

# **Safeguarding Policy: Children and Vulnerable Adults**



**Methodist Church, Sri Lanka**

## **Preamble**

WHEREAS The Methodist Church of Sri Lanka (hereafter referred to as 'the MCSL') inspired and sustained by the Biblical principles and the values of the Gospel is fully committed to safeguarding the welfare of all children and vulnerable adults, pledges to take care of and protect all children and vulnerable adults in the MCSL.

AND, WHEREAS the MCSL fully recognizes its responsibility to take every reasonable step to promote safe practices and to safeguard all children and vulnerable adults from harm, abuse, neglect and exploitation.

AND, WHEREAS the MCSL is desirous of declaring a safeguarding policy to protect children and vulnerable adults (CVA) from abuse, exploitation, violence and discrimination and treating all individuals equally and with respect.

## **The Methodist Church of Sri Lanka Declares as Follows:**

- 1.** The following sections shall constitute and form the Safeguarding Policy: Children and Vulnerable Adults declaration of the Methodist Church of Sri Lanka.
- 2.** Every person subject to the said Declaration of the Methodist Church of Sri Lanka (herein after referred to as 'the Declaration'), **SHALL**
  - a. Uphold the rights and dignity of all children and vulnerable adults. Protect all children and vulnerable adults from abuse, neglect, exploitation, harm and sexual harassment of any nature and safeguard the welfare of all children and vulnerable adults.
  - b. Uphold the commitment of responding to incidents of abuse, neglect, exploitation and/or harm of any nature against children and vulnerable adults with the best interest of the affected party.

- c. Uphold the CODE OF CONDUCT of the Declaration.
- d. Uphold the laws of Sri Lanka

The code of conduct of the Declaration is attached hereto as the SCHEDULE of the policy and is declared as part and parcel of the Policy Declaration

## Definitions

- 3. For the purposes of the Declaration,
  - I. A **Child** is defined as under the age of 18 (17 or below) of either gender
  - II. **Vulnerable adults** are those who are of the age of 18 or above, who may be placed in a position of vulnerability including but not limited to, not being able to care for themselves and / or not being able to protect themselves from any abuse, harm or exploitation. Individuals could be vulnerable due to their position in an organization, age, gender identity, mental or physical health, ability and disability, ethnic and indigenous status, race, religious identity, sexual orientation, economic or social status, or being located in disaster or conflict prone regions resulting in them being unable to protect themselves from abuse, harm, exploitation and/or harm of any nature.
  - III. **Abuse** is defined as incidents where adults or children hurt or harm other children or vulnerable adults, either physically or in some other manner. Abuse includes but is not limited to the following

All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's

or vulnerable adult's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

- a. **Physical Abuse** - Physical abuse is when a person purposefully injures or threatens to cause physical harm to a child or vulnerable adult. This may be a single or repeated incident. And may include, but is not limited to: hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or corporal punishment.
- b. **Sexual Abuse** - involving forcing or enticing a child or vulnerable adult to take part in physical sexual activities, including prostitution, whether or not they are aware of or consent to what is happening. This definition also holds whether or not there has been physical contact and whether or not the child or vulnerable adult is said to have initiated or consented to, the behavior. This may include but is not limited to: indecent touching, penetration and sexual torture, using sexually explicit language towards a child or vulnerable adult and showing children or vulnerable adults pornographic material, the inducement or coercion of a child or vulnerable adult to engage in any sexual activity, and the use of a child or vulnerable adult in prostitution or other sexual practices, any sexual abuse of a vulnerable adult who is incapable of consent.

- c. **Emotional Abuse** - the persistent emotional ill treatment of a child or vulnerable adult which can cause severe impact on such person's emotional development. This could include making a child or vulnerable adult feel worthless or unloved, inadequate or not valued. There may also be acts towards the child or vulnerable adult that cause or have a high probability of causing harm to such person's health or physical, mental, spiritual, moral or social development. Acts include restriction of movement, patterns of belittling, and denigrating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.
- iv. **Neglect**- the deliberate, persistent failure to meet a child or vulnerable adult's basic physical and/or psychological needs of health, education, emotional development, nutrition, shelter, and safe living conditions. This is in the context of resources being reasonably available to the family or caretakers and causes or has a high probability of causing harm to the child's or vulnerable adult's health or physical, mental, spiritual, moral or social development, and likely to result in the serious impairment of such person's health and development. Neglect can also be caused through the omission or the failure to act or protect. Neglect includes but is not limited to the following.
  - a. **Abandonment:** A practice which is of great concern and which can disproportionately affect, amongst others, children out of

wedlock and children with disabilities and vulnerable adults in some societies.

- b. **Physical neglect:** Failure to protect a child or vulnerable adult from harm, including through lack of supervision, or failure to provide the child or vulnerable adult with basic necessities including adequate food, shelter, clothing and basic medical care.
  - c. **Psychological or emotional neglect:** Lack of any emotional support and love, chronic inattention to the child and/or vulnerable adult, caregivers being 'psychologically unavailable' by overlooking young children's cues and signals, and exposure to intimate partner violence, drugs or alcohol abuse.
- v. **Exploitation** - Commercial or other exploitation of a child refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development. Exploitation of a vulnerable adult includes the use of a vulnerable adult in work or other activities for the benefit of others to the detriment of such vulnerable adult.
- vi. **Sexual harassment:** A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment

can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

#### **4. Contractual Obligation**

- I. The Declaration is a contractual obligation to all of those subject to this Policy Declaration.
- II. Breach of the policy may cause MCSL to seek legal action depending on the nature of the allegation and in abiding with the laws of Sri Lanka.

#### **5. Persons Subject to the Declaration**

The following Persons shall be subject to the Declaration:

- I. Ordained Ministers, Ministers on Probation, Candidates for Ministry of the MCSL
- II. Evangelists, Evangelistic Workers, Evangelists on Probation, Candidates for Evangelists of the MCSL
- III. Conference and Synod Members of the MCSL
- IV. The Standing Committee of MCSL
- V. Members of all Statutory Bodies of the MCSL
- VI. Local Preachers
- VII. Staff in any capacity, working in any institution of the MCSL and the Methodist Headquarters, and contractors working on any MCSL programmes
- VIII. Volunteers and affiliated staff working for any programmes of the MCSL

#### **6. Principles of the Policy**

1. Zero tolerance of inaction of incidents – MCSL emphasizes on zero tolerance against any kind of abuse, neglect,

exploitation, harm or sexual harassment against children and vulnerable adults. Thus, MCSL will not condone any such incidents and violation of the code of conduct will not be tolerated.

2. Shared responsibility – The responsibility of adhering to and implementing of the policy belongs to all stakeholders/personnel. It is the responsibility of each individual to safeguard children and vulnerable adults from exploitation, abuse and harassment. It is also the responsibility of all stakeholders/personnel to report incidents of violations of the code of conduct in accordance to the protocols.
3. Gender equality – In adhering to the legal and biblical mandate, the Safeguarding policy of MCSL upholds non-discrimination and equality of all individuals despite differences in age, gender, language, race and disability.
4. Accountability and transparency – The safeguarding policy of MCSL serves as a tool to ensure accountability and transparency across all activities within the MCSL and thus encourages the 'do no harm principal'.
5. Survivor-centered – The objective of the policy is to safeguard children and vulnerable adults within the context of MCSL. Thus, the approach adopted in implementing the policy will be in the best interest of the survivor (formerly called victim) at all times.
6. Upholding at all times the laws of Sri Lanka in respect of any matter governed by this declaration.

## **7. Implementation of the Policy**

In order that the safeguarding policy will serve the purpose of safeguarding and protecting children and vulnerable adults from exploitation, abuse and harassment, it is essential that the



policy is rolled out and implemented across the MCSL.  
Therefore, MCSL shall follow the steps:

#### Training and orientation

MCSL shall follow a safe recruitment process what would screen out potential perpetrators from being employed by MCSL. This safe recruitment process will include behavioural based interview questions that related to children and vulnerable adults, wherever possible criminal background checks, at least 2 verbal referee checks and other relevant checks

At the point of recruitment, all personnel/stakeholders of the MCSL will be provided with an orientation of the policy in a form of a detailed training including aspects of safeguarding and the reporting mechanism suggested in the policy

An active/working reporting mechanism shall be in place in order that incidents of violation of the code of conduct will be effectively recorded and responded to in adhering to a survivor centered approach with confidentiality.

Safeguarding focal points shall be appointed at the MCSL District Synod level and at the MCSL Headquarters. The key role of the Safeguarding focal points will be to monitor the implementation of the policy as well as respond to incidents of violations of the policy.

Specific guidelines in line with the safeguarding policy shall be drawn out and followed according to the activities/ programmes/ institutions under the MCSL. This will ensure

specific practical implementation of the policy and code of conduct.

The entire policy will be reviewed annually and appropriate steps will be taken to make the Safeguarding Policy effect and relevant.

## **8. Response and Reporting Mechanism of the MCSL**

### **8.1 Reporting Procedure**

Any person who is subject to the Policy should make a complaint on behalf of a child or vulnerable adult aggrieved by violations of the Declaration, to

- I. The Minister in Charge of the Child or Vulnerable Adult who is the subject matter of the complaint; or
- II. The Administrator in charge of the relevant institution; or
- III. Any Minister; or
- IV. Safeguarding focal person at MCSL Headquarters and at the Methodist District Synod level

Who in turn will forward the complaint, forthwith, to the Monitoring Committee?

*Provided that if the complainant is any one of the above persons identified above in (i), (ii), (iii), (iv), the complaint will be forwarded, forthwith directly to the Monitoring Committee for Safeguarding.*

*Provided further that if the subject of the complaint involves a violation of the Laws of Sri Lanka, the Complainant and / or recipient of the complaint described hereinabove SHALL forthwith take further steps required in law.*

## **8.2 Response**

- I. The Conference of the MCSL through the Standing Committee thus establishes a MONITORING COMMITTEE for SAFEGUARDING for the review of alleged violations of the Declaration.
- II. The Monitoring Committee shall consist of: -
  - a. The Secretary of Conference of the MCSL, who will Chair the Committee
  - b. Safeguarding Point of Contact at the MCSL Headquarters
  - c. Safeguarding Point of Contact at the District Synod level
  - d. An external person who would be able to investigate the incident on behalf of the affected person in keeping to the 'Do No Harm' principles
  - e. A Human Resource person to ensure that a fair process is followed
  - f. 4 Ministers (including at least 1 female Minister), appointed by the Standing Committee of the MCSL, one of which is appointed by the Standing Committee as the Secretary of the Committee.
  - g. 4 Lay members (including at least 1 female), appointed by the Standing Committee of the MCSL.

Each member of the Monitoring Committee shall hold office for three (3) years, except the Secretary of Conference who will be an ex-officio member of the committee.

9. The incident on being reported to the Safeguarding focal point, in the MCSL District Synod and at the MCSL Headquarters, who will in turn inform the Monitoring Committee for Safeguarding: Children and Vulnerable Adults.

The accused person should be removed with immediate effect on a temporary basis

Thereafter the Monitoring Committee needs to evaluate the nature of the offense. Accordingly, action will have to be taken. If legal action is to be taken it should be done immediately upon an internal investigation and inquiry.

Upon the Monitoring Committee for Safeguarding: Children and Vulnerable Adults receiving a complaint, the Secretary of the Committee shall notify the President or Secretary of the MCSL who shall forthwith constitute a three (3) member panel (one of which is a female minister or lay person) from the Monitoring Committee for Safeguarding, to hear the complaint.

*Provided that if the subject of the complaint involves the violation of the Laws of Sri Lanka, the Monitoring Committee for Safeguarding: Children and Vulnerable Adults SHALL forthwith take further steps required in law*

- 10.** The said Inquiry Panel constituted under section 9 SHALL, within two (2) weeks of being constituted, conduct an inquiry, and submit a report with recommendations to the Standing Committee of the MCSL.
- 11.** The Standing Committee of the MCSL SHALL within two (2) weeks of receiving the report from the Inquiry panel for Safeguarding: Children and Vulnerable Adults, come to a decision, if appropriate through a process of the disciplinary procedure stipulated in the constitution of Methodist Church Sri, Lanka thereon.

## **Survivor Protection & Rehabilitation**

- 12.** In the case of any form of an individual suffering Child Abuse as Defined in Section (3) of the Declaration, the Recipient of the Complaint identified in Section (8) hereinabove SHALL submit the said Child for necessary counseling, guidance and other reparations that may be needed, under facilitation of the Standing Committee of the MCSL.

## **The Laws of Sri Lanka Shall Prevail**

- 13.** The MCSL and all those subject to the Declaration SHALL uphold and give effect to the Laws of Sri Lanka at all times, and the Laws of Sri Lanka shall prevail.
- 14.** The policy shall be revised every 3 years upon evaluation of the effectiveness of the policy and implementation.
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## **Code of Conduct**

- 1. Every person subject in Section 5 to the Safeguarding Policy Declaration of the MCSL SHALL**
- i. Treat all children and vulnerable adults with respect and care, putting their needs, welfare and safety above all other
  - ii. Include all children and vulnerable adults in our programmes and activities without any form of discrimination
  - iii. Beware of the vulnerability of certain children and vulnerable adults/ groups of children and vulnerable adults being hurt or isolated (Persons with special needs and/or Persons with Disabilities)

- iv.** Respect the right to privacy and personal space of children and vulnerable adults Child's and Vulnerable Adult's right to privacy and personal space
- v.** Respect the rights of Children and Vulnerable Adults in terms of being involved in making choices and decisions which directly affect them and ensure that all their issues and concerns be raised and discussed in a responsible and accountable manner
- vi.** Take all necessary action to protect their well-being and safety
- vii.** Ensure that adults working in the institutions, programmes and activities of the MCSL that deal with Children and Vulnerable Adults are educated and aware that they should be within seeing and hearing distance of children or vulnerable adults at all times
- viii.** Be aware of situations which may present risks to children and vulnerable adults and take all measures to manage such situations effectively
- ix.** Give due attention to any individual who expresses (sometimes through drawings, behaviour, words or any medium both verbal and non-verbal) that they are being harmed in any way, and report about what we were told to a relevant and responsible person in the MCSL, immediately
- x.** Report any knowledge, concerns or substantial suspicions of breaches or violations of the Code of Conduct and the standard of behaviour indicated in the "Safeguarding Policy Statement" of the MCSL, to the relevant authorities within the MCSL.
- xi.** The cooperation of individuals is expected when requested with any inquiry/investigation into alleged breaches of the Code

- xii. Ensure that a sense of accountability exists among all parties mentioned in Section (5), so that unaccepted practices and potentially abusive behaviour does not go unchallenged.
- xiii. Ensure that every child and vulnerable adult in any institution of the MCSL should be protected from abuse and misuse by being photographed or filmed.
- xiv. Uphold the laws of Sri Lanka in respect of all matters governed by this declaration.

**2. Every person subject in Section 5 to the Child Safeguarding Policy Declaration of the MCSL, SHALL NOT**

- i. Slap, hit or physically assault or abuse any individual
- ii. Act or speak in ways that shame, humiliate or degrade any individual
- iii. Behave in a manner that is inappropriate or sexually provocative
- iv. Discriminate against a person on the basis of age, gender, religion, ethnicity, language, colour, caste, etc.
- v. Act or speak in any way to harass, intimidate or harm an individual because of his/her physical, social or mental situation
- vi. Develop a special relationship with a specific child or vulnerable adult or show any sort of favoritism towards individuals or groups.
- vii. Use language, make suggestions or offer advice which is inappropriate, abusive or sexually suggestive in the presence of any individual.
- viii. Allow any swearing or use of sexual language towards an individual

- ix.** Develop inappropriate physical, emotional or sexual relationships with a child or vulnerable adult in person or online or through technological devices
- x.** Have unsupervised/unofficial contact with a child or vulnerable adult within the purview of the MCSL
- xi.** Have a child or vulnerable adult with whom the said person is working to stay overnight in the homes of any members of Section (5), unsupervised or in an unofficial capacity.
- xii.** Be alone with a child/vulnerable adult in a room with the door closed
- xiii.** Spend excessive time alone with a child/vulnerable adult to fulfill pastoral, care-giving or counselling responsibilities and duties, unsupervised and in an unofficial capacity, outside the purview of the MCSL
- xiv.** Knowingly withhold information or refrain from disclosing any information about reports, concerns or substantial suspicions of breaches of this Code of Conduct
- xv.** Make false allegations against anyone for his/her own advantage or with malicious intent
- xvi.** Violate the laws of Sri Lanka.

I will conduct myself in a manner consistent with the Safeguarding Policy and adhere to management procedures related to the policy.

I understand it is my responsibility, as an MCSL representative, to avoid actions or behaviours that are, could be construed as exploitation, sexual exploitation, abuse, harassment, sexual harassment and/or bullying.



I understand that it is my obligation to report wrongdoing or suspicion of wrongdoing following the safeguarding policy and reporting protocol.

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Name

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Signature

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Date