students to report any fear or apprehension of sexual abuse to any person in whom the student has trust and confidence, so that appropriate measure can be taken to address these.
- c. All teachers and other employees shall maintain a vigilant outlook and convey their apprehension or knowledge of sexual abuse of any student to the appropriate authority at the earliest.
- d. All children must be escorted during travel for school outings.
- e. Where any girl student is present in such group of students, a female teacher must also accompany the group.
- f. The escorting employee must travel along with the students in the same coach/ compartment / vehicle.
- g. In a number of cases children reveal their experience of abuse after a long time has passed. In some cases they reveal it accidentally. Sexually abused children are vulnerable. They may show certain behavior, which, may not be normal and will reveal themselves only over a period of time. As custodian of children, the teachers must be vigilant and sensitized to the signs of sexual abuse.

B. PROTECTIVE MEASURES :

i. Respond:

All stakeholders should respond immediately and sensitively to inappropriate or harmful or abusive behaviour or potential risk situations whether reported or observed or of which the stakeholder has knowledge of.

ii. Report :

- a. School should have a well-defined reporting structure.
- b. Any person who has witnessed or is aware of any incident of child abuse or a potential child abuse or any signs of child abuse shall report the same to the CPO in writing without any delay.



- c. Verbal complaints made by a child alleging abuse need to be taken seriously and to be reported to the CPO immediately without any delay. CPO should document the verbal complaint with particulars.
- d. All stakeholders should report any inappropriate or harmful or abusive behaviour or potential risk situations whether reported or observed or of which the stakeholder has knowledge of to the Child Protection Officer without any undue delay.
- e. In case the stakeholder receives information and / or complaint about any form of child abuse, immediately report (within the next 12 hours) in writing to the CPO and Head of School.
- f. Complaints by parents/guardians need to be made in writing to the CPO.
- g. The person making the complaint should sign the complaint and in case the person is not willing to sign, the refusal should be documented.
- h. All stakeholders shall maintain full confidentiality relating to the name of the alleged perpetrator, victim, details of the incident and all information connected therewith and disclose the same only to the CPO and / or Head of school. Breach of this confidentiality obligation will be treated as misconduct and will make the stakeholder liable for a disciplinary action.

iii. Capacity building and training of stakeholders

All stakeholders shall be adequately trained on protection of children from abuse, implementation of the Child Protection Policy, Reporting Structure, Complaint Redressal mechanisms and laws relating to protection of children from abuse such as the POCSO ACT, JJ Act, IT Act and IPC

C. REDRESSAL MECHANISM

i. FILING COMPLAINT THROUGH POCSO E-BOX

Grievance redressal System with regard to matters of Sexual Offences against Children at NCPCR POCSO e-box is a major initiative by NCPCR to help children seek help and report such crimes directly to the Commission. It is incorporated prominently in the home page of NCPCR website where the user has to simply press a button named, POCSO e-box which will navigate to a page with the window having a short animation movie telling children/complainant that it's not their fault and they need not have to feel bad.

ii. CHILD PROTECTION COMMITTEE (CPC)

A grievance redressal committee known as the Child Protection Committee shall be constituted by the school to address cases of child abuse including bullying / ragging and child sexual abuse within one month of academic year every year.



The CPC shall comprise of 25% students and 50% representatives of management and teachers and 25% School Management Committee Members/Parents Teachers Association members. The representatives of the committee should be 50% females.

The term of CPC will be one year. Every year a new committee will be constituted by giving representation to students in rotation. Every year at-least 2/3rd of the representatives of children should be replaced with new members. Meeting of CPC committee should be conducted every month and proceedings of meetings be recorded.

The Chairperson of the CPC shall at all times be the Principal of the School

The Chairperson / Principal shall designate one member of the Committee as the Child Protection Officer (CPO) who is a senior teaching or a non-teaching staff of the school.

The CPC may have one external member having experience in issues relating to protection of child rights and protection of children from abuse / violence. The independent member be paid fees or allowances for services rendered.

iii. Role and Responsibility of the CPC

- Oversee the implementation of the Child Protection Policy
- CPC shall address all incidents reported to it and will not influence the child's parents/guardian or other authorities to suppress the issue. CPC shall act independently and shall not be influenced by the Board / Management, School Management, Parents or any other person to act in detriment to the child's rights or safety or against any applicable law. Any incidence of child abuse in the premises, if unaddressed, can possibly lead to similar such incidents thus violating the policy.
- Review and update the policy periodically to ensure its alignment with all the relevant legislations, circulars and advisories issued by the Government of India.
- Address all complaints either verbal or in writing of child abuse as per the procedure defined under the policy.
- Conduct an inquiry as per principles of natural justice and following the procedure detailed in Annexure C.
- The CPC in its deliberations shall arrive at the nature of the violation, extent of injury/abuse and impact on the child.
- The CPC must inform the parents/ guardian of the child.



- If the allegation of abuse prima facie constitutes a cognizable offence or an offence under the POCSO Act, ensure mandatory reporting of child sexual abuse as per provisions of the POCSO Act and cooperate with the Juvenile Unit / Local police (Annexure A).
- For non sexual abuse cases, the CPC shall provide necessary support and assistance to the Complainant or the victim to file a complaint at the Police Station.
- Maintain records pertaining to the complaints.
- Conduct capacity building training programs for the members of the committee as they should be well versed with the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) , JJ Act , IPC and the child protection policy of the school.
- In case of a child has been abused at home and if it is a non-sexual abuse, the CPC shall refer the same to the government-constituted Child Welfare Committee (CWC) of the district empowered to take appropriate action.
- Take steps to ensuring confidentiality regarding all cases of child abuse.
- Facilitate training and capacity building of stakeholders.
- Appropriately handle any press communication or public announcements relating to child safety in consultation with the Head of School.
- All members of CPC shall maintain full confidentiality relating to the name of the alleged perpetrator, victim, details of the incident and all information connected therewith and disclose the same only as provided for under the policy or under a legal obligation.

iv. Role and Responsibility of the CPO

- Receiving all complaints of child abuse whether verbal or in writing
- The CPO must inform the CPC of the complaint before the close of the day.
- Take adequate and urgent steps as deemed fit and necessary to protect the victim (Annexure B)
- The CPO must record the complaint in the Report of Suspected Child Abuse immediately.

ANNEXURE A GUIDE TO MANDATORY REPORTING

Section 21(1) of the POCSO Act, 2012 requires mandatory reporting of cases of child sexual abuse to the law enforcement authorities, and applies to everyone including parents, doctors and school personnel. Failure to report a suspicion of child abuse is an offence under the Act. The legislation makes it clear that the reporting obligation exists whether the information was acquired through the discharge of professional duties or within a confidential relationship. Any private person who fails to report suspected



child abuse, having acquired the information in the discharge of his or her professional responsibilities, commits a summary conviction offence.

The obligation to report is unrestricted by any pre-condition that the complaint be first reported within the respective departments, services or agencies, even if the perpetrator is alleged to be an employee of that institution, service or agency.

Thus, a person who has knowledge that an offence has been committed to the child can directly report it to the police or magistrate.

1. Who is under an obligation to report ?

Any stakeholder who has knowledge that an offence of a child sexual abuse has been committed or has an apprehension that an offence under this Act is likely to be committed or the child who is a victim can report

2. Why report?

The purpose of reporting is to identify children suspected to be victims of sexual abuse and to prevent them from coming to further harm. Without detection, reporting and intervention, these children may remain victims for the rest of their lives, carrying the scars of the abuse throughout their lives and even, in some cases, repeating the pattern of abuse with their own children.

However, the nature of sexual abuse, the shame that the child victim feels and the possible involvement of a parent, family friend or other close person, makes it extremely difficult for children to come forward to report sexual abuse. This is why the law provides for mandatory reporting, placing the responsibility to report not on the child but on a surrounding adult who may be in a better position to help.

Obligation to inform the child

The Act does not lay down that a mandatory reporter has the obligation to inform the child and/ or his/her parents or guardian about his/her duty to report. However, it is good practice to let them know that this will need to be done.

3. What to Report?

Explain, as well as you can, what happened or is happening to the child. Describe the nature of the abuse or neglect and the involved parties. Be as specific as possible. Be prepared to give the name (only if specifically asked for), address, and telephone number of the child and also the name of the parent or caretaker if known. Even if you do not know all of this information, report what you do know. Tell all



you know about the situation.

However, the reporter is not expected to investigate the matter, know the legal definitions of child abuse and neglect, or even know the name of the perpetrator. This should be left to the police and other investigative agencies.

A report of sexual abuse should contain the following information, if it is known:

- i) The names (only if asked for) and home address of the child and the child's parents or other persons believed to be responsible for the child's care.
- ii) The child's present whereabouts.
- iii) The child's age.
- iv) The nature and extent of the child's injuries, including any evidence of previous injuries.
- v) The name, age, and condition of other children in the same household.
- vi) Any other information that you believe may be helpful in establishing the cause of the abuse to the child.
- vii) The identity of the person or persons responsible for the abuse or neglect to the child, if known
- viii) Your name and address.

4. When to Report

As soon as any stakeholder has knowledge that an offence of a child sexual abuse has been committed or has an apprehension that an offence under this Act is likely to be committed.

5. To Whom to Report

- a. Special Juvenile Unit
- b. Local Police

Failure to Report Child Abuse

The POCSO Act, 2012 provides under Section 21(1) that any person, who fails to report the commission of an offence or who fails to record such offence shall be punished with imprisonment of either description which may extend to six months or with fine or with both.



6. Reporting False Information

The POCSO Act, 2012 makes it an offence to report false information, when such report is made other than in good faith. It states that any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both. Where such information is provided against a child, the punishment may extend to one year.

ANNEXURE B

STEPS FOR SAFETY OF THE CHILD VICTIM

- The child who has complained of child abuse must be taken to a safe place and given professional counseling.
- Prevent contact between the child and the alleged offender until an investigation has taken place.
- Explain to the child that he / she should tell them immediately if the offender attempts to touch or bother them again in any way.
- Do not talk to the offender in front of the child.
- Continue to believe the child and do not blame him / her for what happened.
- Give the child support and reassurance that he / she is okay and safe.
- Respond to concerns or feelings the child expresses about sexual abuse calmly.
- Listen to the child but do not ask a lot of questions.
- Respect the child's privacy by not telling a lot of people, and make sure that other people who know, don't bring the subject up to the child.
- As per the provision of the POCSO Act, 2012 the identity of any child who has been victim of sexual abuse shall be strictly maintained confidential and the same should not be made public.
- Ensure confidentiality so that the child is not subjected to further trauma and public scrutiny.
- Encourage the child to narrate his or her own story without probing for information that the child appears unwilling to give. Do not harass the child by asking probing questions, telling the child nothing has happened, ignoring the child or attempting to hush up the matter. Do not lead the child on.
- Reassure the child that his/her problems will be attended to.
- Evidence of the child's abuse must be protected in the event the case is taken up by police and the courts.
- Inform the parents/guardians of the child.
- Administer first aid/CPR if required.



- The school's doctor (Registered Medical Practitioner in Pediatrics) needs to take the child to the nearest hospital for tests/investigative procedures, preferably after the parents arrive. In cases of medical emergency, the medical assistance/ treatment could start before the parents arrive but after they have been orally informed.
- The institution's qualified social worker/counselor needs to counsel and reassure the child till the child's parents arrive and take custody of the child.
- Reassure the parents of the child that all possible steps are being taken to provide speedy conclusion to the problem.
- In case other children are involved in the abuse of the child, their parents too need to be informed of what has happened, how their children have been involved, and asked to take their wards home till further notice.

ANNEXURE C INQUIRY PROCESS

Holding an internal disciplinary inquiry cannot be a ground for not reporting the matter to the Police if the allegations prima facie constitute an offence of sexual abuse.

Internal Disciplinary inquiry may be conducted as per the disciplinary procedure prescribed by applicable law

OR

- A. When the alleged offender is an employee of the School or stakeholder over which the school has control
- Immediately on receipt of the Complaint, the CPC shall examine the facts and if the facts prima facie reveal a case of sexual abuse, the CPC shall immediately follow the process of mandatory reporting to the Police Station or Juvenile Unit as per Annexure A.
 - The stakeholder shall be informed by the CPC, that an allegation of child abuse / child sexual abuse has been received and is being reviewed.
 - A written reply be asked from stakeholder for the allegations made against him / her.
 - The employee may be suspended pending inquiry or appropriate directions maybe issued to avoid contact of the alleged offender with the victim.
 - The CPC will conduct the inquiry by following principles of natural justice.



If the alleged offender is found guilty of committing acts of child abuse take appropriate disciplinary action for misconduct.

B. When the alleged offender is not an employee of the School

- Immediately on receipt of the Complaint, the CPC shall examine the facts and if the facts prima facie reveal a case of sexual abuse, the CPC shall immediately follow the process of mandatory reporting to the Police Station or Juvenile Unit as per Annexure A.
- For any other case of abuse , report the case to the police for further appropriate action.

C. When the alleged offender is another student

- Immediately on receipt of the Complaint, the CPC shall examine the facts and if the facts prima facie reveal a case of sexual abuse, the CPC shall immediately follow the process of mandatory reporting to the Police Station or Juvenile Unit as per Annexure A
Here the offender being a child, he will be treated as a child in conflict with law and procedure laid down under the Juvenile Justice Act will be followed.
- The child and his/her parent / guardian needs to be informed by the CPC, that an allegation for child abuse has been received and is being reviewed.
 - A written reply be asked from the student for the allegations made against him / her.
 - The alleged offender may be suspended pending inquiry or appropriate directions maybe issued to avoid contact of the alleged offender with the victim.
 - The CPC will conduct the inquiry by following principles of natural justice.

If the alleged offender is found guilty of committing acts of child abuse take appropriate disciplinary action for misconduct.

ANNEXURE D

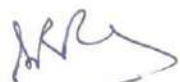
COMPLIANCE CHECK LIST

SAFETY OF CHILDREN AGAINST ABUSE/ SEXUAL ABUSE

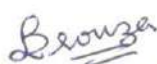
1. Does the school have a grievance committee on Child Sexual Abuse (CSA)?
2. All teaching, non-teaching, contractual and other staff is sensitized on the CSA committee and child laws.
3. All teaching and non-teaching staff is specifically trained to be alert to signs and indicators of child abuse.



4. Are parents and students sensitized from time to time on the Child Protection Policy/ Guidelines/ child laws and reporting Mechanisms?
5. Is there a recruitment and verification protocol and procedure in place for teaching, non-teaching, contractual, voluntary and other staff, before they are allowed to work with the children?
6. Is there a clearly laid out procedure and line of reporting for teachers and other members of the staff to be followed, in the event of a child abused by teaching or non-teaching staff or anyone else connected with the school?
7. Does the school undertake on-going training for teaching and key non-teaching personnel on protection of child rights, child safety and child development, child abuse and related issues?
8. Is the Child Safety Poster on display in prominent locations of the school?
9. Are there books/reading materials on child safety and protection available in the school library and accessed by students and Teachers?
10. Does school have a qualified Child Counselor/Psychologist — part time or full time or on call or a consultant one can access when there is a requirement related to mental health related emergency?
11. Are children regularly oriented towards understanding Sexual abuse?
12. Are children made aware regarding preventive steps to be taken w.r.t Child Sexual Abuse?
13. Does the school conduct awareness programs to sensitive students on harms of substance abuse, mutual and peer respect, gender sensitivity, social responsibility; and consequences of behavior or action, including penalization under law such as JJ Act, 2015 and POCSO Act, 2012?
14. Does the school has Children's Forums or Clubs that promote children's participation and provides platform for them to discuss and share with the teachers and those in authority on safety, protection and other relevant issues?
15. Are children given guidance and trained on adequate age appropriate social skills in managing emotions and building healthy peer relationships?
16. Is there a Anti Bullying Committee in School?
17. Are children aware of anti -bullying committee (ABC)
18. Through conducting sessions on life skills, are students taught coping skills to manage fear, anger and stress and prevent abuse on self or others to build self-esteem and confidence among students?
19. Are all types of bullying is discouraged and prohibited in the school premises students are asked to refrain from bullying, ragging, criticism, rude language, and malicious gossiping?



SUNIL RANE
Treasurer Cum. Hon. Secretary
Mahindra Education Society



Leona
Headmistress
Mahindra Academy,
D. P Road, Malad (E),
Mumbai - 400 097.



Sujatha
Head Teacher
Primary Section,
Mahindra Academy,
Malad (East),
Mumbai-400 097.