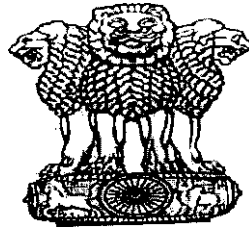


GUIDELINE FOR THE CHILD SAFETY FROM  
SEXUAL ABUSES IN THE SCHOOL



सत्यमेव जयते

School Education Department  
Government of West Bengal  
Bikash Bhavan, 5<sup>th</sup> floor, Salt Lake, Kolkata – 700 091

Government of West Bengal  
School Education Department  
Bikash Bhavan, Salt Lake, Kolkata-700091

No. 738-SE (Law) /SL/5S-356/18

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In compliance with the direction of the Hon'ble High Court passed in WP 31138(w) of 2017 dated 16<sup>th</sup> November, 2018 and in pursuant to provision of the Revised Final Report dated 16<sup>th</sup> November, 2018, the Governor is hereby pleased to promulgate following guidelines for the child safety from sexual abuses in the school imparting education from the pre-primary to higher secondary level and receiving any kind of aid from the State Government and/or recognized under the respective Boards or Council of the State.

**A. PREVENTIVE MEASURE AGAINST THE SEXUAL ABUSE IN SCHOOL**

Definition of Child Sexual Abuse - The expression 'child sexual abuse' must be understood and defined in order to cover sexual abuse in any manner and/or form, including: (a) sexual abuse without physical touch; (b) sexual abuse involving physical contact but not involving penetration; (c) sexual abuse involving penetration; (d) sexual abuse through any medium including online whether through social networks, playing online games or using mobile phones and (e) any attempt to commit any of the actions mentioned in any of the relevant sections.

The term 'child sexual abuse' covers a wide range of harmful behavior towards children and adolescents and refers to different types of sexual victimization of children. Child sexual abuse can include a range of abusive acts: inappropriate touching, penetration, coerced sex, rape, attempted rape, online grooming, harassment, groping, voyeurism, exhibitionism and producing or distributing indecent images of the child.

**1. Checking of character and antecedent of employee:**

- a) The West Bengal Board of Secondary Education, the appointing authority, while appointing teacher or non-teaching staff against the approved sanctioned vacancies in Govt. Sponsored or aided schools shall follow the rules relating to police verification as laid down in the notification 213-SE/S/10M-01/18 dated Kolkata, the 8<sup>th</sup> March, 2018 issued by School Education Department. It shall also maintain a record of all such duly classified verification reports.
- b) The Managing Committee of any Christian and other minority schools which receives aid for salary and allowances of its employee from the

State Govt. and/or recognized by the State Boards/Council, shall follow the provision of sub-clause (d) hereinafter in respect of its fresh employee whether on full, part time, contract basis or in any other form or manner.

The School Managing Committee shall complete the verification process of existing employee within 6 months from the date of this notification. The Head of the Institution, on behalf of the Committee, shall inform the same to the Sub-divisional Nodal Committee. It shall also maintain a record of all such duly classified verification reports.

- c) The Managing Committee of any school (receiving aid for salary and allowances of its employee from the State Govt. and recognized by the State Boards/Council), shall follow the provision of sub-clause (d) hereinafter in respect of its fresh employee whether on full time, part-time, engaged on contract basis, or in any other form or manner.

The School Managing Committee shall complete the verification process of existing employees whether full time, part-time or contract basis or in any other form or manner within 6 months from the date of this notification. The Head of the Institution, on behalf of the committee, shall inform the same to the Sub-Divisional Nodal Committee. It shall also maintain a record of all such duly classified verification reports.

- d) The Managing Committee of any unaided school, including D.A. getting recognized by the State Boards/Council,
- (I) while recruiting any teacher or non-teaching staff (including transportation staff of children) whether on full, part-time, contract basis or in any other form or manner:
    - (i) Take duly signed affidavit, as per specimen enclosed herewith affirmed before a notary public that he/she has not been charged/convicted of any sexual assault or abuse or any related crime at any point of time. Each candidate must also disclose the pendency of any ongoing investigation or proceeding against him/her, whether before any court, tribunal or any other authority or in the form of any internal disciplinary inquiry/hearing against him, in connection with sexual assault or abuse or any matter related thereto from the intending candidate.
    - (ii) Obtain from the intending candidate at-least one positive reference from the person/institution where he/she had previously worked, as part of his/her application to the school. In case of fresh graduates, the candidate should be required to provide such a reference from a teacher or professor of his/her university. In case of any inability to provide either of the references above, he/she should provide a reference/police verification report from

the police station in the vicinity whereof he/she resides. The reference must clearly state that it is being issued in connection with employment in a school.

- (iii) Contact the reference person for verification and;
- (iv) Preserve all records of reference and;
- (v) Share the information with the Sub-divisional Nodal Committee for preserving the same.
- (vi) Get the terms of engagement signed from the recruitee which inter-alia contains an undertaking to the effect that the recruitee shall not engage himself to any kind of activity relating to sexual abuse of children in school.

(II) Shall take affidavit and take necessary follow up action in terms of the provision of sub-clause (I) hereinabove from the serving teaching and non-teaching staff as well as from the volunteers of the school.

(III) Apart from obtaining fresh affidavit as stated, periodical affidavits, once in three years, have also to be obtained in similar fashion from all sorts of employees concerned.

The School Managing Committee shall complete the verification process of all existing employee whether full time, part time, on contract basis or in any other form or manner, within 6 months from the date of this notification. The Head of the Institution, on behalf of the Committee, shall inform the same to the Sub-Divisional Nodal Committee.

(IV) Shall take a positive letter of referral in regard to his behavior, credentials, conduct & record from their current employer for visiting guest teacher or non-teaching staff.

The Head of the Institute on behalf of the Committee shall send the action taken report, in the prescribe format, enclosed herewith, to the Sub Divisional Nodal Committee through S.M.C. and S.I. concerned as per timeline given in the **Action Points**, enclosed herewith, from the date of Notification and Sub Divisional Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send the compiled report of the District as a whole to the State Level Nodal Committee. The State Level Committee will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

Action: Head of the Institute/S.M.C./SI/Sub Divn. Nodal Committee /DI/Dist Nodal Committee / State Nodal Committee.

## **2. Maintenance of Emergency Contacts Register by schools:**

The Student Safety and Security Monitoring Committee of every school shall maintain a register of emergency contact details for every child, including details like residential address, office address, mobile /phone numbers. As a good practice, the school should maintain details of, at least, two emergency contacts for every child. The Committee should be responsible for ensuring that these emergency contact details are updated annually by the parents or guardians.

The Committee shall complete the process within 6 months from the date of this Notification and from next year onwards by January of each year. The Head of the Institute on behalf of the Committee shall send the action taken report in the prescribe format, enclosed herewith, to the Sub Divisional Nodal Committee through SI concerned as per timeline given in the **Action Points**, enclosed herewith, and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send the compiled report of the District as a whole to the State level Nodal Committee. The State Level Committee will send compliance report to the Department.

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## **3. Mandatory sharing of School Contact Details and details of relevant Local Agencies with the Family Members:**

The Student Safety and Security Monitoring Committee of every school shall:

- a) Ensure that the address of the school, the official phone number of the school, the official phone number of the Principal, the official phone number of the class teacher and the official numbers of the Student Safety and Security Monitoring Committee (SSMC) are always shared with the students and family members/guardians of its students. Such details should also be updated periodically and the Committee should ensure that the students and family members/guardians are intimated of any changes promptly.
- b) Ensure that the contact details of the relevant law enforcement and other support bodies are also shared with the students and family members/guardians of its students, including that of the local police station, the Nodal Committee, the local SJPU, the CWC and the DCPU along with the contact details of important persons within these bodies.

It is suggested that the required details including relevant phone numbers of the school, local police and administrative authorities may be shared with their family members through Students' Diary, Book List, School Magazine, Students' ID Card and such other ways as may be decided by the SSMC.

The Committee shall complete the process for the year 2019 within 6 months from the date of this notification and from next year onwards by January of each year.

The Head of the Institute on behalf of the Committee shall send the action taken report in the prescribe format, enclosed herewith, to the Sub Divisional Nodal Committee through SI concerned as per timeline given in the **Action Points**, enclosed herewith, and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send the compiled report of the District as a whole to the State level Nodal Committee. The State Level Committee will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

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#### **4. Maintaining Notes of every discussion and decision:**

The Student Safety And Security Monitoring Committee of every school shall maintain a permanent log book/register of recording minutes of every discussion and all decisions taken by the school authorities to safeguard and protect its students including in relation to measures taken for preventing child sexual abuse and/or measures taken/to be taken in response to a complaint of child sexual abuse in the school.

It is suggested that important discussion / decision pertaining to the safety and protection should invariably be discussed in the parents - teachers meetings. Minutes of the meeting shall have to be recorded in the Register mentioned above.

The Head of the Institute on behalf of the Committee shall send its first report in this regard, in the prescribe format, enclosed herewith, within 6 months from the date of this Notification and subsequent reports twice in a year (January and July of each year) to the Sub Divisional Nodal Committee through SI concerned and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send the compiled report of the District as a whole to the State Level Nodal Committee. State Level Committee will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

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**5. Mandatory supervision for classes / activities beyond ordinary school hours:**

No activity involving children, which extends beyond regular school hours, within school premises, should be allowed to remain unsupervised by a school. The Student Safety And Security Monitoring Committee of every school shall take the following precautions in relation to such extracurricular activities/classes for its students that extend beyond regular school hours:

a) The Committee must mandatorily share the contact details of the supervising staff with the family members/guardians of such students within 6 months from the date of Notification of this Guideline.

b) In case of an external excursion/picnic/trip of any kind, the Committee must share the contact details of the supervising staff as well as the itinerary of the excursion/picnic/trip with the family members/guardians of the students. When any girl student is present in such group of students, a female teacher must also accompany the group. The escorting employee must travel along with the students in the same coach/compartment/vehicle.

The Head of the Institute on behalf of the Committee shall send its first compliance report in this regard, in the prescribe format, enclosed herewith, within 6 months from the date of this Notification and subsequent reports twice in a year (January and July of each year) to the Sub Divisional Nodal Committee through SI concerned and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send the compiled report of the District as a whole to the State Level Nodal Committee. State Level Committee will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

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**6. Relationship and Sex Education:**

The School Safety and Security Monitoring Committee of every school shall annually conduct a training programme for its students, under the guidance of the Sub-Divisional Nodal Committee, covering the topics of relationship and sex education and sexual abuse, where the students must be taught to, *inter alia*:

a. differentiate between "good touch" and "bad touch";

b. say an emphatic 'NO' when they identify instances of sexual abuse;

c. immediately report cases of sexual abuse to a trusted adult, be it the SSMC, a teacher, counsellor or the Principal/ Head of Institution; and,

d. avail of the services provided by Child line, the online e-complaint box service of the NCPCR and the West Bengal State Commission for Protection of Child Rights, in any case of sexual abuse suffered by a student.

Effort should be made to impart age appropriate education on the subject matter.

Provided that, children till the age of five years shall be excluded from the said training programme. The training programme shall begin when they attain the age of six years.

Such training programme may be held within 6 months from the date of this Notification and from next year onwards by January of each year. The detailed guideline in this regard will be issued by the State Level Nodal Committee within 4 months from the date of this Notification on approval of the Department.

The Head of the Institute on behalf of the Committee shall send its first compliance report in this regard, in the prescribe format, enclosed herewith, within 6 months from the date of this Notification and for subsequent years by January of the concerned year to the Sub Divisional Nodal Committee through SI concerned and the Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send the compiled report of the District as a whole to the State Level Nodal Committee. The State Level Body will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

Action: Head of the Institute/SI/Sub Divn. Nodal Committee /DI/Dist Nodal Committee /State Nodal Committee.

**7. Continuing duty of oversight by the school staff:**

Every member of the school staff, irrespective of his designation, should have the continuing responsibility to take action and, may be, including reporting to parents and relevant legal authorities, in case of knowledge of inappropriate behaviour towards a student. Every school must ensure the following:



a. The school staff must be oriented and educated to distinguish between legitimate physical touch and illegitimate sexual touch; and boundaries must be laid down for physical touch between school staff and students, which must be strictly enforced.

b. The school staff must remain vigilant as to any behavioural or physical changes in any student's conduct.

This sensitization programme may be held by the School Safety and Security Monitoring Committee under the guidance of the Nodal Body conducted along with the parents of the wards keeping in view the SJPU FUNCTIONAL MECHANISM of the State, within 6 months from the date of this Notification and for subsequent years by January of the concerned year. The detailed guideline in this regard will be issued by the State Level Nodal Body within 4 months from the date of this Notification on approval of the Department.

The Head of the Institute on behalf of the Committee shall send its first compliance report in this regard, in the prescribe format, enclosed herewith, within 6 months from the date of this Notification and for subsequent years by January of the concerned year to the Sub Divisional Nodal Committee through SI concerned and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send the compiled report of the District as a whole to the State Level Nodal Committee. The State Level Committee will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

Action: Head of the Institute/SI/Sub Divn. Nodal Committee /DI/Dist Nodal Committee / State Nodal Committee.

#### **8. Student Safety And Security Monitoring Committee at the school:**

The School Managing Committee of every school shall annually designate and authorize its Student Safety and Security Monitoring Committee (SSMC), which during the course of the year, be responsible for ensuring compliance with the Guidelines by the school, responding to emergency child sexual abuse cases, as well as conducting various activities, including sensitization and awareness regarding matters relating to child sexual abuse. The SSMC may consult Parent Teacher Association in its choice.

##### **a. The SSMC shall comprise of:-**

###### **I) Primary Schools**

- Head Teacher/ Teacher in charge as Chairman
- A female teacher or male teacher in case female teacher is unavailable
- Two Guardian Members

- Invitee members (s) from department of health and family welfare, police/fire/emergency department etc/reputed NGO.

## **II) Secondary Schools**

- Head Teacher/ Teacher in charge as Chairman
- A female teacher or male teacher in case female teacher is unavailable
- President of school management committee
- Two Guardian Member
- Student Representatives
- Invitee members (s) from department of health and family welfare, police/fire/emergency department, reputed NGOs etc.

Details of this Committee including contact details of Chairman/Members shall be prominently displayed on the school Notice Board and website for the information of all concerned within 4 months from the date of this Notification and it has to be updated further subsequent years by January of each year.

**b.** The school shall ensure that, in the event of a case of child sexual abuse arising in the school, the SSMC will be responsible for safe-keeping of any evidence as well as ensuring co-ordination with the multiple bodies set-up under different laws pertaining to child rights and child sexual abuse, for facilitating resolution of the case and rehabilitation of the child.

**c.** The SSMC shall also be responsible for conducting an annual safety audit to identify the gaps in school infrastructure (physical locations) , processes (such as preparations/ rehearsals for extracurricular activities) etc. where there are heightened risks for abuse and suggest such measures that are to be taken for mitigation of risks.

**d.** In the instant case, a parent/guardian in case of child who has been sexually abused is unsatisfied with the steps taken by the SSMC, can approach for administrative relief within 1 month of the step taken by the SSMC over which he/she gets unsatisfied to the Block Development Officer in rural areas under whose jurisdiction the said offence was committed and the West Bengal State Commission for Protection of Child Rights in the urban areas. In case of being unsatisfied by the steps undertaken by the said Block Development Officer in rural areas and the West Bengal State Commission for Protection of Child Rights, an appeal can be preferred to the District Magistrate in rural areas under whose jurisdiction the said offence was committed and to the National Commission for Protection of Child Rights in urban areas. And for parents/guardian seeking judicial relief, they may approach the courts as most POCSO cases are tried in Special Courts. Also, as per Section 44 of POCSO Act, 2012, as well as Rule 6 of POCSO Rules monitoring is to

be done by NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR) and STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS (SCPCR).

The Head of the Institute on behalf of the School Managing Committee shall send its first report of such authorisation within 4 months from the date of this Notification and for subsequent years by January of the concerned year to the Sub Divisional Nodal Committee through SI concerned and Sub Div Body will send compiled report to the Dist Nodal Body through DI concerned who in turn send the compiled report of the District as a whole to the State level Nodal Body. State level body will send compliance report to the Department.

The Head of the Institute on behalf of the Student Safety and Security Monitoring Committee shall send its first audit report, in the prescribe format, enclosed herewith, within 6 months from the date of this Notification and for subsequent years by January of the concerned year including other reports as and when may be needed to be send to the Sub Divisional Nodal Committee through SI concerned and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send compiled report of the District as a whole to the State Level Committee. The State Level Committee will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

Action: Head of the Institute/SI/Sub Divn. Nodal Committee/DI/Dist Nodal Committee/ State Nodal Committee.

#### **9. School Suggestion Box and Counsellor:**

The Student Safety and Security Monitoring Committee of every school shall:

Keep a suggestion/complaint box where any child can (anonymously or otherwise) write down notes about any problem he/she is facing in the school within 3 months from the date of Notification of this Guideline.

Provision for counsellor:-

SSMC shall nominate a teacher assisted by group of senior standard students, one of them should be girl student in case of Co-Educational school, to act as counsellor in each school within 3 months from the date of Notification of this Guideline.

The District/Sub-Divisional Nodal Committee shall arrange to provide adequate training to such nominated teachers under the guidance of State Nodal Body within 6 months from the date of Notification of this Guideline.

The Head of the Institute on behalf of the Student Safety and Security Monitoring Committee shall send its compliance report, in the prescribe

format, enclosed herewith, within 6 months from the date of this Notification to the Sub Divisional Nodal Committee through SI concerned and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send compiled report of the District as a whole to the State Level Committee. The State Level Committee will send compliance report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

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## **B. MEASURES AFTER INCIDENT OF ALLEGED SEXUAL ABUSE IN SCHOOL**

### **10. Safeguarding of Evidence:**

In every case where a complaint of child sexual abuse in a school is made, the place of occurrence of the incident may be sealed temporarily/if wanted/as far as practicable, to prevent tampering with the evidence and the Local Police Authorities may be informed immediately. It is the duty of the Student Safety and Security Monitoring Committee of the school to preserve, protect and safeguard all evidence till such evidence is received by the police/investigating authorities.

### **11. Privacy of the child:**

In every circumstance where a complaint of child sexual abuse in a school is made, irrespective of the gravity or the nature of allegation, the Student Safety and Security Monitoring Committee of the school must maintain complete and total privacy of the complainant's identity, who may or may not be the victim, as well as the identity of the victim as per the provisions of the POCSO Act, 2012. For clarity, the requirement of privacy of the identity of the complainant as well as the victim must not be predicated on the seriousness of the allegation or any inability on the part of the complainant to provide supporting evidence. It is made clear that the scope of this Guideline includes any information that would enable the identification of the child in question by any third party.

In the event of any incidence, no report in any newspaper, magazine, news-sheet or visual media of any enquiry regarding a juvenile or child under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification nor shall any picture of any such child be published, without permission of appropriate authority.

## **12. Privacy of the accused:**

Whenever a complaint of child sexual abuse in a school is made, the school staff should ensure that the identity of the accused remains confidential. Provided that the identity of the accused may be shared by the Head of Institution with the family members of the complainant and such members of the school staff as would be required to ensure the safety of the children at the concerned school, while placing such persons under the obligation to maintain confidentiality by keeping the identity of the accused to themselves.

Provided further that such requirement to maintain privacy of the accused does not constitute a bar on reporting that a case of sexual abuse has occurred along with the identity of the accused, to the local police/SJPU, the Nodal Body, and/or any other legal authorities.

While dealing with such cases, the concerned school should ensure that

(a) There is no automatic suspension of the accused, except where there is sufficiently clear evidence that the complaint is prima facie a true one.

(b) Steps are taken to separate the physical space and prevent any further direct contact between the complainant and accused as well as complainant & other children.

## **13. Mandatory reporting by school:**

The State Government has put in place a dedicated Special Juvenile Police Unit for tackling the POCSO related complaints. In addition to these, every police station has a dedicated Child Protection Corner and a CWPO to look into these complaints. All complaints regarding child sexual abuse may be routed through the Special Juvenile Police Unit.

Every complaint of child sexual abuse in a school, irrespective of the gravity or the nature of allegation or the strength of evidence, must be reported by the Head of the institution of school to the local police and/or SJPU within 24 hours of receipt of the complaint by the school. The school should also intimate the Sub-Divisional Nodal Committee of such complaint, within 24 hours of receipt of the complaint by the school. Such report/intimation by the school must contain all the details of the complaint, the details of the accused, accompanied by necessary statements of the member(s) of the school staff to whom the child made the complaint or the member(s) of the school staff who first came to learn of such an incident of child sexual abuse and such other details as may be required by the local police/SJPU and/or the Sub-Divisional Nodal Committee.

Upon receipt of such intimation, notwithstanding any internal proceedings of the concerned school, the Sub-Divisional Nodal Committee may escalate the

issue to the relevant legal authorities, if it is of the opinion that the same would better serve the interests of the child complainant.

**14. Internal proceedings of the school upon receipt of complaint:**

The Head of Institution upon receipt of complaint and after reporting the alleged incident to local police shall take following steps:

**a. Informing the SSMC:** The SSMC must be forthwith informed of such a complaint by whoever receives first information of such a complaint.

**b. Gathering Information:** Thereafter, the SSMC must immediately take steps to gather information, from the child and other persons who may reasonably be expected to have some knowledge on the issue. The SSMC must follow the Model Guidelines under Section 39 of the Protection of Children from Sexual Offences Act, 2012 prepared by Ministry of Women and Child Development, Govt. of India for conducting an interview with the child.

**c. Prompt sharing of receipt of complaint with the Principal, family members and the Nodal Committee:** The SSMC must promptly inform the Principal of the school, the family members of the child and the relevant Nodal Committee, of receipt of such a complaint.

**d. Maintenance of a register:** The SSMC, at all times, must maintain a register recording the date and time of each activity, information shared and the action taken in relation to complaints of child sexual abuse.

**e. Maintenance of confidentiality:** The SSMC must maintain strict confidentiality regarding the contents of the incident.

This Guideline should only supplement and in no manner interfere with any investigation or measure(s) taken by law enforcement authorities (including the SJPU/local police).

**15. Child's freedom to change school:**

If any child studying from class I to VIII (in any school which receives aid from the State Government) is alleged to be abused and the guardian of child is desirous to change the school after alleged incident of sexual abuse, they may apply accordingly to concerned District Inspector of Schools to that effect seeking transfer to any other school which receives aid from the State Government. The District Inspector shall make necessary arrangement by

virtue of provision of section 5 of the RTE Act, 2009 for changing the school up-to class VIII.

However, the following guideline has to be followed for child studying in class IX to XII.

The child, irrespective of the outcome of the proceedings pursuant to a complaint made by him/her, should have the choice to join any other school, provided that the child can meet the financial requirements of the recipient school. The following would additionally be required to be ensured for this Guideline to be applied efficiently, with the least amount of hardship to the child:

a. The recipient school should have the responsibility to work in coordination with the previous school, for ensuring that all the documentation required by it for admitting the child, is received by it from the previous school.

The previous school should have the responsibility to transfer all the necessary documentation required by the recipient school, to the recipient school.

b. The recipient school shall not impose any minimum academic qualification(s) for the purpose of admitting the child for the academic year in which he/she requests a transfer to the recipient school or the next two consecutive years immediately succeeding the year of transfer of the child into the recipient school. For clarity, this does not mean that the child would automatically pass the class and proceed to the next higher class after the first year of transfer into the recipient school; however, it means that the failure to clear the academic requirement(s) or score any minimum passing marks would not constitute a bar on the child for remaining in the school, in the class he/she joined upon transfer. This benefit to the child shall continue for minimum of two subsequent academic years.

c. The child shall have this option for the academic year in which the complaint arises and for the two immediate succeeding academic years.

d. Both the previous school and the recipient school should exercise utmost discretion and keep any information they have relating to the sexual abuse complaint made by the child and/or any proceedings connected therewith, strictly confidential.

Provided that, in case the child chooses to remain in the same school where the abuse took place, efforts should be made by the school to create a normal atmosphere for such a child, while giving him/her the time and space to heal.

Provided that, under no circumstances can these guidelines be used to lodge false complaints to get the transfer of the child to any other school which the parent/guardian perceives as a "better school". If the complaint is proved to be false necessary penal proceedings may be initiated by the School Authorities under such relevant rules/laws applicable for the purpose.

Provided that, it shall be at the sole discretion of the recipient school to accept or reject admission of such child.

**16. Procedure for medical examination of a child:**

The first priority for the school staff, upon receipt of a complaint relating to child sexual abuse, must be to provide immediate treatment or medical examination, as the situation permits, and assistance to such a child. As per the provisions of the POCSO Act, 2012, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, such medical examination of the victim must be mandatorily done within 24 hours of the occurrence of the incident. In addition to it, the provision of the POCSO Act (as amended) as well as Section 164(A) of Code of Criminal Procedure, 1973 relating to the examination of the victim child may strictly be followed.

The SSMC of school should ensure the following in this regard:

a. The medical examination of such a child should be conducted only by a registered medical practitioner while ensuring that a female victim is examined only by a female registered medical practitioner. The medical examination should be conducted in presence of parent(s)/ guardian(s) of the victims(s).

b. The child should be medically tested to assess, at the minimum: physical injuries, pregnancy, sexually transmitted diseases/infection, HIV and Hepatitis B;

c. The child should be referred to a qualified psychological health professional, wherever warranted;

d. The medical examination of such a child, should be done free of cost in any State Government Hospital with the consent of the victim or with the consent of a competent person on her behalf, if the situation so demands.

However, all the schools within its premises should provide a medical emergency room with adequate light and other relevant facilities and an attached washroom, for emergency treatment if needed, of such a child, being a victim of sexual offence. Provided further that, in cases of extreme necessity medical examination of such a child may be done in the same room.

e. In all cases, treatment to the victim is to be provided with utmost priority, before the local Police Authorities has duly been informed of the incident within due course.

f. The medical reports and findings resulting from the examination of the child, shall be strictly confidential and shall be disclosed only to the legal authorities upon request or when summoned by the court and are to be shared with the parents/guardian of such child victim.



Other than the points mentioned above, the procedure for examination should be aligned with the protocols laid down by THE MINISTRY OF HEALTH & FAMILY WELFARE REGARDING CONSENT & EXAMINATION OF A FEMALE SURVIVOR OF SEXUAL OFFENCES.

In case of all the paras vide No.10 to 16 under the heading **MEASURES AFTER INCIDENT OF ALLEGED SEXUAL ABUSE IN SCHOOL**, The Head of the Institute on behalf of the Student Safety and Security Monitoring Committee shall send its report/ compliance report in addition to whatever stated in the said paras as early as possible from the occurrence of the incident to the Sub Divisional Nodal Committee through SI concerned and Sub Div Committee will send compiled report to the Dist Nodal Committee through DI concerned who in turn shall send compiled report of the District as a whole to the State Level Committee. The State Level Committee will send its report to the Department.

In case of Kolkata District there being no Sub-Divisional Nodal Committee, the concerned report is required to be sent directly to the District Level Nodal Committee through the SI.

Action: Head of the Institute/SI/Sub Divn. Nodal Committee/DI/Dist Nodal Committee/ State Nodal Committee.

#### **C. Penal Action**

Necessary legal steps including revocation of NOC/recommendation issued by SED/Directorate may be taken by the concerned authorities if gross violation of this guideline is found in any school.

#### **D. Review and Monitoring**

Nodal Committees at all levels and SSMC will conduct a quarterly review and monitoring meeting as to the compliance of the guideline and taking necessary follow up steps. In such review meeting of SSMC, participation of students' representatives as well as parents representatives (apart from guardian members) is must.

Quarterly Review meeting reports of SSMC and all nodal committees will reach the School Education Department (in a consolidated form) in the similar fashion as outlined in the foregoing paragraphs.

**This notification shall take immediate effect, unless and until further modified and intimated.**

By order of the Governor,

Sd/-

Pr. Secretary to Government of West Bengal

Checklist  
Safety of Children against Sexual abuse

1. Preventive Measures:-

Sl. No.	Statements	Yes/No	Remarks
1.	Police Verification of fresh appointment of teachers and non-teaching staff in Govt. Sponsored or aided schools.		
2.	In case of any Christian and other minority schools :- (a) obtaining affidavits from the fresh and existing employees, (b) obtaining positive reference, (c) contacting the reference person for verification, (d) sharing the information as stated with the Nodal Body for preserving the same by the Nodal Body. (e) getting the terms of engagement signed from the recruitee which contains an undertaking to the effect that the recruitee shall not engage him/herself in any kind of activity relating to sexual abuse of children in school. (f) Taking positive letter of referral for visiting guest teacher or non-teaching staff.		
3.	In case of State Govt. recognised and aided schools:- (a) obtaining affidavits from the fresh, part time, engaged on contract basis or any other form or manner and existing employees, (b) obtaining positive reference, (c) contacting the reference person for verification, (d) sharing the information as stated with the Nodal Body for preserving the same by the Nodal Body. (e) getting the terms of engagement signed from the recruitee which contains an undertaking to the effect that the recruitee shall not engage him/herself in any kind of activity relating to sexual abuse of children in school. (f) taking positive letter of referral for visiting guest teacher or non-teaching staff.		
4.	In case of State Govt. recognised, unaided schools, including D.A. getting schools:- (a) obtaining affidavits from the fresh, part time, engaged on contract basis or any other form or manner and existing employees, (b) obtaining positive reference, (c) contacting the reference person for		

	<p>verification,</p> <p>(d) sharing the information as stated with the Nodal Body for preserving the same by the Nodal Body.</p> <p>(e) getting the terms of engagement signed from the recruitee which contains an undertaking to the effect that the recruitee shall not engage him/herself in any kind of activity relating to sexual abuse of children in school.</p> <p>(f) taking positive letter of referral for visiting guest teacher or non-teaching staff.</p>		
5.	<p>(a) Maintenance of Emergency Contacts Register by schools for children.</p> <p>(b) Annual updation of contact details.</p>		
6.	<p>(a) Mandatory sharing of school contact details and details of relevant local agencies with the Family Members of the students.</p> <p>(b) Periodical updation of details.</p> <p>(c) Intimation of change if any to the Family Members of the students.</p>		
7.	<p>(a) Maintenance of permanent log book/register of recording minutes of every discussion and all decisions.</p> <p>(b) Discussion of important decision in the parent-teacher meeting.</p> <p>(c) Recording of minutes of the parent-teacher meeting in the log book.</p>		
8.	<p>(a) Mandatory supervision for classes, activities beyond ordinary school hours,</p> <p>(b) Mandatory sharing of the contact details of the supervising staff with the family members/guardians of the students.</p> <p>(c) In case of external excursion, sharing of the contact details of the supervising staff and itinerary of the excursion.</p> <p>(d) Accompaniment of female teacher in case of presence of girl student.</p>		
9.	<p>(a) Conduct of annual training programme on relationship and sex education for the students of six years age and above.</p> <p>(b) Training programme should be age specific.</p>		
10.	<p>(a) Reporting of inappropriate behaviour to parents by the school staff member,</p> <p>(b) Imparting of proper education to the school staff to distinguish between legitimate physical touch and inappropriate sexual touch.</p>		
11.	<p>Constant vigilance by the school staff as to any behavioural or physical changes in any student's conduct.</p>		
12.	<p>(a) Holding of annual sensitization programme by the SSMC.</p> <p>(b) Sensitization programme may be conducted keeping view the SJPU Functional mechanism of the State.</p>		
13.	<p>(a) Formation of SSMC at School.</p> <p>(b) Annual authorisation of SSMC, responsible for ensuring compliance with the guidelines, by SMC.</p> <p>(c) Displaying of details of the Committee on school notice board and website for information of all concerned.</p> <p>(d) Safe keeping of evidence by the SSMC in case of abuse.</p> <p>(e) Conduct of annual safety audit to identify</p>		

	the gaps. (f) Parents/guardian of the child victim can seek Administrative as well as Judicial Relief in case they are unsatisfied with the steps taken by the SSMC.		
14	Keeping of a Suggestion Box in the school.		
15	Nomination of teacher as counsellor.		
16	Imparting training to nominated teachers.		

2. Post Incident Measures:

Sl. No.	Statements	Yes/No	Remarks
15.	<b>Safeguarding of evidence</b>		
16.	(a) Maintaining privacy of the child as well as the complaint who may or may not be the victim (child) itself. (b) Non-publication in the media.		
17.	(a) Maintaining privacy of the accused (b) Separating the physical space between the complainant and accused & other children.		
18.	(a) Mandatory reporting by the school regarding child sexual abuse may be routed throughout the SJP Unit, to the local police, Nodal Body, SSMC within 24 hours. (b) Gathering information. (c) Maintenance of Register. (d) Maintenance of Confidentiality.		
19.	Medical examination of child:- (a) Only by a Registered Medical Practitioner, (b) In case of female victim by Female Registered Medical Practitioner, (c) Examination in presence of Parents/Guardians of the victim, (d) Free Examination in State Govt. Hospital, or in a medical emergency room within the premises of the concerned School. (e) Treatment to the victim to be provided with utmost priority before intimation to the local Police Authorities, (f) Maintaining confidentiality of medical reports, (g) Referring to a qualified psychological health professional, when needed (h) Protocols laid down by the Ministry of Health & Family Welfare regarding consent & Examination of a female survivor of sexual offence should be followed.		

3. Review, Monitoring & Reporting:-

Sl. No.	Statements	Yes/No	Remarks
20.	Conducting quarterly Review Meeting as to the compliance with the Guideline.		
21.	Reporting of Compliance Report and other necessary reports as and when needed to the relevant Nodal Body in time.		

**Action Points:**

**Preventive Measures:-**

Action	By whom	When/frequency
1. (a) Completion of verification process of existing employee.	SMC	Within 6 months from the date of notification of the guideline.
(b) Intimation of the completion of the verification work to the Sub-Divn. Nodal Body.	Head of the Institute through S.I.	Immediately after the verification gets completed.
(c) Sending compiled report to the District Nodal Body.	Sub Divn. Nodal Body	As soon as the report is received from the Head of the Institute.
(d) Sending compiled report to the State Nodal Body.	District Nodal Body	As soon as the report is received from the Sub Divn. Nodal Body.
(e) Sending compiled report to the School Education Department.	State Nodal body	As soon as the report is received from the District Nodal Body.

<p>2. (a) Completion of the process of maintaining the register of emergency contact details for every child.</p> <p>(b) to (e) same as above</p>	SSMC	<p>(a) Within 6 months from the date of notification of the guideline.</p> <p>(b) From next year onwards by January of each year.</p>
<p>3. (a) Completion of the process of mandatory sharing of School contact details and details of local agencies with the family members of the students and others.</p> <p>(b) to (e) same as above</p>	SSMC	<p>(a) Within 3 months from the date of notification of the guideline.</p> <p>(b) From next year onwards by January of each year.</p>
<p>4. (a) Maintaining notes of every discussion in the permanent Log Book.</p> <p>(b) Holding of parent-teacher meeting.</p> <p>(c) Reporting to the Sub-Divn. Nodal Body through S.I.</p> <p>(d) Sending compiled report to the District Nodal Body.</p> <p>(e) Sending compiled report to the State Nodal Body.</p> <p>(f) Sending compiled report to The School Education Department.</p>	<p>SSMC</p> <p>SSMC</p> <p>Head of the Institute.</p> <p>Sub Divn. Nodal Body</p> <p>District Nodal Body</p> <p>State Nodal body</p>	<p>As and when occurs.</p> <p>As and when occurs.</p> <p>(i) Within 6 months from the date of Notification. (ii) Subsequently twice a year (January &amp; July of each year).</p> <p>As soon as the report is received from the Head of the Institute.</p> <p>As soon as the report is received from the Sub Divn. Nodal Body.</p> <p>As soon as the report is received from the District Nodal Body.</p>
<p>5. (a) Mandatory sharing of contact details of the Supervising Staff.</p> <p>(b) Sharing itinerary of the excursion.</p> <p>(c) Reporting to the Sub-Divn. Nodal Body through S.I.</p> <p>(d) Sending compiled report to the District Nodal Body.</p> <p>(e) Sending compiled report to the</p>	<p>SSMC</p> <p>SSMC</p> <p>Head of the Institute.</p> <p>Sub Divn. Nodal Body</p> <p>District Nodal</p>	<p>Within 6 months from the date of Notification of this Guideline.</p> <p>As and when occurs</p> <p>(i) Within 6 months from the date of Notification. (ii) Subsequently twice in a year (January &amp; July of each year).</p> <p>As soon as the report is received from the Head of the Institute.</p> <p>As soon as the report is</p>





	Body	
(d) Reporting to the Sub-Divn. Nodal Body through S.I.	Head of the Institute.	Within 6 months from the date of Notification
(e) Sending compiled report to the District Nodal Body.	Sub Divn. Nodal Body	As soon as the report is received from the Head of the Institute.
(f) Sending compiled report to the State Nodal Body.	District Nodal Body	As soon as the report is received from the Sub Divn. Nodal Body.
(g) Sending compiled report to the School Education Department.	State Nodal body	As soon as the report is received from the District Nodal Body.
<b>Post Incidence Measures:-</b>		
10. Safeguarding of evidence	SSMC	As and when occurs.
11. Maintaining privacy of the child as well as of the complainant (who may or may not be the victim (i.e. child) itself).	SSMC	As and when occurs.
12. (a) Maintaining privacy of the accused.	SSMC	As and when occurs.
(b) Separating the physical space between the complainant and the accused & the other children.	SSMC	As and when occurs.
13. (a) Mandatory reporting to the local Police, Nodal Body and others.	SSMC	Within 24 hours of receipt of the complaint.
(b) Gathering information.	SSMC	As and when occurs.
(c) Maintenance of Register	SSMC	From initially.
14. Medical Examination of the child.	SSMC	As and when occurs.
For Para 10 to 14:-		
(a) Reporting to the Sub-Divn. Nodal Body through S.I.	Head of the Institute.	As early as possible from the occurrence of the incident.
(b) Sending compiled report to the District Nodal Body.	Sub Divn. Nodal Body	As soon as the report is received from the Head of the Institute.
(c) Sending compiled report to the State Nodal Body.	District Nodal Body	As soon as the report is received from the Sub Divn. Nodal Body.
(d) Sending compiled report to the School Education Department.	State Nodal body	As soon as the report is received from the District Nodal Body.

**Format for reporting on Preventive Measures**  
(To be used by School for submitting to SI & SD level Nodal Committee)

School Name:	<In BLOCK LETTERS>
Postal Address:	<Complete postal address with Block & District>
CLRC Name:	
UDISE Code:	
Category:	<Primary / Upper Primary / Secondary / Higher Secondary>
Management:	<Govt / Govt Aided / Govt Sponsored / Minority Managed / Recognised Madrasah>

Activity	Yes /No	Remarks
1	Verification process for any fresh recruitment (Employees / Staffs / transportation staffs (Full time /Part time / Contract basis / Visiting /or any other ) in school followed as per the Guideline	
1.1	• Whether record of such duly classified verification reports maintained by the school	
2	Verification of all existing Employees/Staffs / transportation staffs (Full / Part time / Contract basis / or any other) has been done	
2.1	• If done, then record of such duly classified verification reports maintained by the school	
3	Up to date emergency contact details of all students maintained with school	
4	Up to date contact details of School shared with students and their family / guardians	
4.1	• Full postal address of school	
4.2	• Official Phone no of school	
4.3	• Official phone no of the Principal / TIC	
4.4	• Official Phone no of the Class Teacher	
4.5	• Official Phone no of all Members of the SSSMC	
5	Contact details of law enforcement agencies and other support organisations like local police station, Block level Nodal Body, SJPU(State Juvenile Police Unit), CWC (Child Welfare Committee), DCPU (District Child Protection Unit) collected by school & shared with students and their family / guardians	
6	Register maintained for recording all discussions and decisions regarding the issue of student safety and necessary recordings are being done	
7	For activities, involving children, extending beyond school hours both within (special classes etc) and outside (picnic/excursion etc ) school premises Supervisory staffs are identified & their contact details shared with family / guardians of students	
8	Annual Training program on relationship & sex education conducted for children over and above 5 years of age	
9	Annual Sensitisation program for all school staffs conducted	
10	Student Safety & Security Monitoring Committee (SSSMC) has been constituted	
10.1	• If SSSMC is constituted then date of such constitution	<date>
11	Displaying details of SSSMC in School Notice Board & Website	
12	Suggestion / Complaint Box set up in a prominent location	
13	Teacher nominated to act as Counsellor	
13.1	• Name of nominated teacher	
13.2	• Designation of nominated teacher	
13.3	• Necessary training imparted to nominated teacher	
13.4	• Students made aware of the Counsellor	

<Signature & date with seal of the HM / TIC>

**Formats for reporting: From SD level Nodal Committee to District Level Nodal Committee (MS EXCEL)**

**Table A**

Sl.	Name of Sub Division	Name of Block	Name of School	UDISE	Activity Serial Nos.														Remarks	
					1	2	3	4	5	6	7	8	9	10	11	12	13	13.3		13.4
					Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N		Y/N

**Table B**

Sl.	Name of Sub Division	Name of Block	No. of schools to submit report	No of schools actually submitted	Remarks

At the sub divisional level, the Nodal Committee needs to collate the reports received from individual school as per the formats given above. The Committee has to prepare two tables as above (Table A & Table B) may be noted here that the activity serial nos. In Table 'A' above refer the same serial nos. used in the table/format for use by school. Please refer to that table.

**Formats for reporting: From District level Nodal Committee to State Level Nodal Committee (MS EXCEL)**

**Table A**

Sl.	Name of Sub Division	Name of Block	Name of School	UDISE	Activity Serial Nos.														Remarks		
					1	2	3	4	5	6	7	8	9	10	11	12	13	13.3		13.4	
					Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N		Y/N	Y/N

**Table B**

Sl.	Name of District	Name of Sub Division	Name of Block	No. of schools to submit report	No of schools actually submitted	Remarks

At the District level, the reports received from all the sub divisions need to be collated as per the formats given above and transmitted onward to the State. Two tables (Table A & Table B) need to be submitted.

**Affidavit before Notary public to be submitted by employee of the  
Education Institution**

I Shri/Smt. .... (name), son/daughter/wife of Shri .....  
residing at ..... working for gain .....  
(designation of name of the institution) by faith ..... name of the religion  
do here by solemnly and state as follows:-

1. That I am a citizen of India.
2. That I have not, at any time, been convicted by any court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment.
3. That I have not committed any sexual abuse.
4. That I will not engage in activities pre-judicial to the prestige and honour of the esteemed institution.
5. That the statement made by me in the forgoing paragraphs from 1 to 4 are true to my knowledge and believe. I shall be liable for taking any appropriate measure, against me if part of the statement or whole of the above is found false or fake or suffering from suppression of fact.

Deponent