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Abstract

Social Justice Department - Minimum Standards of Care for Child Care Institutions - guidelines approved - Orders issued.

SOCIAL JUSTICE (A) DEPARTMENT

G.O (Rt) No.513/2014/SJD

Dated, Thiruvananthapuram, 12.08.2014.

Read:- Letter No. ICPS1/14737/14 dated 23.07.2014 from the Director of Social Justice.

ORDER

Government are pleased to approve the appended guidelines for implementing the Standards of Care for Child Care Institutions under Juvenile Justice Act 2000 and the Kerala Juvenile Justice Rules 2014.

(By order of the Governor)
L.A.GREGORIOUS
Deputy Secretary

To

- The Director, Social Justice Department, Thiruvananthapuram.
- The Information Officer, Web & New Media, Information and Public Relations Department. (for updating in the official website).
- Stock File/Office Copy.

Forwarded/By order,

Section Officer

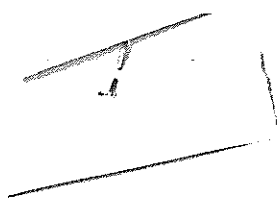
Guidelines

Implementing the Standards of Care

Juvenile Justice (JJ) Act 2000 and the Kerala Government JJ Rules 2014

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Guidelines for Implementing the JJ Act & Rules

Introduction

In order to facilitate implementation, these *Guidelines* summarize the key principles of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) and the Kerala Juvenile Justice (Care and Protection of Children) Rules 2014 (JJ Rules). The *Guidelines* are not a comprehensive summary of the requirements but discuss only key selected principles of particular importance to the managers and staff of Children's Homes (Home). Every Home shall keep a copy of the Act and the Rules for easy reference. (Rule 16(3))

It is the duty of the state to safeguard the interests of children in conflict with the law and children in need of care and protection. The Home is the children's home, and should provide a caring, safe, and stimulating space where they can learn, grow, and evolve, and where their rights are respected and their safety is assured. The quality of care provided depends very much on the ethos and culture created in the Home by the managers and staff, and is demonstrated in the practice adopted and evidenced in improved outcomes for children. These Guidelines have been established keeping in mind the best interests of the children- namely that the Home is truly the children's home, somewhere where they feel cherished and loved, and can use their strengths to grow and become good productive citizens.

No child or juvenile shall be denied the benefits accorded by the JJ Act and the JJ Rules. Some sections of the Guidelines may not apply to all children of a Home, and in some cases, the length of time the child stays (for example in a short stay home) will be a deciding factor in how proportionate an approach should be adopted. In these cases, staff, and managers should exercise their professional judgement and record the reasons for any departure from the Guidelines, and where possible, explain the same to the child. .

The Guidelines are based on the following principles culled from the JJ Rules 2014:

1. Best Interest of the Child: At the core of all policy formulation, administrative decisions, and measures must be the best interest of the child. This encompasses the principle of a fresh start or a new beginning for the juvenile or child, as well as the principle that institutionalization of a child

or juvenile is a last resort and only for the minimum possible duration. The family has the primary responsibility for bringing up the children, except in exceptional cases where this is not possible.

2. A rights-based approach: The Standards are based on the following rights and on the principle that these rights are universal and are non-negotiable. In order to protect these rights, priority should be given to taking all measures and steps, possible within the purview of the JJ Act and JJ Rules, to strengthen the children's family, and in the absence of one, to explore the possibility of adoption or foster care as per their needs of the children in the Home.
 - Constitutional Right to Equality: Children are treated equally without discrimination on grounds of religion, caste, gender or class, and with equal access to all economic and social opportunities.
 - Right to Repatriation and Restoration: The Home must make every effort to reunite the child or juvenile at the earliest with her or his family and restored to the same socio-economic and cultural status that such child enjoyed before her or his coming within the purview of the JJ Act and system.
 - Right to Survival: Children's right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing and the right to live with dignity.
 - Right to Development: Children have the right to all forms of development: emotional, mental and physical. Emotional development is fulfilled by proper care and love of a support system, mental development through education and training, and physical development through recreation, play and nutrition.
 - Right to Protection: Children have the right to be protected from harm, neglect, exploitation, maltreatment, corporal punishment, confinement (solitary or otherwise) and abuse during all the stages that the child remains in contact with the JJ system. Information and records related to the children should be treated as private and confidential.
 - Right to Participation: A child or juvenile has a right to be heard, to be informed, and to participate in any decision-making that involves her or him directly or indirectly. Children must have an informed participation in all aspects and decisions that affect them to the extent they would in a typical and regular home. Such participation may vary as per the age and maturity of the child or juvenile. The child or the parents or guardian should also be

informed about various welfare and care programmes for deinstitutionalisation.

3. Duties of Children: While the rights of children must be fully respected, it is important that children are also made aware of their attendant duties and obligations. Children should be developed as responsible citizens, who uphold the fundamental duties of the Indian constitution. They also have an obligation to participate in the management and care of the Home, as well as in training or skills development programs offered by the Home.

Engagement, Participation, and Involvement

Expected Outcome: Children's views and feelings are acted upon in the day-to-day running of the Home and important decisions about their lives, unless it is contrary to their interests.

Standard 1. Right To Participate In Decision Making (Rules 68, 69)

1. The Home must promote a culture that is child-centred and encourages participation from children in all aspects of decision making about their care, welfare, protection, recreation and environment.
2. To achieve the above, the officer in charge or Superintendent shall facilitate the establishment of Children Committees or Balasabhas as recommended in Rule 69. Such Balasabhas must be reconstituted every 3 months, unless there is a reason to do so earlier, and vacancies caused by exiting children must be promptly filled.
3. The officer in charge or Superintendent shall ensure that the Balasabhas meet every week, discuss grievances of the children, and maintain a register for recording its activities and proceedings, and place it before the Management Committee in their monthly meetings as stated in Rule 69(4) and (5). Local voluntary organizations may assist in their functioning (Rule 69(6) and (7)).
4. As required by Rule 68(6) to (9), a Children's Suggestion Box and a Children's Suggestion Book, should be maintained in every institution. Such suggestions or complaints shall be reviewed and acted upon in a timely manner, records maintained as prescribed in the above sections, and opened only in the presence of a Balasabha representative.
5. As required by Rule 56, a daily routine should be established for the children in the Homes in consultation with the Balasabhas, which should be posted prominently in the Home, and which includes special activities for Saturdays and holidays.
6. The Balasabhas, in consultation with the caretaker or Superintendent, will appoint other sub-committees such as Kitchen sub-committee, Garden sub-committee, Sanitation sub-committee, Nutrition sub-committee etc. Every child in the Home should be given an opportunity to be an active committee/sub-committee member.

Standard 2. Right To Be Heard And Receive Information (Principle III)

1. The child or juvenile has a right to be heard and the Home must promote the children's active involvement in decision-making, providing opportunities for discussion and debate regarding the Management of the Home and their own lives.
2. The child or juvenile should be provided with all information regarding the procedures, Rules, and facilities in the Home within a week of their arrival.

She or he should also be informed of all legal and civic rights. Rule 16(4) requires the Government to develop and make available simplified and child-friendly versions of the Act and Rules in Malayalam to improve their understanding of the provisions and improve their participation in the provision of care

3. The child or juvenile should be informed of all the benefits he/she is entitled from the government such as immediate relief and all other rehabilitation packages such as livelihood skills, livelihood options, education etc., as per government orders. All efforts should also be taken to ensure that the child or juvenile is afforded benefits under any existing Government Scheme for children.

Standard 3. Right To Education And Vocational Training (Rules 60 And 61)

1. The Home shall provide for educational and vocational training opportunities to all children according to the age, aptitude and ability, both within the institution or outside. Children should participate in preparing their education plans.
2. A range of educational opportunities should be considered including mainstreaming them into inclusive schools, bridge school, open schooling, non-formal education and learning and input from special educators, where needed.
3. Extra coaching shall be made available to school going children in the institutions by encouraging volunteer services or net working with coaching centres.
4. Children who have no formal education or those in conflict with the law or those who are out-of-state and have no language skills should be helped to obtain vocational training or education through Open School, Saksharatha program or any other Adult Education program (Rule 61).
5. Every Home should provide vocational training within the Home or send the children to vocational training institutes such as Industrial Training Institutes. As required by the JJ Rules 2014, the Home should develop networking with relevant institutions (Rule 61).
6. Children should be provided with hands-on computer training and training in areas relevant for the job market. (Rule 61.8)
7. As a complement to the vocational training, or otherwise where appropriate, juveniles over 14 years of age may be given opportunities to perform non-hazardous remunerated work that will enhance the possibility of their finding suitable employment. (Rule 61.9)
8. The Government should meet all expenses whether in a public or a private school or vocational training.

Standard 4. Right To Recreation (Rule 62)

1. The ambience of the Home should be therapeutic in terms of non-judgemental attitude of staff, along with avenues for relaxation, recreation and spiritual growth and activities for executing responsibilities and gaining confidence and

control. Illustrated activities include indoor and outdoor sports, physical exercise including self defense, cultural activities, workshops, dance, music, meditation, yoga, gardening, excursion, television etc.

2. Guided recreation facilities must be available to the child or juvenile which include sporting, cultural and artistic activities, birthday and festival celebrations, leadership camps etc.(Rule 62) Gardening must be compulsory for all children.
3. Birthdays of each child or juvenile should be remembered and celebrated.
4. Study materials and magazines should be made available in a Home Library.
5. Each Home has the responsibility to ensure that civic awareness is developed in children through a celebration of key days of national importance listed in Schedule II of the JJ Rules as well as those of importance to the state.
6. Each Home will ensure the full and appropriate utilization of the funds allocated for entertainment/recreational purposes (such as visits to places of interest or theatres/exhibitions). The Home must ensure that there is no shortfall in undertaking the above activities.

Standard 5. Rights To Basic Necessities And Good Nutrition(Rule57)

1. Children should be provided with clothing, bedding, toiletries, and other articles indicated in Schedule 1 of the Rules. Children should also be provided with a kit box or locker to safeguard their possessions.
2. Meals have to be provided, consistent with the norms laid down in Schedule II of the Rules, including the number and types of meals to be provided. The menu shall be prepared with the help of a nutritional expert or doctor to ensure a balanced diet and variety in taste as per the minimum nutritional standard and diet scale. Children may be provided special meals on holidays and festivals. Infants and sick children shall be provided special diet according to the advice of the doctor on their dietary requirement.
3. The Children's Nutrition sub committee should assist in the preparation of weekly diet charts for the Home in consultation with the Superintendent and/or Warden, and the Committee leaders. Care should be taken to ensure that the needs of children are incorporated in it to the extent possible. Special diet charts should be prepared for infants and children with special conditions such as HIV/AIDS, diabetes etc., and sick/bedridden children.

Safeguarding Children

Expected Outcome: Children feel safe and are safe in the care of the Home. Arrangements are in place to safeguard them both within and outside the Home and help them understand how to protect themselves from harm.

Standard 6. Protecting Against Bullying And Harassment Within The Home

1. There must be a strategy for the prevention of bullying and harassment.
2. Education must be given for children and staff for recognising and responding to bullying behaviour. Children must be involved in discussion and decision-making regarding their own safeguarding and protection, including outside the Home and on-line. Children must be given incentives for good behaviour (Rule 56(3)).
3. Children must be informed about the Protocols and know how to make a complaint or allegation of abuse. Children must have access to trusted adults outside the Home and know how to contact helpline services.
4. Any child or juvenile who has been involved in abuse must be provided with information, support and counselling and be involved in the planning of the support programme. Staff and Children must know how they will be supported in the event of an allegation being made. (JJ Rules 73)

Standard 7. Conflict Resolution And Redressal Mechanism

1. All children have the right to an impartial process of dispute settlement. Non-adversarial processes such as conciliation and negotiation must be utilized.
2. This process should be documented to ensure that a fair hearing is given to both parties. All members must sign any final decision and it must be communicated jointly to the parties.
3. A protocol for conflict management is provided in Annex a protocol and I for addressing issues of harassment by staff is provided in Annex II.

Standard 8. Health And Medical Support (Rules 58-59, 72, 73, 74)

1. The Home should maintain a physical and mental medical record of each child or juvenile as per the provisions of Rules 58-59.
2. The child or juvenile should also be informed and counselled about the routine medical tests and examinations he/she will be asked to undergo and also tests for which he/she has to provide informed consent.
3. The District Medical Officer should arrange weekly medical check-ups for the children (Rule 58(2)d). The Home should have arrangement for caretakers who will escort children during hospitalization and also facilities for transportation of sick patients.
4. Each Home should have a first-aid box with basic medicines and equipment. There must be an identified secure space for storing medicines and medicinal products. Expiry dates of medicines should be checked regularly, and they should be replenished as needed. The medical record of each child or juvenile should be regularly updated.
5. All staff of the Home should be provided with first aid training.
6. The Home should also have facilities for, as well as enforce segregation in case of a child suffering from an infectious disease (Rule 58). In the event of a child

requiring prolonged medical treatment due to a disease or physical health, the caretaker must adhere to the provisions of Rule 74.

7. In the unfortunate event of the death of a child or juvenile, the officer in charge of the Home shall meticulously adhere to the provisions of Rule 72.
8. There are also situations where problems arise when a child or juvenile is away on leave of absence from the Home. Since the child or juvenile is in the care and protection of the Home, prompt action has to be considered to tackle these situations, as laid down in Rules 18(2) and 72 to 75. The head of the Home is responsible for ensuring strict compliance with the procedures spelt out therein.
9. There should be both professional and peer Counsellors in a Home, who shall provide immediate trauma care and long term counselling for the children. There should be both individual and group counselling for the children. Peer counselling, including group discussions, should be provided. Children showing symptoms of psychiatric disorders should be immediately referred to a professional psychiatrist.
10. The Home should have referral networks with mental health professionals (psychologist, psychiatrist, psycho-therapist etc.) and mental health institutions for immediate and timely support for psychologically disturbed children. The Home should coordinate with existing systems and agencies in provision of care for children with special needs
11. In the event of any abuse or exploitation of a child or juvenile, or early warning signals about the same, the officer in charge shall adhere to the provision of Rule 73.
12. When a child or juvenile/ is missing from the Home, or has a serious illness or dies, actions should be taken consistent with the JJ Act, for which separate protocols are available. (Rules 72-75)

Standard 9. Security, Visitors (Rule 71, 79), And Leave (Rule 75)

1. Field Security Plan should be in place with clearly marked fire exits. There should be a regular fire drill. Basements should not be used for residential purposes.
2. All inflammatory or hazardous substances such as kerosene, petrol, pesticides, phenol, medicines, acid, bleaching powder, rat poison, drugs, especially sedatives and so on) should be kept securely out of reach of the children. Stock register of all the above hazardous substances should be maintained, (and monitored through) regular monthly stocktaking. For psychologically disturbed children, any task with sharp/hazardous instruments/substances such as knives, screwdrivers, ropes, and wires should be avoided to the extent possible, and if unavoidable, should be done under proper supervision.
3. All doors (bathrooms, toilets, kitchen, storage, bedrooms) should have provisions to be opened from outside in case of emergency.

4. The Home should have a Visitor's Policy. The best interest of the child should be the guiding principle. Visitors for children should be allowed in the Home only after requisite vetting and permission (Rule 71 and 79).
5. The telephone for the landline should have a caller ID facility. Children shall not possess mobile phones. Phone calls should be made only under supervision. A list of all emergency numbers should be prepared and kept readily available.
6. All children would be allowed to go on leave of absence or released under supervision as the case may warrant- for examination, admissions, or for special personal occasions as per the guidance provided in Rule 75.

Other Services & Benefits for Children

Standard 10. Life Skills

1. Regular classes should be conducted for children in order to enhance awareness of life skills such as grooming, socialization, and communication; conflict management and stress management through yoga, mediation etc. as well as leadership training. Both formal and informal processes, including mentoring and exposure visits, should be used. Modules prepared by SCERT/SSA are to be utilized for school going children.
2. In order to restore a sense of well-being and dignity, innovative and creative tools for teaching life skills such as arts, crafts etc., should be used.
3. Children should have access to a variety of reading material in the library for the moral and social development of children -such as Magazines, Story books, Newspapers, Primary Education book, Newspapers, Weekly Magazines, Novels, Moral stories, General knowledge books, Historical books, Autobiographies, Spiritual books, Dictionary, Educational and amusement books etc.

Standard 11. Community Participation In Provision Of Care And Protection (Rule 110)

1. The Officer-in-charge or the Superintendent and the Management Committee should encourage the active participation of the local community in improving the conditions of the Home. Community members should be encouraged to serve the institution or contribute through their expertise.

Entry, Care, Restoration and Repatriation (Chapters 3,5, 6 and 7 of the JJ Rules 2014)

Expected Outcome: Young people are received warmly and with affection, and receive care, which helps them to prepare for, and also supports them in the transition to independence and adulthood, so that they can realise their potential and achieve personal, social and economic wellbeing.

1. Preparation for adulthood is a continuous process and it begins immediately after the child or juvenile is brought to the Home. The care provided to the child or juvenile at all times during his or her stay in the Home must be consistent

with the statutory requirements as well as the child or juvenile's individual needs, circumstances and capabilities. It must be based on the Individual Care Plan that is drawn up for this purpose in consultation with the child or juvenile, and monitored at regular, prescribed intervals by the appropriate authorities. The ultimate objective of this endeavour shall be to ensure that the child or juvenile is rehabilitated and reintegrated into society.

2. The child or juvenile should be supported to:
 - Develop positive self-esteem, and establish appropriate social and gender-related relationships;
 - Prepare for the world of work, or for further or higher education as the case may be;
 - Prepare for moving into her or his own accommodation;
 - Develop practical skills like shopping, buying, cooking and storing food, washing clothes etc., to help manage daily lives, and to understand and take responsibility for one's self care, especially in aspects like hygiene, healthcare, exercise and healthy nutrition;
 - Develop financial capability, knowledge and skills, including the saving habit; and
 - Know and be aware of entitlements to financial and other forms of support, available even after leaving the Home, which could include benefits and support from Government social care services.

Standard 12. Induction Of A Child Or Juvenile Into A Home (Rule 63)

7. A new child or juvenile should be accepted only as directed by the Child Welfare Committee, JJ Board, or the Court. However, there are certain circumstances when a child or juvenile may have to be accepted into the Home on a temporary basis before being produced before the CWC or the JJ Board respectively. The procedures to be followed in such situations are spelt out in Rule 12 (especially Rules 12(8), (9), (12) and (13) for juveniles, and Rule 31 (especially Rules 31(1), (2), (4) to (8)) for other children.
8. In all cases the child or the juvenile has to be presented before the JJ Board or the CWC either within 24 hours, or on the next working day, with the relevant documentation, explaining the reasons for any delay as well as action taken in the latter scenario
9. The Home staff should ensure collection of all possible data from the police, or any other person authorised to temporarily place the child in the institution, so that the process of reporting (Rule 31) and other requirements (Rule 63) are complied with. The induction of the child into the Home should be undertaken effectively right from the time the child reaches the Home. In the case of juveniles in conflict with the law, the procedures spelt out in Rules 12 and 13 of the JJ Rules shall apply

10. Every child or juvenile who is brought to the Home should be received with due care and treated with love and dignity. The actions to be taken by the Officer-in-charge or the Superintendent, who will receive the child, and by other members of the staff at the time of induction into the Home have been spelt out in detail in Rule 63. This includes briefing the child about the functioning of the Home, standards of expected behaviour including hygiene, daily routine as well as rights, responsibilities and obligations within the Home.
11. The induction exercise could become an opportunity for involving older children, who have been trained to be peer counsellors, to familiarise the new child with the functioning of the Home, and to break the ice between the new arrival and the older children
12. The body search that has to be done at the time of induction (Rule 63(9) and 65(1) and (2)) must be carried out with extreme sensitivity, and any bruises or injuries noted on the child's body must be documented and reported to the CWC or the JJ Board (Rule 63(2))
13. Timelines prescribed for activities like taking the child's photograph, conducting the medical test (also see Rule 31(8) and Rule 65(l)), preparing an Individual Care Plan etc., (63(14)) must be adhered to. A case file is also required to be immediately started for the new child or juvenile (Rule 63(11) with the available information; immediately thereafter, efforts should be made to collect information and trace the child's antecedents with the help of the Probation Officer (PO)/ Child Welfare Officer (CWO) and through the Track a Child System of the Department of Social Justice (DSJ)
14. A juvenile or child can be admitted into the Home without insisting on a medical certificate. (Rule 58(1)k) The follow up action to be taken after the comprehensive health check, to be done within 24 hours of the arrival of the child or juvenile, including the documentation to be maintained, is given in Rule 58(1), Rule 59(1) and Rule 63(e) and (f). This must be complied with carefully to prevent any outbreak of serious infections among the other children or juveniles in the Home.
15. Each child or juvenile should be provided with a welcome kit (see Schedule 1) as specified in Rule 63(d), immediately on arrival, and his/ her personal belongings and valuables must be immediately disinfected and stored in safe custody and handled as per the provisions of Rules 63(8), 65 and 66. All prohibited articles must be treated as instructed in Rule 64.

Standard 13. Blueprint For Providing Individual Care

1. Through the JJ Rules, the Government has laid down the blue print for ensuring that the quality of the care provided to the children and juveniles in various Homes are consistent and comply with the requirements under the JJ Act. Such care is the right of every child and it is therefore non-negotiable.
2. The case history of each child or juvenile who is in the Home is required to be maintained as per Form XX of the JJ Rules as well as Rule 67. Such information

needs to be computerised and networked so that the data is centrally available to the Government and other relevant authorities.

3. An Individual Care Plan has to be prepared for each juvenile (Rule 15(3)) or child as per the guidelines given in (Rule 63(15)) and in the format given in Form XX1 of the JJ Rules. All care plans have to be monitored as per the frequency prescribed in Rules 59(9) and 63(14c).
4. The Individual Care Plan will provide scope for fortnightly updates and also for pre-release and post release reports. This document too shall be part of the case file of the child or juvenile. It has to be prepared in consultation with the child or juvenile, and it must accompany the child if he or she is shifted from the Home.
5. Medical and mental health records are also to be maintained for each juvenile or child as prescribed in Rules(8(1)) and 59(1),and kept as part of the Individual Care Plan in the case file.
6. The Individual Care Plan should ensure that the Home provides education to all children as per Rule 60, based on an initial assessment of their aptitude and capabilities.
7. Appropriate training, including livelihood training, should be imparted taking into consideration the child's capabilities and the emerging areas of human resource requirements so that the training is useful to them even after release from the Home. Rules 49, 50, 61 and 68(10) of the JJ Rules contain the detailed provisions regarding the measures to be taken in this regard
8. Some of the important facilities that can be provided to support a child or juvenile in furthering his/ her education include special tuitions for the needy and the bright students, compulsory, general education upto the age of 14 years, permission to perform non hazardous, remunerated work for juveniles over 14 years of age, compulsory physical education, drill as well as gardening for all children, to name a few.
9. As per Rule 60 (8), the transfer certificates issued to children by the Home for their admission in other schools shall be considered equivalent to those issued by schools under the Government.
10. Medical and mental health care, including specialised care, group therapy etc., should be provided as per the provisions of Rules 58 and 59 The availability of a First aid kit, and staff who are trained to provide such care, services of trained counsellors, weekly medical check ups and access to specialists are among the facilities must be ensured as part of providing good medical care .
11. Each child or juvenile must be assigned a specific personal adviser, whether it is from the staff or accredited voluntary social workers to serve as a friend and guide during the stay in the Home.(Rule 63(4))
12. Normally a child or juvenile is placed in a Home close to his/ her residence keeping in mind the need to restore the child or juvenile to his/ her original

family. If this not found to be in the best interests of the child, he or she can be transferred to another place of safety, Home etc. (Rule 32(26))

13. Similarly there are cases of children who hail from other districts, states or even other countries who are initially admitted to a particular Home. They need to be transferred to a Home near their place of residence, for which the procedures have been spelt out (Rules 92 and 93)
14. When effecting transfer, due approval of the CWC or the Board is required. A medical examination must be conducted 24 hours before such transfer (Rule 58(m)) and in all the case the child's papers must be transferred to the new place along with the child or juvenile, although a copy must be retained in the Home from which the child has departed. At all times, the best interest of the child is paramount

Standard 14. Restoration And Rehabilitation

1. The main objective of restoration or rehabilitation is to mainstream the children into their own families. The prime objective shall be to restore the child to her or his parents, adopted parents, foster parents, guardians, fit person or fit institution from whom the child came, in that order of preference. Rule 78(1) also adds that the Committee shall declare no new person or institution as a fit person or institution for this purpose. However, Rule 78 (7) provides that the child or juvenile shall not be coerced or persuaded to go back to the family, if the child has expressed an unwillingness or if the parents or guardians refuse to accept the juvenile or the child back, and it is determined after an investigation that sending the child back will not be in the best interests of the child.
2. Formalities for the restoration or rehabilitation process should begin only after giving a fair hearing to the child or juvenile and after giving a fair hearing to the parents, guardians etc., and after taking into consideration the various reports available from the Probation officer, social worker etc. on the Home, the social environment and such other factors relating to the child or juvenile. (Rule 78 (2) and (7))
3. The exercise for rehabilitating a juvenile should be part of an individual care plan, and begin 6 months before the date of release, giving adequate time for inquiry and assessment. In the case of both categories of children, the preparation for rehabilitation should form part of the regular quarterly discussions by the Committee on the Individual Care Plan, and it should include plans for close follow up at least for two years after release from the Home. (See Rule 17 of the JJ Rules.)
4. Before a child or juvenile is restored or repatriated, a detailed discussion should be held with the child or juvenile and the restoration team on what explanation should be given to the family on her or his absence from her village or community. The child or juvenile's version should be adopted as final.
5. Proper record and documentation (photos, undertaking from parent or guardian) should be maintained for all restoration undertaken.

6. No child or juvenile shall be sent back to the family without adequate assessment and without ensuring social acceptance and family support. A policeman or staff of the Home shall duly escort them to their homes at the cost of the Government. Female children should always be provided with female escorts. (Rules 78(5) and 17(5 to 7 and 12)).
7. Formalities should be completed for the children before being restored and repatriated as Rule 78.

Standard 15. Follow Up

1. The follow up plan for the child or juvenile, after release from the Home should form part of the Individual Care Plan prepared by the Probation Officer (PO) or the social worker/ Child Welfare officer (CWO). This will be implemented for 2 years to ensure effective restoration. Quarterly reports will be submitted by the PO/ CWO to the CWC or the JJ Board, with a copy to the Head of the Home, who will file it in the relevant case file and place it before the next meeting of the Management Committee (Rule 78(11 and 12)).
2. Where it is not possible to follow up due to the non availability of government functionaries or NGOs, the District Child protection Unit should be entrusted with the task of providing the after care support (Rule 78(13)); where Government functionaries are available, the local PO or CWO should be assigned this duty (Rule 17(17))
3. The follow-up program should ensure the following:
 - a. Status of the child or juvenile: whether he/ she enjoys protection against stigma and discrimination.
 - b. Protection against any other exploitation.
 - c. Confidentiality.
 - d. Reorientation/ensuring/exercising of full citizen rights
 - e. Whether livelihood options are being availed
 - f. State of mental health
 - g. Restoration/ensuring/exercising of rights over parental, ancestral and community property and entitlements, if any.
 - h. The needs to be met by Government to reduce further vulnerability

Standard 16. Social Reintegration

1. Where the child or juvenile has no parents or relatives or she or he wish to surrender their rights, options like adoption, placing children in foster care or with After care organisations, Fit persons and Fit institutions need to be considered as provided in Rules 40,41,46,47,49, 83 and 84. However, no new institution or person should be considered as fit for restoration by the

Committee; this option should have been part of the Individual Care Plan, and not be a last minute option (Rule 78(1)).

2. Those children whose families do not accept them and those for whom families are not a conducive space for restoration (for example, when parents or families are involved in crimes) special efforts should be made to support the child to stand on her or his own feet and slowly, in a phased manner, supported to live in society independently.
3. In this scenario the Aftercare organisations play an important role to help them reintegrate by the time they are 20 years of age (Rule 17(9 and 10) (15, 17, 18) and Rule 49).
4. Collaborations with government agencies or non-government organizations should be made on priority basis to provide employment services, entrepreneurship development training, which will include skills, knowledge, resources, marketing skills, and access to microcredit in the district where the child or juvenile is reintegrated.
5. The Home shall conduct outreach/support activities, or shall oversee the delegation of those activities to other organizations like Community Colleges/ social work institution etc., in accordance with the reintegration plan. Outreach/support activities shall be conducted only with the consent of the child. (Rule 49(18))

Administration Documentation and Reporting

Expected Outcome: Record keeping and documentation are meticulously and transparently maintained as per Rules 79-81. Staff and administration are responsible for ensuring a caring, safe, and homely atmosphere for the children. All administration and accountability are focused on this principal obligation.

Standard 17. Documentation And Reporting

1. There are two types of documents that are required to be maintained in a Home. One set pertains to the children who reside in the Home while the other relates to the administration of the Home. In Rule 81, the 15 registers that the Superintendent or the head of a Home is currently expected to maintain, to comply with the requirements of the Act, have been listed. In addition, Rule 17(1) requires the Head of the Home to maintain a roster of the juveniles to be released on expiry of the period of stay ordered by the JJ Board. It will be the responsibility of the Head of the Home to ensure that the registers, and reports which are prescribed from time to time, are strictly maintained as required.
2. Among the 15 current registers mentioned, a few, like the Medical file or Medical Report, the Inquiry Report file, the Individual case file with the Individual Care Plan and the Children's suggestion book, are connected with the provision of care to the children who are admitted into the Home. They have to be started as soon as the child or juvenile enters the Home and must be updated regularly and put up to the Management Committee for review every month. The formats for some of these documents have been given in the JJ Rules.

3. The other registers pertain to the functioning of the Home, its administration and the management of the care provided in a Home. Therefore, their regular updating is also very important and must be ensured.
4. The records pertaining to each individual child or juvenile are both sensitive and critical for providing care to them. Therefore they have to be filled in accurately, comprehensively and as per the timelines prescribed for each of them. The case file and its enclosures have to be maintained even after the child is restored or rehabilitated because the CWC and the Management Committee will continue to review progress every quarter for a minimum of 2 years
5. There are a number of reports that the Head of the Home is required to send to the CWC or the JJ Board or the DSJ on a periodic basis; there are also reports that have to be sent to certain authorities about unusual but important occurrences in the Home. There are also reports that have to be made to the Management Committee and also for keeping in the case file of each child or juvenile. Similarly, the CWO is also required to make certain reports to the CWC. Annexes to the Rules provide formats for several forms and these should be used as necessary.

Standard 18. Confidentiality

1. No information about a child will be given to any outsider without the permission of the authorized personnel and the informed consent of the child.
2. All case records, especially medical records, should be maintained with utmost confidentiality. Provisions of Rule 114 must be scrupulously followed.
3. It must be noted that every child or juvenile is entitled to confidentiality as a matter of right. Hence all measures must be taken keeping this aspect in view.

Standard 19. Accreditation

1. All organisations or institutions that seek to function as Observation Homes, Special Homes, Children's Homes, Shelter Homes and Aftercare Homes need to be certified or recognised under the Act for which they need to have certain facilities available in terms of infrastructure, specialised manpower and services, through which they can provide the minimum standards of care that are essential for the all round growth, health and development of the child or juvenile. These requirements have been spelt out in Rules 53 to 61.
2. In the matter of providing medical care and addressing mental health issues, organisations must arrange to have referral facilities to provide the services of specialists and also to provide hospital care. Similarly, the institutions must have linkages with vocational training centres, community colleges and similar institutions that can help provide good support towards rehabilitating the juvenile/child.
3. All recognised organisations must also comply with the documentation, reporting and requirements that have been prescribed under the Act and Rules.

4. The procedure for recognising and registering these institutions is given in Rules 85 and 86.
5. There is also provision to recognise a Fit person or a Fit institution under Rules 83 and 84 of the JJ Rules. The procedure to obtain this recognition has also been clearly laid down therein.
6. Recognition and registration of organisations/institutions is for a specified period, and cannot be taken as a matter of right. If there is any shortfall in the quality of care, as assessed through an inspection, the recognition can be withdrawn at any time, giving due notice. While the institution or organisation has the right to appeal, the Government will have to make alternate arrangements for the rehabilitation of the children in that Home (Rule 85(6 to 10)).

Standard 20. Administrative Staff Recruitment/Training (Rule 82)

1. Rule 82 indicates the requisite human resources and their qualification needed for a Home. Prior to recruiting any staff for the Home, their past record and assessment of their skills and attitude should be specially reviewed. Special care should be taken to ascertain any indications of past criminal record or association, sexual offences, psychological disorders, addictions (alcohol, tobacco, pan parag, drugs, etc.)
2. All staff members must be made fully conversant with the requirements of the Act. All staff should be given induction training and be adequately sensitized on aspects of childcare, needs of children, first aid and counselling. They should also be made aware that they are individually and jointly accountable for the well-being and the security of the children.
3. The caretakers of specialized institutions should be qualified in child psychology or social work. As these institutions are specialized for reformation, development and correction, trained staff with skills in assessment and monitoring should be made available.
4. The Management Committee of the Home must meet every month without fail and function as prescribed in Rule 68 f(5). The Management Committee must arrange for workshops and life skill training for the staff from time to time (Rule 68(10)) Opportunities should be provided regularly for staff to update their knowledge and skills as well as for more advanced and specialised training in safeguarding and child protection. Training must be appropriate to the role of the staff. In-service training also needs to be provided to the staff through the capacity building programmes arranged through the DCPU from time to time (Rule 95(2)m) Details of all the training to be given to the personnel in each Home, to familiarise them with their statutory responsibilities and specific job requirements, are given in Rule 106 of the JJ Rules.

Standard 21. Participatory Monitoring & Evaluation

1. Within the Home there should be staff meetings fortnightly to implement the Minimum Standards of Care. There should also be monthly meetings with the

balasabhas to review how the Minimum Standards are being implemented and to strengthen the Minimum Standards.

2. Feedback on the Minimum Standards should be used to improve on the management of the Home. Home Management meetings should be convened monthly to review the improvement of the standards.
3. Monitoring should be participatory (children, NGOs, and Government officials) with the aim of meeting the prescribed standards in full.
4. Half-yearly internal audits and external social audits should be done annually, apart from ensuring total transparency in matters related to receipt of funds and expenditure.

Logistics of the Home

The Home is a safe haven for every child or juvenile residing in it

Standard 22. Location Of The Homes

1. The location for the Homes for children/ juveniles must be such that it minimizes any risk to the residents, provide them with privacy, and should have a favourable ambience. Therefore, it should not be close to a public facility, liquor shop, slum or shanties, or public places such as auto stands, bus stations, railway stations, roadside stalls, etc. Care should be taken to ensure that the physical infrastructure allows no undesirable outside contact.

Standard 23. Physical Infrastructure And Other Facilities To Be Provided In Homes

1. The objective is to provide in each Home an environment, which is congenial, free from abuse, which will encourage the child or juvenile to cope with his/ her situation and regain confidence.
2. Homes for juvenile in conflict with law and for children in need of care and protection must be provided in separate premises. Similarly, separate facilities, including for bathing and sleeping have to be provided for boys and girls in all categories of Homes mentioned in Rule 53.
3. The only exception is in the case of Children's Homes located in districts, which do not have any Specialised Adoption placement agency/ Foundling Home. In such cases the Children's Home must have separate facilities for children in the age group 0 to 5, including facilities for infants
4. Classification and segregation of juveniles and children in need of care and protection must generally be done according to their age group and taking into consideration their physical and mental status. In the case of juveniles, the nature of the offence committed must also be a factor in segregating them.
5. For children in need of care and protection, the age grouping will normally be 5-11 years, 12-16 years, and 16-18 years. For juveniles in conflict with the law the first group will be 7-11 years.

6. The requirements in terms of physical infrastructure have been given in detail in Rule 53 of the JJ Rules.
7. All Homes should be well equipped with amenities such as water, electricity, sanitation, approach road, etc., Each Home should be provided with an incinerator for effective waste management. Provision of utilities and waste management should also ideally include green approaches such as rainwater harvesting, use of solar energy, bio-gas, waste water and management of solid and organic waste.
8. Every child has to be given boarding facilities that help to establish his/ her dignity, self-esteem and all round development. The requirements in this regard are listed in Rules 54,55 and 57.
9. The kitchen design must take account of the safety needs of children, who may be involved in the preparation of meals and snacks.
10. Minimum facilities and services required to provide medical and mental health care, education, vocational training and recreation have been given in detail in Rules 58 to 62. Every Home must ensure strict compliance of these requirements as the quality of care prescribed in the Rules is non negotiable.
11. Failure to comply with the provisions can result in de-recognition of the Home. The Management Committee of the Home, the JJ Board, the CWC and the DCPU will ensure that the Home meets the requirements through regular visits and inspections, and by obtaining effective compliance reports. Openness and transparency in the functioning of the Home must be ensured through following the provisions in Rule 110.

Annex I: Protocol on Conflict Management¹

All children have the right to an impartial process of dispute settlement. Non-adversarial and non-intimidating processes such as conciliation and negotiation are being utilized.

1. While there is flexibility on the type of dispute resolution mechanism that must be put in place, the process must be speedy and fair. This process should be conducted in a manner to ensure a fair hearing for both parties.
2. Reporting a dispute can be by a student or staff. It can also be made through the Suggestion Box, which must be opened as prescribed by Rules 68 (7) and (8).
3. The process of dispute and the final results should be documented with a fair amount of detail in the daily diaries.

Managing Disputes Between Children

Types of Conflict & Possible Preventive Measures

Typology of Conflict	Selected Examples of Preventive Measures
Violence on new Entrants (Ragging, Stealing their things, forced labour)	When a new child comes in, have a welcoming committee of children who befriend the child until she or he is more at home Try to find a solution through the Balasabha. If Balasabha ideas are not being implemented appeal to Super Pay attention to new child until she or he has settled into the daily routine of the Home Involve NGOs and Community welfare workers
Groupism and Gang fights	Group counselling Use more positive children to influence change, or segregate problematic children Support team work and games for positive use of energy, and tailor the individual care plan to each child
Domination by the strong over the weak:	Examine need for behaviour modification through counselling Increase awareness of rights of children
Homosexuality	Segregate children Advise and counsel both the perpetrator and the victim

¹This protocol covers all minor disputes but does not extend to sexual harassment or other offences, which are covered by existing laws.

Typology of Conflict	Selected Examples of Preventive Measures
Destroying things of others, Stealing	Support team work and games for positive use of energy Try to understand why the children who misbehave are doing so and prepare ICP Regular discussion at Balasabha meetings about these issues without pointing fingers or isolating anyone. Advise children of the consequences of such behaviour if it continues. If it is an attention seeking problem, it is important to provide counselling
Possessiveness of small children by big children-	Rotate responsibilities
Use of Bad language and other such behaviour	Imposition and try behaviour changing measures including counselling Staff must be asked to be good mentors

4. Establishing a Child Mentoring Committees (CMCs) is one option when considered necessary, and when it is felt that the Balasabha leaders do not have the capacity to provide neutral support to the children. Under the guidance of the superintendent or an NGO or other Voluntary worker, a child mentoring committee (CMC) may be established to support and settle disputes between the children. The CMC must consist of senior children, selected by the superintendent from the Children's Committee. The members of the CMC should possess skills and mental aptitude to be able to provide additional care to the junior children, and to contribute to the overall social and emotional welfare of the children.

5. A transparent process of selection based on clear criteria must be established for selecting CMC members. The superintendent, in consultation with the caretaker, may make some arrangements to compensate them in kind or in cash as an incentive and as part of a development process, but care should be taken to ensure that this does not affect the moral of the Balasabha leaders. A capacity development module should be developed for those children who are interested or have the potential to be such Peer Counsellors.

Dispute Process

6. When the dispute is between children, the preferred method of dispute resolution is "conciliation", that is a third party must not intervene or take sides but merely facilitate the children to arrive at a solution in a peaceful manner through discussion. The possible steps such a facilitator can take in a conciliation process are as follows:

- Separate the children and allow them to cool off when upset
- Encourage them to speak directly to each other
- Encourage children to speak assertively but honestly and kindly sticking to facts and avoiding opinions and personal attacks

- Direct children to listen carefully to others and accurately paraphrase their words.

7. The facilitator should ideally not propose solutions but encourage the children to come up with a solution. Where needed, the facilitator can arrange for individual or group counselling. If a child has deviant behaviour, she or he must be sent for counselling or to a psychologist

Appeal Process in Disputes Between Children

8. For minor disputes between children, the Balasabhaor CMC leaders in consultation with the staff may be the final authority.
9. For more serious matter (that is issues which may be considered an offence), the Superintendent is the final authority

Disputes Between Staff and Child

Preventing Conflict between Staff and Child

10. The reasons for conflict between staff and children are various, On the part of the staff, they range from a lack of proper understanding of the child, her or his behaviour and demands, a lack of commitment to the sensitive nature of their responsibilities, holding rigid views, prejudices and actions that leads to friction, making insulting comments etc. On the part of the children, it could be due to lack of role models or their deviant behaviour
11. Open and transparent dialogue between children and staff is essential to ensure cooperation in the Home. Regular staff meetings are also needed for staff to arrive at a consensus on how to handle any conflict issue, keeping always the best interests of the child. It is also essential to encourage children to air their views through the Balasabha meetings.
12. All staff, particularly the superintendent and the caretaker, must ensure that they are good role models for the children. These include characteristics such as punctuality, use of proper language, proper decorum, absence of any vices or addictions, and so on.
13. Since the children are often scared to report against their superiors, each Home must establish and publicize a process for reporting anonymously.

Process for Settling Disputes Between Staff and Children

14. Mediation is the preferred way for settling disputes between staff and children. The Superintendent must mediate such disputes. He must act in an impartial and fair manner ensuring that the interest of the child is paramount.
15. He may suggest disciplinary action against staff to higher ups (this must be considered an extreme measure in cases such as doing bodily harm to children or where despite a first warning, the staff member continues to act in a way that generates conflict with children.)

Appeal Process

16. Minor disputes – in the case of minor disputes between children and staff, the Superintendent will be the final authority.
17. In the case of more serious matter or in a case where the Superintendent is involved, the District Child Protection Officer would be the final authority.

Common requirements

18. Keep Suggestion book and box and follow procedures in Rule 68(6 to 10).
19. The Superintendent must maintain a daily journal so as to be able to recount the details if necessary. If misuse by child is alleged, the Superintendent must dialogue and discuss with the child to better understand the reasons for such an incident, document all facts, and if no action is proposed to be taken, he prepare a written note to justify why no action was taken. He must send a report to the CWC about the incident within seven working days of being informed of such incident.

Annex II: Protocol to Prevent and Manage Abuse by Staff within Children's Home

Children are protected from harm, neglect, exploitation, maltreatment, corporal punishment, confinement (solitary or otherwise) and abuse during all the stages that the child remains in contact with JJ system.

1. This protocol is intended to help staff and residents of Children's Home to work together to prevent abuse of children by staff, and to take action in a timely and transparent manner when necessary. It is also a pilot to make consistent rules for addressing abuse. This protocol is developed based on discussion by a set of staff from Children's Home. Select Children Homes are expected to revise the Protocol in consultation with their staff, discuss the procedure with the children, and pilot implementation between June and September 30, 2014.

2. This Protocol illustrates the type of abuse, suggests factors that may help to identify such abuse, measures that could be taken to prevent such abuse, explains who may complain about such abuse, and briefly states the steps that must be taken to address such abuse.

Types of Abuse

3. Abuse can be defined as any act or omission, which results in mental trauma or physical harm. This includes:

- Verbal/Emotional
- Sexual²
- Physical
- Neglect
- Maltreatment
- Economic Abuse

Examples of Emotional / Verbal Abuse

- Frequently blames or criticizes you
- Calls you names
- Ridicules your beliefs, religion, race class or sexual preference
- Blames you for "causing" the abuse
- Ridicules/makes bad remarks about your gender
- Criticizes or threatens to hurt your family or friends
- Isolates you from your family and friends
- Tells people you suffer from a mental illness
- Uses phrases like "I'll show you who is the boss," or "I'll put you in line"

²Responsibilities and processes for handling incidences of sexual abuse is covered by the POSCO Act 2012 and is not discussed in this Protocol. The Superintendent should take all necessary actions under the when such an incident occurs.

- Uses loud or intimidating tone of voice

Examples of Physical Abuse

- Any Physical Abuse intended to hurt
 - Pushes, grabs or shoves you, slaps you, punches you, kicks you, pulls your hair, burns you, ties you up
- Threatens you with a knife, gun or other weapon
- Prevents you from leaving an area/physically restrains you
- Throws objects
- Destroys property or your possessions
- Drives recklessly to frighten you
- Disregards your needs when you are ill, injured or otherwise in a weak situation

Examples of Neglect and Maltreatment

- Neglect is the failure of a caregiver to provide for a child's basic needs. Neglect may be:
 - Physical (e.g., failure to provide necessary food or shelter, or lack of appropriate supervision)
 - Medical (e.g., failure to provide necessary medical or mental health treatment)²
 - Educational (e.g., failure to educate a child or attend to special education needs)
 - Emotional (e.g., inattention to a child's emotional needs, failure to provide psychological care, or permitting the child to use alcohol or other drugs)
 - Prohibit children from participating in recreational activities; maintain the sports materials in the personal custody of a staff member so as to deny access to the materials to all children or groups of children or any child in the home; deny children's opportunities to attend camps, sports or art activities conducted by government or other authorised organisations; fail to take necessary steps to arrange picnics, tours, other recreational or entertainment programmes, as per rules or departmental circulars or orders.
- Maltreatment may be instances such as making you do the job of the cook or a gardener³

Identification of Abuse

4. It is often difficult to identify abuse, but some of the warning factors are indicated below. It is the duty of all staff to be vigilant in monitoring any type of abuse that could occur and so be on the look out for such signals. Such steps should be undertaken in a responsible fashion. Signals can include the following:

- Change in non-verbal behaviour
 - Withdrawal, Gloominess and Crying

³This is acceptable when it is done as part of a daily routine decided in a transparent and fair fashion by the Home Staff and Children.

- Physical abuse – wound, scratch, complaint of pain
- Sexual abuse
 - Fear of others withdrawal, loss of trust, depression
- Maltreatment and Neglect
 - Shabby clothes, Unkempt appearances, Low self esteem, Is reluctant to be around a particular person or does not want to go to the Home or tries to escape
- Child discloses maltreatment
- Suicidal attempts, Insomnia or lack of appetite or over eating

Measures to Prevent Abuse

5. While steps to prevent abuse will depend on the context in the Home, some measures could include:

- Education must be given to children and staff for recognising and responding to bullying behaviour. Children must be involved in discussion and decision-making regarding their own safety and protection, including outside the Home and on-line. Children must be given incentives for good behaviour (Rule 56(3)).
- Children must be informed and know how to make a complaint or allegation of abuse. Children must be provided with access to trusted adults outside the Home and know how to contact helpline services.
- Any child or juvenile who has been involved in abuse must be provided with information, support and counselling and involved in the planning of the support programme. Staff and Children must know how they will be supported in the event of an allegation being made. (JJ Rules 73)
- Train Superintendent and staff to effectively deal with the issues as well as about alternative mechanisms to corporal punishment to establish discipline.
- Prepare Safety Plan to prevent abuse
 - Tailored to the type of abuse in the Home – segregate children, remove staff with potential to harm, pay specific attention to children at risk
- Revitalize the concept of Suggestion Box and Book (Rule 68)
- Provide adequate training for communication and problem solving to Super
- Inspection of staff performance through surprise checks

Who Can Complain?

6. Anybody can complain about abuse of children including staff, children, or others who may be involved in the functioning of the Home.

- Complaint from Child
- Complaint from peers
- Complaint for other staff
- Counsellors and psychologists
- Through direct complaint to CWC, JJB, MC, DJ, and MC
- Suggestion Box

Upon Allegation of Abuse ...

7. Sexual, Physical abuse or Neglect
- Staff or child reports to the superintendent

- If the superintendent is alleged to be involved, the child or staff member can report to the CWC

8. The Superintendent must follow the procedure provided in Rule 73 of the Kerala JJ Rules. Any child or juvenile who has been involved in abuse must be provided with information, support and counselling and be involved in the planning of the support programme. Staff and Children must know how they will be supported in the event of an allegation being made. (JJ Rules 73)

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