

Elohim Foundation

Mandated
Reporter
Manual

On
Child Protection

You are a mandated reporter

Elohim Foundation (EF) Board of Trustee and Management affirms that all adults working or living in a child related environment including a fellow child has the responsibility to report any case of suspected child abuse, violation, molestation, neglect or trafficking to EF, the Nigerian Policy Force, National Human Right Commission, Federal Ministry of Women Affairs and Social Welfare or its State equivalent ministries and all Civil Society Organisations working on Child Protection.

Continue

These persons Elohim Foundation referred to as Mandated Reporters and they include all School Administrators, Counsellors, Teachers, Social Welfare Officers, Parents, Community Child Protection Committee Members, Community Volunteers and Personnel's of Elohim Foundation having dealings with children.

Why this is your responsibility

School personnel play an important role in the lives of children from various homes. You are in a unique position to observe and interact with children from various homes on a daily basis. You see changes in children that may indicate abuse or neglect. Because children often confide in you, you may also get information that indicates a child is being molested, maltreated or violated.

Continue

Once you file a report, the child and family may become eligible to receive a wide variety of services that will improve the family's ability to care for the child. The family may be provided parenting classes, counselling, treatment for substance, abuse, medical services, anger management education and other services designed to meet the family's specific needs. The affected child will also get necessary medical care, protection and impact mitigation therapy.

The legal standard for reporting

Elohim Foundation requires that you must file a report when you have **reasonable cause** to suspect abuse or neglect. This is an extremely low legal threshold. You do not have to wait until you become very sure or you have conclusive evidence, in this manual is a description of certain signs of abuse and neglect. However, you must keep in mind that you **are not** required to determine whether abuse or neglect **has actually occurred**. The police and child protection/welfare officers are responsible for investigating reports of abuse, violation and neglect and for determining how each case progresses. You must make a report whenever you **suspect** that abuse or neglect **may have occurred**.

Your liability for failure to report

If you fail to file a report of suspected abuse or neglect, it shall be regarded as gross misconduct and subjected to disciplinary action.

You may also be subject to both civil and criminal liability. In a civil action you may be held liable for **all damages that any person suffers** due to your failure to file a report. In a criminal action, you may be found guilty of a **misdemeanour punishable by imprisonment for up to 2 years**

Notifying your supervisor or other agency administrator **DOES NOT** satisfy your legal obligation to file a report with the Federal or State Attorney-General and Commissioner for Justice.

There are No excuses for failing to report

You may believe that filing a report will not lead to any benefit to the child involved. You may believe that filing a report may actually place the child at an increased risk of abuse or neglect. You may feel uncertain that abuse or neglect has actually occurred. Such concerns of any nature **DO NOT** discharge your legal obligation to file a report. Such concerns **WILL NOT** protect you from liability for failing to report.

You CANNOT be “punished” for filing a report

When you file a report in good faith, you cannot be held liable to any person for any damages they may suffer. You are also immune from any criminal liability that could otherwise result.

When you file a report, you are PRESUMED to have acted in a good faith. An aggrieved person would have the burden of proving that you made a report for some reason unrelated to the well-being of the child who was the subject of your report. An aggrieved person cannot meet this burden if the filing is motivated by your concern for a child’s well-being.

Further, you cannot be dismissed or otherwise penalized within your place of work for making a report required by the Law or for cooperating in an investigation.

Your identity will BE kept confidential

When you file a report with the EF your identity will not be shared with any person unless you agree in writing to that disclosure or a judge orders such disclosure. Your identity may be disclosed to a child protection agency or a law enforcement agency that is investigating the alleged abuse or neglect. Any concern that a person may discern your identity **DOES NOT** discharge your obligation to file a report.

What constitutes child abuse or neglect?

The legal definitions of child abuse and neglect are set forth below. At times it may be a challenge to translate and apply legal definitions and standards to a particular circumstances. Most importantly, keep in mind that you are not required to determine whether these legal standards are met in your case. If you in good faith believe that circumstances in your situation may constitute abuse or neglect, then you **MUST** file a report with the EF.

The following list of common indicators of abuse and neglect **IS NOT** exhaustive. Use common sense, and always err on the side of caution by filling a report when in doubt.

Physical abuse

Harm or threatened harm to a child through non accidental injury. Examples of physical abuse include beating, kicking, punching, and burning.

common indicators of physical abuse

- . Questionable, recurring bruises and/or marks on various parts of the or in various stages of healing
- . Bruises or marks in the shape of an object (electric cord, belt)
- . Bite marks
- . Bald spots, missing clumps of hair
- . Cigarette or cigar burns
- . Burns in the shape of an object (iron, stove burner)
- . Immersion burns (legs, hands, buttocks)
- . Questionable, multiple, or recurring fractures

Neglect

Harm or threatened harm to a child's health or welfare due to failure to provide adequate food, shelter, clothing, or medical care. The failure to protect a child from a known or potential risk of harm is also considered neglect.

Common indicators of neglect

- . Persistent hunger
- . Stealing or hoarding food
- . Abrupt, dramatic weight change
- . Persistent poor hygiene
- . Recurring medical issues untreated
- . Ongoing lack of supervision
- . Consistent inappropriate dress
- . Excessive school absences

Sexual abuse and sexual exploitation

Engaging in any sexual contact with a child (as defined in the Criminal Law of the Federation) constitutes sexual abuse. Sexual exploitation is defined as allowing, permitting, or encouraging a child to engage in prostitution or to be depicted in a sexual act (as defined in the Criminal Law).

Common **indicators of sexual abuse and sexual exploitation**

- . Age-inappropriate knowledge of sexual behaviour
- . Sexually explicit drawings and behaviour
- . Unexplained fear of a person or place
- . Unexplained itching, pain, bruising or bleeding in the genital area
- . Age-inappropriate seductive behaviour
- . Pregnancy for girls under 18 years
- . Venereal disease, frequent urinary or yeast infections

Child trafficking

Engaging in any trafficking act with as defined in the NAP TIP Act, 2015 constitutes child trafficking abuse.

Trafficking of children is a form of human trafficking and is defined as the "recruitment, transportation, transfer, harboring, and/or receipt" of a child for the purpose of exploitation. Trafficking is defined as allowing, permitting, or encouraging a child to engage in prostitution or to be depicted in a sexual act (as defined in the Criminal Law).

Common indicators of child trafficking

Unduly Soliciting for the custody of a child other than your own.

Running a hidden and restricted placement centres for labour services.

Running of unregistered orphanage home

If you were deceived. For example, you were promised a job in the city or in a foreign country but on arrival it turned out to be a lie

Child trafficking continued

- ▶ If you notice some one being moved from place to place to be exploited
- ▶ If you notice any one being taken to a shrine to swear an oath of secrecy and allegiance to somebody and made to work and pay certain expenses
- ▶ If you notice any form of undue controlled over an individual, like his/her passport is seized, not permitted to freely call your parents or loved ones, intimidated, beaten, raped, stripped naked etc
- ▶ If you notice a person is usually not allowed to move freely or is always escorted to work or other places and back and
- ▶ If you notice someone else always takes away the payments for work done by another.

Maltreatment:

Treatment that involves cruelty or suffering that a reasonable person would recognize as excessive. Examples include starving a child as punishment, locking a child in a closet, or teaching a child to assist in criminal activities.

How to make a report

Upon suspecting child abuse/neglect, you must **both** report to EF and or the law enforcement agent and to the person in charge of the concerned organization or agency. The HAG is generally prohibited from discussing the details of any investigation stemming from your report. You should receive a very general letter, stating whether or not the case was assigned for investigation. Do not assume that a lack of follow-up with you means nothing was accomplished. Although the HAG may be unable to share with you details about an ongoing investigation, you should continue to report any new concerns that might arise after your initial report.

Step 1: oral report

You must immediately make, by telephone or face-to-face, an oral report of the suspected child abuse or traffic to EF or the law enforcement agencies, followed by a written report. You should be prepared to provide, if known, the following information when making a verbal Children's Protective Services report:

- . Child's current address as well as past addresses if known and the address where the alleged incident happen if different.
- . If the suspected perpetrator lives with the child.
- . Alleged victims full name, birth date, and race.
- . suspected perpetrators full name. If known, provide the relationship of the perpetrator to the child.
- . Statements of the child's disclosure and context of the disclosure. For example, was the child asked about the injury, or did they volunteer the information?
- . History of the child's behaviour and patterns of attendance may be helpful to the investigation.
- . Why you think the child is abused, neglected, and/or maltreated.

Oral report cont'd

You SHOULD NOT attempt to investigate the matter yourself.
Investigation and appropriate action are the responsibility of the Police.

You should not wait for Authorisation of your supervisor before you report to EF or any other law enforcement agency of government.

Step 2:

Follow-up written report

- . **Within 72 hours after making the oral report, the reporting person shall file a written report** with EF or any law enforcement agent. The report must be transmitted to the HAG's office. The 72-hours period includes weekends and holidays.
- . For the written report, you are to use its form, which includes all the information required under the law. You should complete form items 1-21. One report from a concerned organisation or agency will be considered adequate to meet the organization or agency's reporting requirement.

Step 3:

Reporting obligations to person in charge of school

You must notify the person in charge of the concerned organisation or agency of the suspected abuse/neglect or traffic that the report has been made. You must provide the person in charge with a copy of the written report.

CONFIDENTIALITY

Apart from your obligation to report suspected cases of child abuse or child neglect to EF or other agencies of government and person in charge of the concerned organisation or agency, you owe the victim a duty to keep the information about the suspected abuse or neglect confidential. This is without prejudice to the civic duty of an individual to report a crime to the police, relevant child protection or welfare agency and other relevant governmental bodies.

Reference and contact numbers

Elohim Foundation Child Protection line

08033494865

FCT Child Protection Hot line

08090444444

Nigeria Police

FCIID HQ - 08028422128, 08028422157, EDO - 08028422496, 08028422501, FCT - 08028422561, 08028422592. LAGOS - 08028421966, 08028421970. IMO - 08028422049, 08028422053.

- ▶ YOU CAN ALSO CONTACT US ON OUR ONLINE PLATFORM: info@elohimfoundation.org.ng or the police at - www.fciidgender.net and gender@fib.gov.ng TO REPORT CASES.