Child Protection Policy

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KiDs Beach Club®
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KiDsBeachClub.org

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Child Protection Policy

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Texas Child Protection Definitions and Laws

Definition of child abuse or neglect as defined by the Texas Family Code:

Child abuse is defined to include acts or omissions which cause or permit:

a) Mental or emotional injury to a child.
b) Physical injury or threat of physical injury to a child.
c) Failure to make reasonable efforts to prevent action by another person that results in physical injury to a child.
d) Sexual contact with a child.
e) Failure to make reasonable efforts to prevent sexual contact with or in the presence of a child.

Neglect includes:

a) Leaving a child in a situation where the child would be exposed to a substantial risk of harm.
b) Requiring the child to use judgement or take actions beyond the child's level of maturity, physical condition or mental abilities.
c) Failure to obtain medical care for a child.
d) Failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child.

Sexual misconduct

Sexual misconduct claims include all crimes involving sexual conduct under the Texas Penal Code. They include indecent exposure, indecency with a child and sexual assault including rape. They also include conduct that may not violate a penal statute but is still sexually oriented such as sexual harassment and sexual suggestion. If this conduct is committed by agents of this organization, either employed or volunteer, claims are often made against the individual and the organization.

Duty to report … the Texas Reporting Statute

Any person who learns of or has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person must report that belief to a local or state law enforcement agency or the Texas Department of Protective and Regulatory Services.

An oral report must be made immediately upon learning of the abuse or neglect or the likelihood of abuse or neglect. A written report (Form #4) must be made within five days to the same agency or department.

The report shall be non-accusatory, meaning the identity of the victim of the abuse or neglect must be identified but the person making the report is not required to speculate as to the person who committed the abuse or neglect.

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Liability for failure to report

A person failing to report child abuse or neglect commits a Class B Misdemeanor punishable by fines up to $1000 and/or confinement for up to 180 days. Additionally, a person who is the victim of child abuse and his or her family may bring a civil claim against the organization and/or its agent (the person who failed to report the crime) as required by law.

Immunity

A person making a report or assisting in the investigation of a report of child abuse or neglect is immune from liability, either civil or criminal, that might be incurred. This means that a person who reports child abuse and is later sued by any of the parties including the parents of the child or the accused perpetrator of the crime, can defend themselves on the basis that their actions were absolutely protected by this immunity statute and the reporter should not be liable for damages relating to the reporting.

Clergy privilege

The Texas Rules of Civil and Criminal Evidence provides that communications between clergy and an individual consulting with him or her for the purpose of seeking spiritual advice in the clergy's professional capacity is considered privileged.

There is however, an express exception which provides that the privilege disappears in the event the clergy member learns of child abuse or neglect, and the clergy is required to report the information to authorities under the child abuse reporting statute.

Organization liability

A non-profit is liable to civil action if, as an employer, it failed to make inquiries of past employers (where names and addresses have been disclosed) who employed the employee within the last five (5) years, concerning the possible occurrence of sexual exploitation by the employee.

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KiDs Beach Club®
Selection and Screening Process

1… Goal

It shall be the goal of KiDs Beach Club® to provide a safe environment for the physical and emotional well being of all children participating in Beach Clubs. KBC's goal is to inform workers and enforce policies to ensure that all children are safe and well protected while attending scheduled activities.

Future revisions to this policy may be made with the authorization of the President, Chief Operating Officer, and or the Board of Directors.

2… Definition of "children"

The term "child" or "children" shall include all persons under the age of eighteen (18) years.

3… Pre-employment procedures for paid and volunteer workers

It is the goal of KiDs Beach Club® to adequately screen the applications of persons desiring to work with children participating in all child-related programs. All workers, paid or volunteer, must fill out an application and submit authorization to a screening process.

4… Volunteers must be members in good standing in a local church

All volunteers who work with children must first be in good standing with a local Church. All volunteers who are not members of the partnering church will need to submit a recommendation letter from their Pastor or from a staff member of their church. Under certain circumstances, an exception to this rule may be authorized by the President of KBC.

5… Classification of workers

In order to screen appropriately and according to their responsibilities, all volunteers and workers will be placed into two categories: Primary and Secondary. These terms refer to the relative levels of responsibility and risk, not to the ages of the children being served.

Primary workers:
All paid staff members and all employees of KBC are classified as primary workers and should meet the primary workers screening standards.

Secondary workers:
Persons who are non-paid and agree to volunteer with children i.e.: volunteers who see children in group settings on school premises are classified as secondary workers. This category may also include parents of participants who help supervise activities. **All volunteer workers under the age of eighteen (18) will be considered secondary workers.**

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6… Minimum age

All primary workers must be 18 years of age or older. Younger persons may assist adults, but may not take the place of adult workers or volunteers. KiDs Beach Club® may employ responsible teens (under the age of 18) only in positions with and under the direct supervision of an approved primary worker.

7… Volunteer applications

Volunteer applicants must complete and sign an Application For Volunteer Workers Who Will Work With Children, (Form #6) or complete the KBC Online Volunteer Application.

ALL Applications will be submitted to the corporate office and On-line Applications will be processed and stored by "Protect My Ministry." KBC Club Relations Specialists in charge of their area will process volunteer applications, background checks and screening. If an applicant needs additional confidentiality, they may choose to submit their application in writing to the Club Relations Specialist or directly to the corporate office.

KiDs Beach Club® keeps confidential all information received in the applicant selection process. Such information will be stored with access afforded only to appropriate staff on a need-to-know basis.

If KiDs Beach Club® learns of false, misleading or amended information on an application that could cause potential danger to children or liability to KiDs Beach Club®, that person will be terminated.

8… References

The KBC administrative staff in charge of the enlistment of personnel will check at least three (3) references for each primary worker applicant and must conduct a reasonable inquiry into the character of secondary worker applicants. References may be checked by phone, mail or in person. Whenever possible, the three references should include:

a) A person who has known the applicant for an extended period
b) A former supervisor and
c) A member of the applicant's immediate family

Information gained in these checks should be noted directly on the application.

9… Survivors of child abuse

Survivors of childhood sexual or physical abuse need the love and acceptance of KiDs Beach Club® family. Their experience with abuse and their recovery process may be pertinent to their work with children.

Survivors of abuse may, if they choose, request confidential counseling either from their Pastor/Clergy or from a professional counselor. It will not necessarily disqualify them from service. The desire of KiDs Beach Club® is to assist and care for survivors of abuse as well as fulfill our obligation to protect the children left in our care.

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10… Confidential interviews

All primary applicants desiring to work with children must be interviewed for suitability for the work they desire to do. Interviews are conducted by the KBC administrative staff for the position in which the applicant will work. A team of interviewers may be allowed to assist in the process. The KiDs Beach Club® policy concerning prevention and response to child abuse and neglect must be discussed during training.

11… Criminal background check

A criminal background check and child abuse registry check shall be required for all children's worker positions, both employee and volunteer. No one will be allowed to work with children who has been convicted of a crime involving misconduct with children.

Anyone seeking a position with KBC, both employment and volunteer must complete the Application for Volunteer Workers Who Will Work With Children (Form #6) or the KBC Online Volunteer Application authorizes KiDs Beach Club® to conduct these checks. Background checks will be kept in a confidential file with access afforded only to appropriate KiDs Beach Club® staff on a need-to-know basis.

KiDs Beach Club® will contract with an outside criminal background screening firm to conduct criminal background checks. The background checks are run through a national database based on either social security numbers or driver's license numbers. If a person is unable to provide either one of these documents, they will be disqualified from working with or in KiDs Beach Club. If a negative report is received the appropriate Club Relations Specialist and Club Leader will be notified.

12… Vehicle safety

Persons who drive a privately-owned vehicle for conducting Beach Club business must maintain a current valid Texas drivers license, provide proof of insurance in such amounts as may be required by KiDs Beach Club® and comply with all other KBC transportation policies.

13… First aid training

It will be the goal of KiDs Beach Club® to offer to all employees who work with children basic first aid and basic CPR (or the equivalent) certification training annually. KiDs Beach Club® will pay the cost of this training. Volunteer workers are encouraged, but not required to get training.

14… Identification of workers

All employees or volunteers who are engaged to work with children must be photographed a copy of their driver's license will be kept in their personnel file.

15… Acknowledgement of KiDs Beach Club® policies

All applicants must acknowledge that they understand the KiDs Beach Club® policies pertaining to the protection of children and that they agree to abide by them. This requirement will be met by having applicants sign the Acknowledgement of Receipt Form (Form #3) and or checking the box Acknowledgement Read on the online application.

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Supervisory Requirements
For all persons working with children
at KiDs Beach Club®

It is the policy of KiDs Beach Club® to provide adequate supervisory control of persons working with children participating in all KiDs Beach Club® programs.

The following regulations shall be applicable to all primary and secondary workers having contact with children participating in all KiDs Beach Club® programs:

16… Safety of children

It is the responsibility of all persons having contact with children participating in a Beach Club to promote the emotional and physical safety of the participants giving regard to all factors and circumstances known to them. If in their opinion, an unsafe condition exists, such persons shall immediately take appropriate precautions under the circumstances to protect all children. Nothing contained in any other KiDs Beach Club® policy, procedure or instruction shall be construed to relieve persons having contact with children from this responsibility.

17… Two-adult rule

It shall be the goal of KiDs Beach Club® that a minimum of two workers will be in attendance at all times when children are being supervised during a KiDs Beach Club® activity regardless of the number of participants, location or activity. At least one of these must be a secondary worker. These two adults can not be related to one another. At no time should an adult ever be in a room or an enclosed area alone with a child.

18… Observation of children

Club activities for children should be scheduled in areas visible from adjoining areas. Such visibility will be maintained by leaving curtains and blinds open and, wherever possible, by leaving the door to the room open. Reasonable exceptions to this rule may be made by the Club Leader in charge where seclusion is necessary for rest provided two unrelated workers are present in the room at all times.

At no time will an adult meet alone with a child in any room where the door is closed or in an area where they cannot be seen.

19… Ratio of workers to children

It is required that a reasonable ratio of 1 adult to 10 children be maintained at all times involving the supervision of children. The Club Relations Specialist responsible for the club shall be primarily responsible for setting and maintaining a reasonable ratio of workers to children giving due regard to all factors present, including the number and age of the participants, the nature of the activities and the location where the activities are taking place.

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20… Volunteer training

Each new volunteer will be given a copy of the KiDs Beach Club® Child Protection Policy which contains the legal definition of Child Abuse and Neglect. They must sign a statement (Form #3) and or Acknowledge online that they have received and read both before they can begin working with children.

21… Area Director oversight

The Club Relations Specialist responsible for each district shall coordinate with the respective Club Leader to ensure ongoing supervision of all workers. This should include regular unannounced visits into school based Beach Clubs.

22… Awareness of policy

The Club Relations Specialist responsible for each district shall periodically review the definition of child abuse and neglect as defined by law and KiDs Beach Club®'s policy concerning these crimes. These reviews can be conducted either with the volunteers individually or in groups, at least once a year and following each change in or addition to such policies. Each volunteer shall acknowledge receipt of a written copy of the policy prior to the time they commence working with children and after each change to such policy. Each volunteer shall acknowledge participating in the periodic review of KiDs Beach Club®'s policies and procedures. The signed acknowledgements shall be retained and kept on file.

23… Children's pickup

Children are permitted to leave the area of KiDs Beach Club® activity at the conclusion of the scheduled activity **only with specific parental permission**. If a child is not picked up by their parent or guardian on time, they will be kept by the secondary workers in the children's area where safe supervision can be continued until the parent or guardian is located.

24… Release of claims

Prior to any activity away from KiDs Beach Club®, a Release of Claims (Form #2) will be necessary to be signed by the child's parent or legal guardian. Without the form signed and in the possession of KiDs Beach Club®, the child will not be allowed to participate in the away activity.

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Reporting and Responding to alleged child abuse or neglect

25… Reporting policy

It is the policy of KiDs Beach Club® to report any incident of child abuse or neglect toward any child in a Beach Club.

a) Do not treat any suspicion as frivolous.
b) Notify your Club Leader and or Club Relations Specialist immediately.
c) The Club Leader in charge should suspend the accused person from the performance of duties involving children until the official investigation has been completed.
d) Cooperate fully with law enforcement officials.
e) The President or his agent will inform victim and victim's family of the steps being taken, and continue to keep them advised of the status of the investigation. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter and fully cooperate to address their requests within the bounds of a legal and prudent response. (KiDs Beach Club® legal counsel will assist in this determination).
f) In an instance where child abuse is confirmed, KiDs Beach Club® will immediately dismiss the worker from their position. Termination will be considered appropriate in the circumstances.
g) In instances where evidence is inconclusive, KiDs Beach Club® should take action with the advice of law enforcement officials depending on the strength of the evidence available and after consideration of the victim and the victim's family's requests.
h) Upon the advice of legal counsel the President will determine the amount of information he believes is appropriate to relate to the KiDs Beach Club® organization.

26… Reporting obligation

Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report the person's belief. Non-accusatory reports, that identify the victim whether or not the person responsible for the abuse is known, must be made to the local or state law enforcement agency or to the Texas Department of Human Services as follows:

a) An oral report must be made immediately on learning of the abuse or neglect.
b) Notify the Executive Director as quickly as possible.
c) A written report must be made within five (5) days to the same agency.
d) All reports must contain the name and address of the child, the name
e) and address of the person responsible for the care of the child and any other pertinent information.

The oral and written reports are required by law. This entire reporting policy is required as a condition of employment for both paid and volunteer workers.

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27… Reports required

Any worker of KiDs Beach Club® who has cause to believe that a child's physical or emotional health or welfare has been or may be adversely affected by abuse or neglect shall report that belief according to the following procedure:

a) The worker shall report such belief to the Program Director or a member of the school staff and will complete an Incident Report, (Form #4).
b) The KBC representative will immediately report to one of the following:
    1) The (Name of City) Police Department (Phone #)
    2) The Texas Child Protective Services hot line (800-252-5400)
c) The President or his agent will notify the parents of the child (unless the parent is the person responsible for the abuse or neglect).
d) The KBC President, or his agent, in consultation with the Board of Directors will notify the appropriate legal counsel.
e) The President will notify KiDs Beach Club®'s insurance agent that an abuse report has been filed with the appropriate local or state agency.

28… Incident Report (Form #4)

The person making a report should identify:

a) The name and address of the child.
b) The name and address of the person responsible for the care, custody, or welfare of the child.
c) Any other pertinent information concerning the alleged or suspected abuse or neglect.

29… Confidentiality

All reports of child abuse or neglect shall be held in absolute confidence. No person shall communicate any information concerning the alleged event to any person except as necessary to cooperate with any official investigation. Any breach of this confidentiality by an employee of KiDs Beach Club® shall be cause for immediate dismissal.

The President, in consultation with the official conducting the investigation may authorize limited additional disclosure if necessary to protect other children from harm in the near future, particularly where the person responsible for the abuse cannot be identified, but in no case shall the identity of the victim or the accused person be disclosed except as required by law.

30… Investigation of alleged abuse or neglect

No person shall attempt to conduct a detailed investigation either through examination or interrogation of the child, the accused person or a witness. It is acceptable to obtain a reasonable amount of information to have cause to believe a child has been abused or neglected.

Interviews shall be conducted only by authorized officials of the agency to whom the suspected crime has been reported or, when appropriate, by legal counsel or persons representing KiDs Beach Club® in an official capacity. All employees and volunteers of KiDs Beach Club® shall cooperate with the official investigation as requested.

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31… Suspension of duties

A person accused of child abuse or neglect will be suspended from all Beach Club related duties involving children. This would include any and all actives in or related to a Beach Club. The Board of Directors is not authorized to conduct an investigation of the incident, but they are allowed to monitor any such investigation and receive confidential information concerning the incident as may be necessary to determine issues concerning continuation of employment and compensation.

If the person is an employee they will be suspended on 'paid leave' until the investigation is completed. This removal from duty should occur in such a way that an innocent person is not immediately deemed guilty. There are false claims made each year. If the allegation is determined to be unsubstantiated, the employee can be returned to their prior position.

33… Preservation of records

Copies of all documents relating to an event of abuse or neglect occurred, including a list of all persons known to be present or in the vicinity shall be transferred to the President, or his designee, and the Executive Board. They will review them to determine if the documents are complete in accordance with KiDs Beach Club® policy. If any documents are missing, they shall make a written notation and transfer the documents to the Program Director and or President who shall retain them until advised that all criminal and civil investigations and actions have been completed.

33… Appropriate counseling and care

The Club Relations Specialist shall encourage and assist the child and the parents in securing appropriate counseling, care and support. In the event the abuse or neglect involves a member or employee of KiDs Beach Club®, the staff shall encourage and assist the individual in securing appropriate pastoral care and support, including third party counseling, being mindful of the potential for a conflict of interest.

All persons shall act towards the child, the parents and the accused in accordance with the principles of Christianity at all times.

34… Liaison with the community

The Vice President of Marketing and Communication, or his appointed agent, will serve as KiDs Beach Club®'s sole access to the media. KiDs Beach Club® should emphasize to the public its position on child abuse, its concern for the victim and the extensive steps being taken to address the safety of all children.

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